

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	Pascarell
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	Lowenthal	Suozy
Cuellar	Lowe	Swalwell (CA)
Cunningham	Luján	Takano
Davids (KS)	Luria	Thompson (CA)
Davis (CA)	Lynch	Thompson (MS)
Davis, Danny K.	Malinowski	Titus
Dean	Maloney,	Tonko
DeFazio	Carolyn 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 (WA)
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	Kinziger	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	Mast
Fox (NC)	Mast	Taylor
Fulcher	McCarthy	Thompson (PA)
Gaetz	McCaul	Thornberry
Gallagher	McClintock	Timmons
Garcia (IL)	McHenry	Tipton
Gianforte	McKinley	Tlaib
Gibbs	Meuser	Turner
Gohmert	Miller	Upton
Gonzalez (OH)	Moolenaar	Van Drew
Gooden	Mooney (WV)	Wagner
Gosar	Mullin	Walberg
Graves (GA)	Murphy (NC)	Walden
Graves (LA)	Newhouse	Walker
Graves (MO)	Norman	Waltz
Green (TN)	Nunes	Watkins
Griffith	Ocasio-Cortez	Weber (TX)
Grothman	Olson	Webster (FL)
Guest	Omar	Wenstrup
Guthrie	Palazzo	Westerman
Hagedorn	Palmer	Williams
Harris	Pence	Wilson (SC)
Hartzer	Perry	Wittman
Hern, Kevin	Pocan	Womack
Herrera Beutler	Porter	Woodall
Hice (GA)	Posey	Yoho
Higgins (LA)	Pressley	Young
Hill (AR)	Reed	Zeldin
Holding	Reschenthaler	

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

Member as a proxy for purposes of section 1, the Member shall submit to the Clerk a signed letter (which may be in electronic form) specifying by name the Member who is designated for such purposes.

(2) **ALTERATION OR REVOCATION OF DESIGNATION.**—

(A) **IN GENERAL.**—At any time after submitting a letter to designate a proxy under paragraph (1), a Member may submit to the Clerk a signed letter (which may be in electronic form) altering or revoking the designation.

(B) **AUTOMATIC REVOCATION UPON CASTING OF VOTE OR RECORDING OF PRESENCE.**—If during a covered period, a Member who has designated another Member as a proxy under this section casts the Member's own vote or records the Member's own presence in the House, the Member shall be considered to have revoked the designation of any proxy under this subsection with respect to such covered period.

(3) **NOTIFICATION.**—Upon receipt of a letter submitted by a Member pursuant to paragraphs (1) or (2), the Clerk shall notify the Speaker, the majority leader, the Minority Leader, and the other Member or Members involved of the designation, alteration, or revocation.

(4) **LIMITATION.**—A Member may not be designated as a proxy under this section for more than 10 Members concurrently.

(b) **MAINTENANCE AND AVAILABILITY OF LIST OF DESIGNATIONS.**—The Clerk shall maintain an updated list of the designations, alterations, and revocations submitted or in effect under subsection (a), and shall make such list publicly available in electronic form and available during any vote conducted pursuant to section 3.

SEC. 3. PROCESS FOR VOTING DURING COVERED PERIODS.

(a) **RECORDED VOTES ORDERED.**—

(1) **IN GENERAL.**—Notwithstanding clause 6 of rule I, during a covered period, the yeas and nays shall be considered as ordered on any vote on which a recorded vote or the yeas and nays are requested, or which is objected to under clause 6 of rule XX.

(2) **INDICATIONS OF PROXY STATUS.**—In the case of a vote by electronic device, a Member who casts a vote or records a presence as a designated proxy for another Member under this resolution shall do so by ballot card, indicating on the ballot card “by proxy”.

(b) **DETERMINATION OF QUORUM.**—Any Member whose vote is cast or whose presence is recorded by a designated proxy under this resolution shall be counted for the purpose of establishing a quorum under the rules of the House.

(c) **INSTRUCTIONS FROM MEMBER AUTHORIZING PROXY.**—

(1) **RECEIVING INSTRUCTIONS.**—Prior to casting the vote or recording the presence of another Member as a designated proxy under this resolution, the Member shall obtain an exact instruction from the other Member with respect to such vote or quorum call, in accordance with the regulations referred to in section 6.

(2) **ANNOUNCING INSTRUCTIONS.**—Immediately prior to casting the vote or recording the presence of another Member as a designated proxy under this resolution, the Member shall seek recognition from the Chair to announce the intended vote or recorded presence pursuant to the exact instruction received from the other Member under paragraph (1).

(3) **FOLLOWING INSTRUCTIONS.**—A Member casting the vote or recording the presence of another Member as a designated proxy under this resolution shall cast such vote or record such presence pursuant to the exact instruction received from the other Member under paragraph (1).

SEC. 4. AUTHORIZING REMOTE PROCEEDINGS IN COMMITTEES.

(a) **AUTHORIZATION.**—During any covered period, and notwithstanding any rule of the House or its committees—

(1) any committee may conduct proceedings remotely in accordance with this section, and any such proceedings conducted remotely shall be considered as official proceedings for all purposes in the House;

(2) committee members may participate remotely during in-person committee proceedings, and committees shall, to the greatest extent practicable, ensure the ability of members to participate remotely;

(3) committee members may cast a vote or record their presence while participating remotely;

(4) committee members participating remotely pursuant to this section shall be counted for the purpose of establishing a quorum under the rules of the House and the committee;

(5) witnesses at committee proceedings may appear remotely;

(6) committee proceedings conducted remotely are deemed to satisfy the requirement of a “place” for purposes of clauses 2(g)(3) and 2(m)(1) of rule XI; and

(7) reports of committees (including those filed as privileged) may be delivered to the Clerk in electronic form, and written and signed views under clause 2(1) of rule XI may be filed in electronic form with the clerk of the committee.

(b) **LIMITATION ON BUSINESS MEETINGS.**—A committee shall not conduct a meeting remotely or permit remote participation at a meeting under this section until a member of the committee submits for printing in the Congressional Record a letter from a majority of the members of the committee notifying the Speaker that the requirements for conducting a meeting in the regulations referred to in subsection (h) have been met and that the committee is prepared to conduct a remote meeting and permit remote participation.

(c) **REMOTE PROCEEDINGS.**—Notwithstanding any rule of the House or its committees, during proceedings conducted remotely pursuant to this section—

(1) remote participation shall not be considered absence for purposes of clause 5(c) of rule X or clause 2(d) of rule XI;

(2) the chair may declare a recess subject to the call of the chair at any time to address technical difficulties with respect to such proceedings;

(3) copies of motions, amendments, measures, or other documents submitted to the committee in electronic form as prescribed by the regulations referred to in subsection (h) shall satisfy any requirement for the submission of printed or written documents under the rules of the House or its committees;

(4) the requirement that results of recorded votes be made available by the committee in its offices pursuant to clause 2(e)(1)(B)(i) of rule XI shall not apply;

(5) a committee may manage the consideration of amendments pursuant to the regulations referred to in subsection (h);

(6) counsel shall be permitted to accompany witnesses at a remote proceeding in accordance with the regulations referred to in subsection (h); and

(7) an oath may be administered to a witness remotely for purposes of clause 2(m)(2) of rule XI.

(d) **REMOTE PARTICIPANTS DURING IN-PERSON PROCEEDINGS.**—All relevant provisions of this section and the regulations referred to in subsection (h) shall apply to committee members participating remotely during in-person committee proceedings held during any covered period.

(e) **TRANSPARENCY FOR MEETINGS AND HEARINGS.**—Any committee meeting or hearing that is conducted remotely in accordance with the regulations referred to in subsection (h)—

(1) shall be considered open to the public;

(2) shall be deemed to have satisfied the requirement for non-participatory attendance under clause 2(g)(2)(C) of rule XI; and

(3) shall be deemed to satisfy all requirements for broadcasting and audio and visual coverage under rule V, clause 4 of rule XI, and accompanying committee rules.

(f) **SUBPOENAS.**—

(1) **AUTHORITY.**—Any committee or chair thereof empowered to authorize and issue subpoenas may authorize and issue subpoenas for return at a hearing or deposition to be conducted remotely under this section.

(2) **USE OF ELECTRONIC SIGNATURE AND SEAL.**—During any covered period, authorized and issued subpoenas may be signed in electronic form; and the Clerk may attest and affix the seal of the House to such subpoenas in electronic form.

(g) **EXECUTIVE SESSIONS.**—

(1) **PROHIBITION.**—A committee may not conduct closed or executive session proceedings remotely, and members may not participate remotely in closed or executive session proceedings.

(2) **MOTION TO CLOSE PROCEEDINGS.**—Upon adoption of a motion to close proceedings or to move into executive session with respect to a proceeding conducted remotely under this section, the chair shall declare the committee in recess subject to the call of the chair with respect to such matter until it can reconvene in person.

(3) **EXCEPTION.**—Paragraphs (1) and (2) do not apply to proceedings of the Committee on Ethics.

(h) **REGULATIONS.**—This section shall be carried out in accordance with regulations submitted for printing in the Congressional Record by the chair of the Committee on Rules.

(i) **APPLICATION TO SUBCOMMITTEES AND SELECT COMMITTEES.**—For purposes of this section, the term “committee” or “committees” also includes a subcommittee and a select committee.

SEC. 5. STUDY AND CERTIFICATION OF FEASIBILITY OF REMOTE VOTING IN HOUSE.

(a) **STUDY AND CERTIFICATION.**—The chair of the Committee on House Administration, in consultation with the ranking minority member, shall study the feasibility of using technology to conduct remote voting in the House, and shall provide certification to the House upon a determination that operable and secure technology exists to conduct remote voting in the House.

(b) **REGULATIONS.**—

(1) **INITIAL REGULATIONS.**—On any legislative day that follows the date on which the chair of the Committee on House Administration provides the certification described in subsection (a), the chair of the Committee on Rules, in consultation with the ranking minority member, shall submit regulations for printing in the Congressional Record that provide for the implementation of remote voting in the House.

(2) **SUPPLEMENTAL REGULATIONS.**—At any time after submitting the initial regulations under paragraph (1), the chair of the Committee on Rules, in consultation with the ranking minority member, may submit regulations to supplement the initial regulations submitted under such paragraph for printing in the Congressional Record.

(c) **IMPLEMENTATION.**—Notwithstanding any rule of the House, upon notification of the House by the Speaker after the submission of regulations by the chair of the Committee on Rules under subsection (b)—

(1) Members may cast their votes or record their presence in the House remotely during a covered period;

(2) any Member whose vote is cast or whose presence is recorded remotely under this section shall be counted for the purpose of establishing a quorum under the rules of the House; and

(3) the casting of votes and the recording of presence remotely under this section shall be subject to the applicable regulations submitted by the chair of the Committee on Rules under subsection (b).

SEC. 6. REGULATIONS.

To the greatest extent practicable, sections 1, 2, and 3 of this resolution shall be carried out in accordance with regulations submitted for printing in the Congressional Record by the chair of the Committee on Rules.

The SPEAKER pro tempore. The resolution shall be debatable for 1 hour, equally divided and controlled by the chair and ranking minority member of the Committee on Rules.

The gentleman from Massachusetts (Mr. MCGOVERN) and the gentleman from Oklahoma (Mr. COLE) each will control 30 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. MCGOVERN. Mr. 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. Mr. Speaker, we are in the midst of a pandemic, the likes of which the world hasn't seen in more than 100 years.

The question before us today is a simple one: Will this institution, which has adapted to challenges and technology time and time again throughout its history, adapt so that we can continue legislating during this public health emergency.

Medical experts have told us that COVID-19 is up to three times more contagious than the flu. That means, in a normal cycle of this virus, just one person with coronavirus could kick off a snowball effect that leads to up to 59,000 new infections.

Now think about that.

And then think about the way we normally operate here. Members travel frequently from their home States, some of which are coronavirus hot spots, to convene together here in the Capitol complex. Then we travel back home at the end of the week. And we repeat this process month after month after month.

Along the way, we come in contact with fellow travelers, colleagues, the general public, press, and the hundreds and hundreds of people who help make this House operate. There is no telling who among them could have compromised immune systems, preexisting conditions, or other heightened risks for illness. But we know just how easy this virus spreads among those with strong immune systems.

That is why the choices that each one of us makes are especially impor-

tant—not just about protecting Members of Congress. This is about protecting all of those who come in contact with us.

Now, any of us could have the virus and not even know it. We could be asymptomatic but be carriers nonetheless. Convening Congress must not turn into a superspreader event.

Technology has changed considerably over the last 231 years. There are now tools available that make temporary committee proceedings and remote voting on the House floor possible—not forever, just temporarily during this emergency.

Now, some on the other side seem to think that temporarily embracing technology during this pandemic is a radical idea.

Well, let me say this loud and clear to my colleagues, Mr. Speaker: If anyone tells you you would be giving away your vote with remote voting by proxy, this is just a lie. Plain and simple, it is just not true.

What would be radical is if this House did nothing, if we made Members decide between spreading a deadly virus or legislating for the American people. That is a false choice. We can and we should do both.

At least 16 States, 10 countries, and the European Parliament have all implemented some form of remote procedures to safely conduct official proceedings during this pandemic. With this resolution, this House can finally join them.

Now, let me repeat: We are not suggesting permanent changes. No one believes we do our best work in person and side by side more than me, Mr. Speaker. Remote legislating will only be utilized so long as this pandemic continues.

Mr. Speaker, this is the type of adapting that this House has always done. Our Founders did not vote by electronic device, but we do. Constituents, decades ago, couldn't watch floor proceedings live on C-SPAN or listen to them on the radio, but ours can. Changes were made to our quorum requirement time and time again, including most recently after the September 11 attacks. And I could go on and on and on and on.

Believe it or not, adapting is action in this institution's DNA. There are always those quick to proclaim that any change means ending the House as we know it. But you know what, Mr. Speaker? The sky did not fall, and the House continues its work.

So I don't say this to make light of what we are doing here today. What we are doing is serious. It is a big deal. My State of Massachusetts has one of the oldest legislatures in the country, but even they changed their rules to allow for remote voting.

You can respect tradition without blinding yourself of the need to make temporary changes when necessary, and today is one of those times. This resolution comes after careful study, months of talks, feedback from con-

stitutional experts, and conversations among a bipartisan task force. This resolution has been strengthened by this deliberative process, and it contains many provisions suggested by my Republican friends. It is now time to act.

Now, some communities have turned the corner with this virus, and I hope that continues. Medical experts tell us, however, that a second wave this fall could be even more damaging than what we are seeing now. So as we hope for the best, we must prepare for the worst. Anything less would be a dereliction of our responsibility.

Mr. Speaker, I urge all of my colleagues to join with us in supporting this resolution. Let's adapt the way this institution has always done. And let's make sure that we can continue legislating during this pandemic, no matter what the future may bring.

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

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

Mr. Speaker, we have worked long and hard together and tried to do so cooperatively. As my friend said, there are a number of things in here we have worked on together but, in the end, we were unable to reach an agreement.

Mr. Speaker, we are back here to consider the resolution representing the most consequential change to the rules of the House of Representatives in my time in Congress, and possibly the most consequential rules change since the establishment of the modern committee system in the Legislative Reorganization Act of 1946.

Today, Mr. Speaker, the majority is proposing, for the first time in our history, a system of proxy voting on the floor of the House of Representatives. That change also allows for the adoption of a totally remote voting procedure upon the certification of a single Member of Congress. Second, it would allow for committees to perform remote proceedings, including markups.

Above all else, Mr. Speaker, Republicans believe that any change to centuries-old rules of the House should only be done in a bipartisan way that achieves consensus. Unfortunately, these proposed rules changes do not meet that goal.

While I have no doubt of the chairman's good intentions, I believe these changes will fundamentally alter the nature of the institution, and not for the better. As such, I simply cannot support them.

Mr. Speaker, though this resolution is intended only to deal with the present public health emergency, we must never forget that the temporary changes that we make today become the precedent that we follow tomorrow. I am deeply concerned that shifting to remote activity, both in the form of proxy voting and the form of remote committee work, will fundamentally change the way the House operates and will remove the collegial environment we enjoy when we meet in person, get

to know one another, and use our knowledge of each legislator as a person to move toward bipartisan consensus. I fear that that would be lost in remote activity.

I am also deeply concerned that these changes will not pass constitutional muster. Why we would risk exposing important legislation to obvious constitutional flaws does not make sense to me.

Most of all, I am concerned that we are moving forward with these changes on a partisan basis. Any change that is this consequential should only be done after we reach bipartisan agreement—no matter how difficult it may be to achieve.

Mr. Speaker, I think a bipartisan agreement was possible on much of what my friends are trying to accomplish, but today's resolution is simply not it.

I have a modest suggestion to my friends: Let's take appropriate cautions and go back to work. That is what the executive branch is doing. That is what the United States Senate is doing. That is what millions of Americans do each and every day. We should be no different. The House should do the same.

Mr. 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.

Mr. Speaker, I urge opposition to the resolution, and I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I include in the RECORD a letter from Erwin Chemerinsky, the renowned constitutional scholar and dean of Berkeley School of Law, who actually wrote the book on constitutional law, discussing his view that the remote voting process we are considering today would be constitutional.

BERKELEYLAW,
UNIVERSITY OF CALIFORNIA,
May 13, 2020.

Chairman MCGOVERN and Ranking Member COLE,
House of Representatives, Washington, DC.

DEAR CHAIRMAN MCGOVERN AND RANKING MEMBER COLE: I have been asked for my view as to whether the House of Representatives could constitutionally adopt a rule to permit remote voting by proxy. As explained below, I believe that this would be constitutional and it is very unlikely that any court would invalidate such a rule, especially in light of the current public health emergency.

My understanding is that the system of remote voting by proxy that is being considered would have some key features:

Low-tech remote voting process through proxy voting

Some number of Members would be present on the Floor for debate and in-Chamber voting

Proxy would be used to establish a quorum and to register the yeas/nays

The proxy holder would be another Member of the House

The proxy holder would have NO discretion on the vote. Instead, the proxy holder would be required (through the rule and accompanying regulations) to cast the vote in ac-

cordance with the specific and exact instruction from the Member.

The Constitution bestows on each House of Congress broad discretion to determine the rules for its own proceedings. Article I, section 5 of the Constitution says: "Each House may determine the Rules of its proceedings." This authority is expansive and would include the ability to adopt a rule to permit proxy voting. Nothing in the Constitution specifies otherwise.

Moreover, if this were challenged in court, it is very likely that the case would be dismissed as a political question. The Supreme Court has ruled that challenges to the internal operation of Congress are not justiciable in the federal courts. See *Field v. Clark*, 143 U.S. 649 (1892). Indeed, I have written, the Court often "has held that congressional judgments pertaining to its internal governance should not be reviewed by the federal judiciary." Erwin Chemerinsky, *Constitutional Law: Principles and Policies* §2.8.5 (6th ed. 2019).

Especially in the context of the current public health emergency, it is highly unlikely that any court would review and invalidate the procedures adopted by the House of Representatives that would allow it to conduct its business without endangering the health of its members and its staff. Every branch of government is devising new procedures to accomplish this. The Supreme Court, for example, will conduct oral arguments by telephone for the first time in its history. I am sure that the rules will ensure that the votes cast by proxy are accurate and carefully recorded.

I hope that this is helpful. Please do not hesitate to let me know if I can be of further assistance.

Sincerely,

ERWIN CHERMERINSKY.

Mr. MCGOVERN. Mr. Speaker, in the letter, the dean states: "The Constitution bestows on each House of Congress broad discretion to determine the rules for its own proceedings. . . . This authority is expansive and would include the ability to adopt a rule to permit proxy voting. Nothing in the Constitution specifies otherwise."

I also just say to my friend that the White House isn't operating as business as usual. My understanding is that the Vice President has been sequestered from the President. In addition to that, everybody in the White House is being tested multiple times before they can even get near the President. A lot of the work is being done by video conference. So even they are doing things differently.

Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. PETERS).

□ 1300

Mr. PETERS. Mr. Speaker, I rise today in support of H. Res. 965 to authorize remote voting and to continue committee proceedings remotely during the public health emergency of COVID-19.

Governors and mayors across the Nation have ordered Americans to stay home, to work from home, and avoid travel. Until we have adequate testing or a vaccine to protect ourselves and prevent our healthcare system from being overwhelmed, the best we can do here is to follow that advice.

We in Congress must do what we have asked of our constituents and

what others have ordered of them. Some argue—and we have heard this just recently—that because we are asking our frontline heroes to show up at work, we lawmakers should be required to convene here in D.C. But that argument misses the point and dishonors our frontline workers, particularly those healthcare workers who are begging people to stay home, to avoid non-essential travel in order to slow the spread of this deadly disease. They ask others to stay home so that some day they can go home.

We in Congress are not first responders or frontline healthcare workers, although our frontline responders are certainly counting on us to provide them the resources they need. But we can hold our meetings and conduct our communications electronically. And because of the space limitations created by the need for physical distancing, working remotely is probably the only way that all of our committees can function at the same time.

Like everyone else, I don't want to give up the opportunity to work with my colleagues in person. Our interactions are too productive, and our relationships are too valuable. But in the face of this once-in-a-lifetime global pandemic, we need to overcome our default position.

Remote voting is not cowardice. It is leadership. Let's live by the same rules we impose on our fellow citizens. Let's show by our actions that we ourselves take this threat seriously.

I want to thank the leadership of Mr. MCGOVERN and Ms. LOFGREN and all of the other folks who have worked on this, including my friend, Mr. COLE, and I urge support of this resolution.

Mr. COLE. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. THORNBERRY), my good friend and the distinguished ranking member of the House Armed Services Committee.

Mr. THORNBERRY. Mr. Speaker, those of us on the Armed Services Committee are privileged to work around, with, and for the men and women who serve in the military. Every one of them is a volunteer. Every one of them expects reasonable precautions with their health and safety and well-being. But every one of them knows that in carrying out their duties, there is some risk that goes with it, and they carry out their duties admirably.

What a contrast to what we are seeing with this resolution. I think one of the proudest times I have had in this House over the last 25 years has been on 9/11 and the days thereafter. That very evening, Members gathered on the steps of the Capitol, and in the days thereafter we went right back to work and passed the legislation that was needed to deal with the terrorist threat.

We were not even intimidated when many of our offices were attacked by anthrax in the days thereafter. It was not just about showing resolution to the terrorists; it was about showing the

country that we can come together and get our work done. What a contrast to what we are seeing with this resolution.

Through the Civil War, 1918 flu, World War II, 9/11, throughout our history, there has never been proxy voting on this floor. Members accepted the risk and carried out their duties to the best of their ability. It was not about technology; it was about trust and integrity.

Were our predecessors so much braver than we are? Were they more ignorant about the risk or more careless with their own safety? Was their sense of their responsibility to the American people greater than ours? None of this makes sense.

But what makes the least sense of all, Mr. Speaker, is that any Member of either party would support a resolution that allows any of us to vacate, even temporarily, the trust placed in us by voters and undermine the very foundation of this representative democracy.

Our history is better than that. The voters deserve better than that. To me, Mr. Speaker, it is sad, rather despicable, and one of the darkest days in this institution.

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

Let me just say to the gentleman who just spoke, I am not intimidated, and I am not afraid; none of us are here. This isn't about any of that. This is about doing what is sensible, what is in the public health interest. This is not about us. It is about the people you all come in contact with.

Those who walk around and don't wear masks, somehow as a display of how unafraid they may be, may be carriers who are asymptomatic spreading this disease.

This is a public health crisis. This is different than what happened on 9/11. This is a public health crisis; that is, somebody who is carrying this disease can spread it in a very aggressive way.

So please spare me the self-righteous kind of indignation over this. We are supposed to follow the medical advice. We are supposed to practice social distancing.

And yet, the Rules Committee, which is the smallest committee in the Congress, had to meet in the Ways and Means Committee room, and we took up the whole room. We have 21 standing committees; I don't know how many subcommittees. Where does the Armed Services Committee meet? Where does the Transportation Committee meet? Maybe we can meet on the House floor, maybe one committee at a time.

I mean, the bottom line is, if we are going to follow the medical advice, we should not paralyze this institution.

Mr. Speaker, I yield 1½ minutes to the gentleman from New Jersey (Mr. GOTTHEIMER), a distinguished member of this Chamber and a co-chair of the Problem Solvers.

Mr. GOTTHEIMER. Mr. Speaker, I rise today as Congress adapts for this

pandemic so that we can represent our constituents and shape legislation during this crisis and do so safely in line with CDC guidelines.

This resolution includes remote committee participation and proxy voting, which are essential reforms during this pandemic and key to giving the American public the accountability and transparency they deserve. I am hoping remote floor debate and voting are next, and this paves the way. The Supreme Court is doing it, and so can we.

State legislators, including Oklahoma, and in my State of New Jersey, and legislators around the world are doing it. We are behind here, and it is time we step up. There is nothing extreme about working this way and adapting during an emergency, just like all Americans have.

I am very grateful to Chairman MCGOVERN, my good friend, a true statesman and institutionalist, and Representative LOFGREN, who has done an incredible job, for working with us in the Problem Solvers Caucus, with Democrats and Republicans, as we have continued making strides towards a truly remote system.

This debate and work are key for my district in north Jersey, which is at the epicenter of this crisis. Today's bill also includes full reinstatement of the SALT deduction, giving New Jersey a long-needed tax cut, something I have been fighting for for years. It also helps small businesses make ends meet, for workers who aren't sure they will get another paycheck, and for every other single county and community so they can support teachers, cops, EMS, and firefighters.

But it starts with making sure our system is built so we can do it, and today's proposal does just that. We should all support this legislation to defend this institution, to protect it, and to ensure that accountability and transparency in this institution lives on forever in the greatest country in the world.

I know we will get through this together if we put country ahead of party.

Mr. COLE. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota (Mr. HAGEDORN), my good friend and a distinguished Member of this body.

Mr. HAGEDORN. Mr. Speaker, I believe this is a bad idea for this institution and a terrible example for the Nation. I recommend a "no" vote.

You know, it is ironic that as our Nation opens up and people go back to work safely and responsibly into their jobs, the House is making a move to shut down, for all intents and purposes.

You know, tens of millions of Americans throughout this outbreak, this pandemic, have been out delivering and producing our energy, our food, helping with people in hospitals, policing our neighborhoods. They have been doing their jobs, and we should be doing our jobs in person moving forward.

You know, some might question why a Member of Congress like myself, who

is dealing with stage 4 cancer, getting treatment the last year at the Mayo Clinic, why I would be the one passionately wanting everyone to travel and work in this Chamber, work in our committees. And it is because it is a bad idea for this House. It is a bad idea that we don't do our jobs in person. We are setting a terrible example.

Personally, though, I can tell you this: This is the job that I signed up for. This is the job that I asked the people of southern Minnesota for. And this is the job that I want to do. It is an honor to serve them. I think we should do it in person, work in committee in person, and do our jobs. And we can do it safely and responsibly.

I recommend a "no" vote.

Mr. MCGOVERN. Mr. Speaker, the gentleman should be happy to know under the proposal we have, he can come here anytime he wants. He can be in his committee. He can be on this floor and debate. But this is for those who are in circumstances where that is impossible. It provides an opportunity for them to participate as well.

Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Ms. STEVENS).

Ms. STEVENS. Mr. Speaker, I rise today to discuss the activity of the House Science, Space, and Technology Committee, as we work through extraordinary circumstances to deliver for the American people.

The Science Committee, under the leadership of Chairwoman JOHNSON and Ranking Member LUCAS, has been holding briefings on topics such as infrastructure, energy jobs, vaccine developments, through the great technologies available to us over the worldwide web. Each has been bipartisan.

One important focus has been our domestic manufacturing role, retooling production lines to make the medical supplies needed to respond to the ongoing health crisis. This has been of particular importance for the Subcommittee on Research and Technology, which I chair, along with Ranking Member BAIRD.

How do we open platforms and utilize digital technologies for industrial collaboration to solve big problems and streamline our supply chain to get the medical supplies to those who need them now?

The Science Committee will continue to do the work it has always done to meet the needs of the American people, to propel American manufacturing innovation forward.

I urge my colleagues to support this fabulous resolution that will enable us to continue to do our work under great and trying circumstances.

Mr. COLE. Mr. Speaker, I yield 2 minutes to the gentleman from Arkansas (Mr. WOMACK), my very good friend, and the distinguished Republican ranking member of the Budget Committee, and a fellow member of the Appropriations Committee.

Mr. WOMACK. Mr. Speaker, born from the people, the work of Congress

is an integral part of our Nation. Or is it? Judging from the legislation that is before us right now, I am not so sure.

But tracing back to the Civil War, the Great Depression, World War II, 9/11, and many others, the House's business has never ceased, even in the toughest times in our country, and it should not cease today.

But instead of working safely, bringing back Members to the House, Speaker PELOSI has decided to pursue proxy voting.

Senators are back at work. Our military is on point right now defending our country in all corners of the world. Doctors, nurses, grocery workers, truck drivers, delivery personnel, they are showing up every day. They are not shirking from their duty. Shouldn't the House lead by example?

New House procedures might very well be necessary, but any change to the centuries-old rules that could fundamentally alter this institution should never be done without bipartisan support. And we are not seeing that.

This proposal runs counter to the Constitution, and it marginalizes, in my strong opinion, Mr. Speaker, the lawmaking process.

We need transparency, accountability, not procedures that further centralize the decision-making of our country into the hands of a select few. We must get back to regular order, and this is not the path back to regular order.

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

I am happy to provide the gentleman who just spoke with the history of the House of Representatives as to how voting rules have changed repeatedly.

But this radical idea that we are talking about here today, just look to the United States Senate. I mean, they just held a hearing in their Committee on Health, Education, Labor, and Pensions where some people were present, and some were remote. The chair and ranking member were remote, and administration witnesses were brought in through video conferencing.

I mean, the Senate can do it. Maybe my friends are afraid of technology. We will get you the help. We will get you the help to make it comfortable for you. But the bottom line is, if the Senate can do it, if it is okay for the United States Senate, why is it not okay for the House of Representatives?

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

Mr. MCNERNEY. Mr. Speaker, I rise in support of H. Res. 965. Today, there are more than 1.45 million confirmed COVID-19 cases and more than 86,000 related deaths in the United States, and these numbers continue to increase.

Our job in Congress is to provide help and leadership in this crisis. It is critical that we continue serving our constituents. But requiring Members of Congress to travel back and forth to

Washington to vote and participate in official business in person during this pandemic puts the health of our constituents and ourselves at greater risk.

All this traveling by so many Members of Congress will worsen the crisis we are working to mitigate. If you don't agree with the rule changes, I urge you to reconsider. If you care about the health of your constituents, if you care about the health of yourself, your colleagues, and your staff, and if you really want to mitigate this crisis, then support the temporary rule and vote "yes" on H. Res. 965.

Mr. COLE. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. MCCLINTOCK), my very good friend.

□ 1315

Mr. MCCLINTOCK. Mr. Speaker, the word "congress" literally means the act of coming together and meeting. The Constitution calls for representatives to attend, to assemble, and to meet. Congress is a deliberative body, and by its very nature, that requires the people's representatives to interact with each other, both through formal proceedings as well as through the countless informal conversations that are the unique product of coming together and meeting.

Fulfilling that duty, Congress has met throughout every war and pandemic that has come before us. We expect grocery clerks to show up at 4:00 in the morning to restock the shelves, but the House of Representatives is going to phone it in?

Each of us is the proxy for our constituents. They expect us to speak and vote for them, and answer to them, not hand off that trust to someone entirely unaccountable because we are too lazy or too scared to show up for work.

Good God, what are we doing to our country?

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

It is obvious that the gentleman who just spoke didn't read the bill. Nobody is asking anybody to hand off their ability to cast a vote here. There is no discretion involved. If he reads the bill, he will figure that out.

Mr. Speaker, I include in the RECORD a May 5 opinion piece published in The Hill from Saikrishna Prakash, a constitutional law professor from the University of Virginia and former clerk to the late Supreme Court Justice Antonin Scalia.

[From the Hill, May 5, 2020]

ONE VIRTUE OF A VIRTUAL CONGRESS

(By Saikrishna Prakash)

The need for social distancing has led to new demands for distant voting. With the coronavirus in the air, Congress is awash with proposals to allow senators and representatives to cast votes away from the chamber floors on Capitol Hill. It is true that desperate times call for desperate measures, but however extreme this reform may seem, remote voting would indeed be allowed under the Constitution. This new practice could also lead to the reform of one regrettable habit of the legislative branch.

The Framers likely assumed that members of the chambers would gather in a single room in order to conduct business. References to "assemble" and "attendance" in the Constitution suggest as much. Congress could easily satisfy this narrow reading of these terms if each chamber met in cavernous spaces. For instance, the Senate could meet in the baseball stadium where the Washington Nationals play, while the House could gather on the football field where the Washington Redskins play. Then legislators could easily sit several feet apart as they work.

But the chambers need not be so constrained. Laws can have meaning and serve purposes without being tied to the technology of a particular era. For instance, modern presidents have signed legislation by autopen, even though this technology is somewhat new. The justification for this is that so long as the president makes a decision about whether to approve a bill, the mechanics of putting pen to parchment are irrelevant. The same holds true for the Supreme Court. The justices have reached decisions by phone, sometimes hundreds of miles away from Washington. Six justices are necessary to conduct business, and they have concluded that voting by phone on important matters satisfies that requirement.

Congress could do something similar. The Framers perhaps demanded no more than for legislators to debate and collectively reach decisions in real time. The internet permits that live discussion and passing laws, either by voice vote or by roll call. With the advent of technology, one chamber can "assemble" virtually on Zoom, while legislators can also attend meetings in Google. A chamber can sit to conduct business online.

The more general point is that if legislators are monitoring proceedings in Congress online and can vote remotely, they are in "attendance" and can be present for quorums. What is good for the president and the Supreme Court must be good for Congress. There are positives and negatives of remote voting, so here are two potential disadvantages.

First, Congress will no longer have the excuse of being unable to conduct business when members go back to their constituencies. What was once a part time assembly may become a full time legislature, where leaders call votes during such inconvenient times for members. Many people do wish that Congress would return to its roots as a part time institution. To quote Will Rogers, "This country has come to feel the same when Congress is in session as when the baby gets hold of a hammer."

Second, though legislators do not have to pay attention to floor debates even when they are physically present, one might suppose that they will get more distracted if they have two browsers open, one trained on the proceedings in Congress and one centered on Sunday Night Football. A debate on a motion to recommit would suffer compared to a drive down the field in the final minute of the fourth quarter.

But there would be one positive that overwhelms these drawbacks. Last week, six members exercised the collective authority of the Senate and passed the \$484 billion appropriation. Though the Constitution declares that a majority of each chamber would be a quorum to do business, the Senate had nothing like a quorum for this vote. Under current practices, however, both chambers assume a quorum, an assumption that can be overcome only if some legislators will call for it.

That assumption is almost as mistaken as supposing that lobbyists exist to further the public good. The Constitution decrees that the chambers can pass a bill only if there is

a quorum. Members cannot just avert their gaze from this violation of the Constitution. The minimum mandate for passing legislation is not waivable. To pass legislation in a chamber, the presence of at least a majority of the voting members is required.

With a move to virtual sessions, Congress could cut the embarrassment of a handful of legislators passing legislation. If bills are uncontroversial, the chambers can meet online, and the majority in each can pass them. All in all, the move to remote voting could generate a salutary reform and also eliminate at least one excrescence of the Constitution.

Mr. MCGOVERN. In his piece, the professor says: The more general point is that if legislators are monitoring proceedings in Congress online and can vote remotely, they are in ‘attendance’ and can be present for quorums. What is good for the President and the Supreme Court must be good for Congress.”

Mr. Speaker, I yield 1 minute to the gentleman from Tennessee (Mr. COHEN).

Mr. COHEN. Mr. Speaker, I have been listening to the debate, and I have been really amazed at what I have heard from the other side. They said the military goes into battle, or is ready to go, and they don’t let these things bother them.

The military doesn’t have a great majority of their members who are 65 years of age and older. And when they do have members that are 65 years of age and older, and they have morbidity systems or past incidents that make them more likely to get a disease, they don’t send them into battle. They take care of them. They don’t put them out there in harm’s way.

Some people talked about the Senate. LAMAR ALEXANDER came up, and he got exposed to coronavirus from a staff member, so he had to go back to Maryville. RAND PAUL came up. He got exposed, took a test, still swam in the Senate pool, exposed everybody over there to COVID, and came back positive.

So, it is not about the Senate. This makes good sense.

One of our best epidemiologists said that the best place you could find to get the coronavirus is indoors in an enclosed room with a lot of people and a lot of talk. That is the definition of Congress. Washington is a hot spot; it is under a stay-at-home order; and you are not supposed to meet in groups of more than 10 people. We are more than 10. And if they expand it, we will be up to the level of 50, which is maybe the next level.

We are just protecting our Members and protecting their loved ones and protecting their constituents.

This is a good law. It gives people a chance to vote. We have Members who are going through chemotherapy now. The great JOHN LEWIS is going through chemotherapy. That means he cannot come up here and vote. That should not be the facts.

Mr. COLE. Mr. Speaker, I yield 1 minute to the gentleman from Arkansas (Mr. HILL).

Mr. HILL of Arkansas. Mr. Speaker, I rise in opposition to this rule change.

Rather than taking time to implement a bipartisan plan to safely open this House and our work on the Hill, as suggested by the Republican leader, the House majority is taking the lazy way out.

The U.S. Constitution and 200 years of precedent require a physical presence to establish a quorum to protect all Members’ rights and the rights of the Americans who vote for these Members.

If we pass this rule change today and make attendance optional, we are taking away the fundamental nature of our government of elected Members of the House representing our citizens.

Since the first Congress, through it all—bad roads, bad weather, invasion, and the burning of this very Capitol, Civil War, and depression—Members have assembled to do the people’s business.

Our Founders intended that legislating be hard but fair. Our Founders compelled the people’s representatives to assemble, to collaborate, to find a way forward. This rule will only make it harder to find that consensus during these times.

Mr. Speaker, I urge all of my colleagues to reject this unnecessary change to the House rules.

Mr. MCGOVERN. Mr. Speaker, let me remind my colleagues what the minority leader did suggest, and that is that all of us get preferential treatment, in terms of testing, that we all be tested regularly when we come back here, like they do in the White House; that even though our constituents can’t get tested, even though our hospital workers and those who work in homeless shelters and in food pantries can’t get tested, and our first responders can’t all get tested, the minority leader suggested that: You know, you are all so special here that you should move to the front of the line.

Well, I don’t know what people in your districts think, but my constituents think that is tone-deaf, that, quite frankly, we don’t deserve preferential treatment. But that is what he suggested.

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

Mr. RASKIN. Mr. Speaker, I salute the chairman for his determination to keep the American Government going through this period, and that is what this resolution is about, the continuity of Congress and the continuity of government. We are here to keep the great American experiment in democratic self-government alive through the pandemic, through the crisis.

The first sentence of the Constitution, the Preamble, says:

We the people, in order to form a more perfect union, establish justice, ensure domestic tranquility, provide for the common defense, promote the general welfare, and preserve to ourselves and our posterity the blessings of

liberty, do hereby ordain and establish the Constitution of the United States.

The very next sentence vests all legislative power to us, in Article I, in the Congress, and gives us the right to determine the rules of our own proceedings.

That is what the Supreme Court calls a political question. It cannot be second-guessed by the Senate. It cannot be second-guessed by the President. It cannot be second-guessed even by the Supreme Court. It is up to us what our rules of proceeding are going to be.

Mr. Speaker, I have watched the debate, and one can only regard with amazement the full outrage summed up by our colleagues who display great reservoirs of self-righteousness. And it is amazing to me because the same Members have been operating for many years, for term after term, under the current rule, first adopted by a Republican-majority House, which allows two Members to form a working quorum.

I repeat: The current rule, which this body has ratified repeatedly, was adopted by a Republican majority, allowing two Members to constitute a working quorum.

So, how can anyone who has blithely accepted that state of affairs, when it would have been very easy to do something about it—there was no pandemic and no plague let loose on the land, with 86,000 people dead and tens of millions of unemployed. They did nothing about it, but now they want to suddenly turn on the proposal necessary to guarantee the continuity of the U.S. Government in which the numerical quorum majority rule is scrupulously observed through the well-known and well-accepted proxy system. This rule preserves the vote and the voice of each and every Member of the House.

Unlike the two-Member quorum rule, which was put into place by a Republican majority, our rule is based on effectuating the will and the vote of every Member. The proxies must be cast in strict accordance with the will of the Member, with no discretion, and no room for judgment.

Mr. Speaker, I expect to be a proxy because I live about a half hour away from here. I will cast the proxy vote exactly as given to me. And if I were to decide I know better than the person I am voting for, that should be the subject of ethical proceedings. I am nothing more than a letter carrier.

This is what the Congress needs to do. The American people expect nothing less from us. Let’s keep the Government of the United States in business.

Mr. COLE. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. GOHMERT), my great friend and distinguished Member.

Mr. GOHMERT. Mr. Speaker, let me just read from the Constitution.

Article I, Section 5: “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.”

You can't pass a bill on this floor with proxies and have it upheld unless you change the Constitution, and this doesn't do it.

Now, some here say: But if it saves one life, it is worth it. How about the million Americans who laid down their lives not for a wishy-washy, "Oh, maybe we should be afraid. We might get something and die." They didn't do that in the Spanish flu days. They didn't do it in the Civil War. But now we are going to do it. Come on.

There were people that died, saying things like: "Live free or die." And now, we are going to amend the Constitution with a House rule. That is ridiculous.

If you are going to destroy 40 million lives and livelihoods, at least have the courage to come here and do it in person.

You didn't let the Member from Georgia do it years ago. You denied that, and I felt like you were right. We have to preserve the Constitution, not abuse it with a House rule.

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair.

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

I include in the RECORD a letter from Deborah Pearlstein, a constitutional law professor from Cardozo School of Law.

CARDOZO LAW,
April 16, 2020.

DEAR CHAIRMAN MCGOVERN: Thank you for your statement today recommending the implementation of temporary remote voting procedures in Congress during this tragic pandemic. As a professor of constitutional law, and a scholar who has written extensively on separation of powers issues in U.S. Government, I believe adopting procedures to allow for remote voting under these extraordinary circumstances is not only lawful, but essential to the maintenance of our constitutional democracy. Recognizing that specific procedures for remote voting may still be in development, the analysis offered here focuses foremost on the broad scope of Congress' constitutional authority to regulate its voting procedures.

As with much else in the Constitution, the description the text provides of how Congress is to fulfill its legislative "duties" once members have been elected is relatively brief. Article I, Section 5 provides that there must be "a Quorum to do business," which the Constitution defines as constituting simply "a Majority" of each House. The same Section likewise specifies that each House must keep a "Journal of its Proceedings," which must be published "from time to time," and which may, if a sufficient number of members desire, reflect how every member voted "on any question." The Constitution adds that neither House can adjourn for more than three days, or move the session to some other place, without the consent of the other House—a provision designed to prevent a single House from thwarting all congressional action by simply absenting themselves indefinitely.

There can be little question that the Framers imagined the legislature would do its work while assembled in some physical location. In 1787 when the Constitution was drafted, they could scarcely have imagined any other functional way of proceeding. Various other constitutional provisions thus

refer to Congress as "meeting" (Art. I, Sec. 4) or "assembling" (Art. I, Sec. 3), and one even provides a mechanism by which members can compel "the Attendance of absent Members," (Art. I, Sec. 5) meaning presumably those members not otherwise present where Congress is meeting. Of course, none of the clauses in which those terms appear address how Congress casts or counts its votes. Indeed, neither the document itself nor any Supreme Court decision defines what counts as "attendance" or "assembling," much less how such "attendance" may be taken, or such "assemblage" may be accomplished. The Constitution equally contains no specific requirement of physical presence for Members to vote. What the Constitution does instead—as the courts have repeatedly recognized—is leave it up to each House of Congress to "determine the Rules of its Proceedings." (Art. I, Sec. 5) As the Supreme Court explained in *United States v. Ballin*, 144 U.S. 1 (1892), so long as there is a "reasonable relation between the mode or method of proceeding established by the rule and the result which is sought to be attained," the content of those rules are "beyond the challenge of any other body or tribunal."

Indeed, it is just such constitutional flexibility that has enabled Congress to embrace the various informal solutions it has adopted over the years to "do business," including relying on members to give "unanimous consent" to a vote even if something less than an actual majority of members is physically present on the House floor. But while such well settled procedures are surely constitutional, they may not always function to advance the system of majority rule the Constitution so plainly contemplates. As we recently saw when Congress enacted a substantial stimulus bill just last month, it is possible for one House member, acting alone, to single-handedly defeat the manifest preference of the bipartisan majority by insisting upon an actual demonstration that a majority of members were "present" (a term contained in House Rules, not in the Constitution itself). This forced House leaders to make a choice the Constitution cannot be understood to compel—between surrendering the will of the majority to the demands of a single man, or insisting, as they did, that Members jeopardize their safety (and thus their ability to effectively represent their constituents going forward) by defying lawful public health restrictions to travel and meet in Washington, D.C.

It is precisely in order to avoid such absurd results that Congress has embraced a variety of measures throughout its history to adjust to developing technologies and changing demands. Thus, for example, current House Rules provide that in the event the existing electronic voting system is "inoperable," the Speaker may direct the vote to be conducted through alternative methods, including through the use of "tellers" designated by the Speaker to "record the names of the Members voting on each side of the question." The teller system was an innovation put in place before the current electronic system was available, one among key reforms designed to strengthen Congress' ability to maintain a public record of Members' votes. The particular challenge of ensuring that Congress could continue to operate during the outbreak of infectious disease was indeed the subject of one of Congress's first efforts to provide for alternative rules of operation. Following Congress' return after the yellow fever epidemic that devastated the then-capital of Philadelphia in the summer of 1793, Congress adopted a law providing that in circumstances when "the prevalence of contagious sickness" made it "be hazardous to the lives or health of the members to meet at the seat of Government," the

President could "convene Congress at such other place as he may judge proper." If Congress can delegate to the President the power to move congressional operations entirely, surely it can reserve for itself the lesser power to make whatever far more modest amendment to process is required to ensure Congress is able to vote in the same, extraordinary circumstances.

Finally, the temporary remote voting procedures as you have sketched them thus far appear to bear an entirely "reasonable relation" to the goal you aim to achieve, namely, ensuring that Congress preserves the ability to vote in a way that maintains the institution's representative character, protects the transparency of its operations, and fairly and accurately reflects the will of the American people. By keeping remote voting procedures tied as closely as possible to the existing system, the proposed approach protects Members' ability to participate in votes regardless of geographic location, technical knowledge or means; minimizes the risk of foreign or other unlawful interference in the vote; and maximizes Congress's ability to fairly reflect the will of the majority of the people even during the present crisis. The proposed approach contains essential safeguards to ensure that Members' preferences are fully and accurately recorded; as you emphasized in your recent statement, Members designated to submit voting cards on behalf of other elected Representatives may only act pursuant to the direct, express instruction of the elected Representative, retaining no discretion in carrying out the ministerial function they play in the modified voting process. As ever, Members remain subject to all the disciplinary powers the House possesses to ensure the appropriate exercise of their duties.

In short, with limited reforms that maximize Members' ability to represent the wishes of their constituents, while minimizing disruption and confusion in House operations, Congress can succeed in preserving the essential constitutional function of the legislative branch even amidst an unprecedented pandemic. It is a critically important initiative in these extraordinary times.

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. In her letter, which I strongly recommend all of my colleagues should read in full, she says: "I believe adopting procedures to allow for remote voting under these extraordinary circumstances is not only lawful, but essential to the maintenance of our constitutional democracy."

The Constitution contains no specific requirements of physical presence for Members to vote. What the Constitution does instead, as the courts have repeatedly recognized, is leave it up to each House of Congress to "determine the rules of its proceedings."

The gentleman refers to the Spanish flu. Let me just say that that is not an example of something we want to aspire to. The Congress was basically paralyzed. They couldn't even get together to pass a bill to provide more doctors to rural areas where people were dying. They couldn't even do that. And as a result of Congress' inaction, more people died in that pandemic. So, please, I mean, let's get real here.

Mr. Speaker, I yield 1 minute to the gentleman from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. Mr. Speaker, I thank the gentleman for yielding.

I rise in strong support of this resolution and commend Chairman McGovern for overseeing this deliberative and well thought-out process.

The proposed changes to the House rules are absolutely necessary to ensure that Members of Congress can continue our vital legislative and oversight functions while protecting public health.

Now, I strongly believe that we need a more comprehensive, full e-Congress capability to be developed for conducting congressional business in the future only in times of emergency if we are unable to meet in Washington, D.C. However, I also believe that there are very real cybersecurity concerns that must be addressed before such a system will go live.

In the meantime, this resolution appropriately allows for in-person proxy voting during the duration of this public health emergency, and it holds open the possibility of remote voting if a secure system can be developed and verified for full House floor proceedings.

In the meantime, this step, of course, cannot be the end of our conversations on continuity of Congress. We do need a permanent framework that will account for remote congressional operations in the event or possibility of death or incapacitation of a significant number of representatives.

This is the 21st century. We should be able to do this in the future. I look forward to continuing to work with Chairman McGovern to address this issue going forward.

Mr. COLE. Mr. Speaker, I yield 1 minute to the gentleman from Tennessee (Mr. JOHN W. ROSE).

Mr. JOHN W. ROSE of Tennessee. Mr. Speaker, today, I am standing up for those who have stood up for this Nation throughout the current crisis: nurses, doctors, farmers, truck drivers, food service workers, distribution and supply chain workers, the millions of Americans who can't stay home and expect our country to survive.

Haven't we learned our lesson about outsourcing? Apparently not. Now, some of the Members of this House want to outsource their votes as well.

I will be voting "no" on this resolution, and I would encourage those ready to hand over their votes to someone else to just go ahead and hand over their seats to someone else.

With unemployment the way it is, I would bet that there are more than a few people back home in your district who would gladly accept your \$174,000-a-year job and find a way to get to Washington and push a button.

I will vote "no."

□ 1330

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

I insert in the RECORD letters and statements of support for H. Res. 965 from Chairman PALLONE, Representa-

tive THOMPSON, and Representative PETERS.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, May 14, 2020.

Re H. Res. 965.

Hon. JAMES P. MCGOVERN,
Chairman, Committee on Rules,
House of Representatives, Washington, DC.

DEAR CHAIRMAN MCGOVERN: I write to you in support of H. Resolution 965, which would authorize voting by proxy in the House of Representatives and provide for official remote committee proceedings. By temporarily enabling committees to convene official proceedings remotely, this measure ensures that the Committee on Energy and Commerce can continue to conduct its important legislative, oversight, and fact-finding work during these extraordinary times.

I greatly appreciate the work of the House Rules Committee under your leadership in drafting and putting forward this very important measure. Our Committee will work diligently to ensure that each of our Members can participate remotely, to the greatest extent practicable, from different locations, at our noticed committee and subcommittee hearings, markups, depositions and other business meetings—some or all of which may be virtual in nature.

Thank you in advance for any further support you can provide us in the way of Committee-specific regulations or in addressing any questions that surface as we implement and put these temporary rules and regulations into practice.

Respectfully submitted,
FRANK PALLONE, Jr.,
Chairman.

HOUSE OF REPRESENTATIVES,
Washington, DC, May 13, 2020.

Hon. JIM MCGOVERN,
Chairman, House Committee on Rules,
Washington, DC.

DEAR CHAIRMAN MCGOVERN: I write to express my strong support for proxy voting and allowing for flexibility, during these unprecedented times.

The COVID-19 pandemic has created never before seen challenges to the operation of government and the ability of the House to conduct business. Not only are Member's health and safety at risk but the security and integrity of the House of Representatives, is as well. I commend you and your committee for diligently addressing these challenges with integrity and the dedicated intent to ensure the House can conduct the People's business in a safe and secure manner.

This pandemic has drastically changed how our communities operate. Many local governments and small business have adjusted their operations and the House of Representatives must do the same. Again, I commend you and your Committee for your work and I wholeheartedly support proxy voting and allowing for flexibility, during these extreme times.

Sincerely,
MIKE THOMPSON,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, May 13, 2020.

Hon. JAMES P. MCGOVERN,
Chairman, House Rules Committee,
Washington, DC.

Hon. TOM COLE,
Ranking Member, House Rules Committee,
Washington, DC.

CHAIRMAN MCGOVERN, RANKING MEMBER COLE, AND MEMBERS OF THE RULES COMMITTEE: Thank you for this opportunity to comment on the very important proposals for remote voting.

Today we face a health crisis unknown in our lifetimes—a virus that spreads easily among us, that can hide itself as asymptomatic for a time can suddenly turn deadly. We have no vaccine to create herd immunity, nor a treatment nor cure, nor even enough tests to tell us who's got it and who doesn't. So all we can do to protect ourselves now and for the foreseeable future, and to keep our health care system from being overwhelmed, is to separate ourselves. That's how we lower the chance that the virus spreads. That's why governors and mayors across the country have ordered us to stay at home, to work from home, and to avoid travel if we can.

That's exactly what Congress did when we passed the CARES Act on March 27th. Our leadership from both parties worked to pass the bill on unanimous consent, and when one member objected, we achieved a quorum with members who could travel safely, often by driving alone in their cars. We encouraged other members to stay away from planes and airports and each other. By the way, that conveyed to the public that we in Congress understood the health challenge—we were aware that every time Members of Congress travel from across the country to Washington, DC, we put each other, our staff, Capitol Police and other workers, our families and ultimately our constituents at risk of infection.

Since then, conditions in Washington DC have become more dangerous—it's one of our nation's COVID hot spots. It's high time for us to do what we've asked—and others have ordered—our constituents to do. Figure out how to work from home.

I've heard the argument from Senate Leader McConnell and from some Democrats that because we ask people on the front lines to go to work, that we lawmakers have to show up in DC to work. But that argument misses the point. Some people—essential workers—can't stay home. If you are a doctor or a nurse, or someone who cleans hospital rooms, you have to go to the hospital to do your job. If you are a grocery clerk or checker, you have to go to the grocery store to do your job. If you are a fire fighter, or a police officer or an EMT, you have to go where people are in harm's way to do your job.

But if you're an accountant, or a lawyer, or a billing clerk or any other office worker—your job is still very important—but we've ordered you to stay home, because the technology available today makes it possible for you to do your job from your home. It's not great, but it's a way Americans have stepped up to make it work, and not to become vectors for the spread of this disease.

We in Congress are not first responders. Fundamentally, we have office jobs—very important office jobs that a lot of people depend on—but office jobs, consisting of phone calls, meetings, and more meetings. Like the rest of America, we can have our meetings electronically. We should live by the same rules we impose on other American office workers.

We are public servants, a concept reflected in the joint statement by Speaker Pelosi and Leader McConnell to reject the President's offer to supply Congress with test kits. Of course, Congress should not take test kits from hospital workers, first responders or grocery workers. Nor should we continue to travel and meet in a way that heightens the risk for those same people. We should follow the lead of American businesses, nonprofits, religious institutions and families who have found ways to communicate effectively and to make decisions over the phone, or in a variety of computer forums.

Tradition can be honorable, as it is in Congress. But tradition can be a dinosaur and can hurt and slow progress. Some traditions

should never be abandoned. I would never give up the opportunity in the ordinary course of our business to see you all face to face, to work with you in committees, to see you twice a day on the House floor, and even to grab dinner after work. But in the face of this once in a lifetime global pandemic, we need to overcome the default position—that the way we've always done it is the only way it can be done. Congress has adapted to jet travel, to electronic voting and to making our work public on CSPAN. We can adapt to remote work.

It will be difficult, but not as difficult as we might imagine. Just look at how the remote skeptics propose we conduct our business. We would fly from across the country, making connections and taking transportation from Dulles Airport or Baltimore Washington International. Then we would isolate ourselves in our DC residences. Then, if we live too far to walk or don't have a car in DC, we would take transit or be driven to our offices, and we would isolate there. And to participate in our committees, we would make a phone call from our office in Rayburn or Longworth or Cannon to the committee room. Yet all of us have phones in our homes in our districts, and any of us could call the committees from there.

We've also heard that in person committee meetings will take up a tremendous amount of physical space. For our larger committees, like Transportation and Infrastructure or Armed Services, only the House chamber is big enough. If all of our committees were to meet in person, it would be impossible for them to meet at the same times. Remote participation is probably the only practical way to allow all committees to function at the same time, and thereby for all members to participate in the legislative process on behalf of their millions of constituents.

Remote voting is not cowardice. It's leadership. In the face of this pandemic, getting Congress to work remotely is an example for the rest of the country that meets this moment. Let us live by the same rules we impose on our fellow citizens. Let's find a way that allows all of our constituents to have a voice. Let's show by our action that we ourselves take this threat seriously.

I thank you for your leadership in this difficult moment.

Sincerely,

SCOTT H. PETERS,
Member of Congress.

Mr. MCGOVERN. Mr. Speaker, I am glad that the gentleman who previously spoke says he wants to extend it for nurses, doctors, and teachers. He has a chance to do that in the next bill we are going talk about because there is money in there to provide them more assistance in terms of testing and treatment and tracing and more money there for PPE. But my guess is the gentleman is going to vote "no" on that.

The same people who are out here talking about being brave and standing up with our first responders are the same people whose leader has said that his proposal is to prioritize Members of Congress ahead of all of our constituents in terms of testing so we can operate here. I don't want to have anything to do with that. My constituents who are on the front lines, the doctors, the nurses, the first responders deserve to be tested before anybody in this House.

Mr. Speaker, I yield 1 minute to the gentlewoman from Massachusetts (Mrs. TRAHAN).

Mrs. TRAHAN. Mr. Speaker, this public health crisis has been dev-

astating. Nearly 1.5 million Americans have contracted COVID-19 and, tragically, more than 85,000 people have died.

We have asked small business owners and workers in our districts to close up shop and stay home for months to do their part to slow the spread of this virus.

Across the country, workplaces are innovating and figuring out how to operate while keeping pace with commonsense public health guidelines.

Like them, Congress has an obligation to do the same. This moment requires us to lead by example, to show that in the face of a highly infectious disease we can change how we do business and still get our constituents the much-needed relief they desperately need, while also conducting proper oversight.

I support this rule change to temporarily allow committees to conduct meetings remotely and to provide my colleagues with the opportunity to make their constituents' voices heard.

This is the 21st century. We have an opportunity to show that we can use the tools at our disposal to continue congressional operations at full capacity while also practicing what we preach.

This is common sense, and I would urge my colleagues to support this change as well.

Mr. COLE. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. ROY), my very good friend.

Mr. ROY. Mr. Speaker, I thank my friend from Oklahoma for yielding.

I just ask my colleagues here: What are we doing? We have 40 million Americans out of work. We have serious problems we have got to address, and we are going to pass a bill tonight that is a clear political bill filled with political promises from my colleagues on the other side of the aisle that has no chance of being passed in its current form. And why aren't we debating and doing the job of this body? We have no debate.

My friend from Maryland, Chairman RASKIN, we served together working to try to protect the Constitution, and he says that we have this rule in here for a quorum can be two people. I agree, that is a problem.

I don't care who is in charge of this body. We shouldn't operate that way. The American people want us to do our job and debate and work.

The Constitution is pretty clear about what constitutes a quorum. You can trot out various words from some professors around the country that say otherwise, but a quorum means presence. We should be here debating. It matters. It matters that we look each other in the eye. It matters that we are here talking to each other when there are 40 million Americans without jobs while we sit here in Congress and don't do ours?

We are not doing our job. While truckers carry food products, while people go to grocery stores, while first

responders do their job, why aren't we doing ours? I would posit that the Constitution contemplates our physically being here looking each other in the eye to do our job.

If we want to have debates about committee work being remote or virtual, okay, but the actual act of voting, our solemn duty to represent hundreds of thousands of people who put their trust in us to do our job, we are supposed to be here. We are supposed to work with each other.

I have got a bipartisan bill right now that would help solve the problems, the PPP Flexibility Act, with my friend DEAN PHILLIPS from Minnesota. Let's debate and vote on it. Let's offer amendments. Let's actually have a debate in this body.

It is supposed to be the people's House—the people's House. It is our job, Mr. Speaker. This is not constitutional.

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

The gentleman will be happy to know he will have 2 hours of debate on how to help our constituents. I have a feeling he is going to vote "no." He is going to vote "no" to help our teachers, our first responders. He is going to vote "no" to help States, cities, and towns. That is unfortunate, but we are going to move it forward.

Mr. Speaker, I insert in the RECORD letters and statements of support for H. Res. 965 from Representative KILDEE, Representative JEFFRIES, and Representative POCAN.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 13, 2020.

Hon. JIM MCGOVERN,
Chairman, Committee on Rules,
Washington, DC.

Hon. TOM COLE,
Ranking Member, Committee on Rules,
Washington, DC.

DEAR CHAIRMAN MCGOVERN AND RANKING MEMBER COLE: We write today in strong support of the H. Res. 965, which temporarily implements remote voting in the full U.S. House of Representatives and remote committee proceedings during this public health emergency due to the coronavirus.

Members of Congress must continue to faithfully and safely execute the duties of our office while acting in accordance with the social distancing guidelines outlined by medical experts. The suggested temporary rules would allow for Members to proxy vote on behalf of those Members who cannot safely travel to Washington, D.C. This proposed proxy voting system strictly governs the rules where a remote Member would send a letter to the Clerk designating a proxy. Members may serve as a designated proxy for up to ten Members and must receive exact written instruction on each vote. While there is no precedent on the House Floor for proxy voting, there is precedent in House Committees, where it was in place until the 104th Congress.

The implementation of H. Res. 965 would allow committees to hold virtual hearings, markups, and depositions enabling Members to perform vital oversight, conduct fact finding and bring legislation to the Floor. Especially during this national emergency, Congress must continue to do the work of American people, especially overseeing the trillions of dollars allocated by the federal government so far to combat the pandemic.

Members also have the responsibility to model compliance with the guidelines recommended by the leading science and health experts without dereliction of our duties. Proxy voting allows for Members to be engaged in work at the Capitol while ensuring their safety and those in their communities.

As the Congress continues to find innovative ways to remain in service of the American people, I am supportive of the provision in H. Res. 965 that will direct the Committee on House Administration to study the use of technology to allow Members to vote remotely in the House. After certification has been completed determining secure and operable technology for remote voting, the Rules Committee would issue guidance and regulations for implementation that can be authorized by the Speaker to allow Members to cast their votes remotely during the time period covered by the resolution.

We appreciate your hard work on this and the solicitation of advice and ideas from Members for many weeks, including members of both parties. It is our hope that these rules are only necessary for a short period of time and the House of Representatives can return to their normal functions in a safe manner to help families and workers impacted by this terrible health crisis.

Additional Cosigners: Rep. Ed Perlmutter, Rep. Andy Levin, Rep. Alan Lowenthal, Rep. Brenda Lawrence.

Sincerely,

DANIEL T. KILDEE,
Member of Congress.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 13, 2020.

Hon. JAMES P. MCGOVERN,
*Chairman, Committee on Rules,
Washington, DC.*

DEAR CHAIRMAN MCGOVERN: Thank you for your ongoing leadership during this time of crisis. Please see my statement below in support of remote voting by proxy:

As the House continues its work during this trying time, we must have a safe, secure and reliable way of conducting our most essential duty—passing legislation on behalf of the American people. Remote voting by proxy offers a temporary, commonsense solution that will allow the House to operate safely and effectively during this crisis. The proposal crafted by Chairman McGovern allows committees to continue their important work remotely, while also providing Members with the ability to vote on legislation without the threat of hacking or undue influence from bad actors. I stand in strong support of the proposal and believe it is the best path forward as we continue to confront this pandemic.

Best,

CONGRESSMAN HAKEEM JEFFRIES,
Chairman, House Democratic Caucus.

HOUSE OF REPRESENTATIVES,
Washington, DC, May 14, 2020.

Hon. JIM MCGOVERN,
*Chairman, House Rules Committee,
Washington, DC.*

DEAR CHAIRMAN MCGOVERN: I write in support of efforts to ensure Members of Congress are able to vote on essential legislation while not physically present in Washington, D.C. during the coronavirus pandemic. Numerous states, including the Wisconsin Legislature, and other nations, including the British Parliament, have already instituted successful virtual legislative meeting procedures.

While I intend to be physically present and voting this week, I know several of our colleagues will be unable to vote in person due to health or travel difficulties. Foreseeing this eventuality, the Congressional Progress-

sive Caucus issued a Whip Question to its Members several weeks ago to measure support for instituting virtual voting in the House of Representatives. Responses from the Caucus were overwhelmingly in support.

I support remote voting efforts in Congress in whatever form they may take, and plan to vote in favor of implementing legislation when it is presented to the full U.S. House of Representatives. I thank you for your friendship and look forward to continuing to work together on this and other matters.

Sincerely,

MARK POCAN,
*Member of Congress,
Co-Chair, Progressive Caucus.*

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Mr. Speaker, I thank the gentleman for yielding.

We cannot do and cannot do—and how many times can I say it?—we cannot stand here and do nothing.

The Constitution has no provision that prohibits this body from doing something to avoid a catastrophe of not being able to govern this Nation.

My friends who were here during the heinous tragedy of 9/11 remember that we had a continuity committee and put in a provision of the rules under Republican leadership of what would constitute a quorum.

But let me say this, my friends. No one is telling you not to be present, but what it does say is that we are prepared, we will not panic. We are prepared in case a catastrophic resurgence of COVID-19 comes in the fall as the scientists have said.

And, no, no proxy is going to dominate this floor. A proxy is directed by the Member, and they must specifically, on each vote, tell you what to do. Those directions are specific.

At the same time, no Member is prohibited, as I said, from coming to this floor. Eleanor Roosevelt said: "One thing I believe profoundly: We make our own history." That is what we are doing. We are making our history so that we can serve the American public.

Do you think truck drivers and first responders want us to collapse and not pass a bill that provides for them so they will not be furloughed and fired? They want us to do our job.

Thomas Paine said, "times that try men's souls." This is a constitutional process. It allows for us to proceed and govern this Nation without an interruption.

We have seen Members who are COVID-19 positive. It can happen to a predominant number of Members. How, then, will we respond? We need to respond with the exact idea that has been promoted and put forward in this resolution.

Let me also acknowledge the fact that 36 million have filed for unemployment; 85,000 have died. It is projected 134,000 will die. That is why we have done prison dollars. That is why we put the heroes money in so that we don't have people seeking to eat.

Mr. Speaker, I include in the RECORD an article entitled "City Staring Down \$169 Million Budget Gap" and an arti-

cle from the Houston Chronicle entitled "Universal testing for coronavirus is a national security issue."

[From houstonchronicle.com, May 13, 2020]

CITY STARING DOWN \$169M BUDGET GAP

(By Jasper Scherer and Dylan McGuinness)

Houston Mayor Sylvester Turner, facing an economy hammered by the coronavirus pandemic and collapsing oil prices, on Tuesday proposed to close an upcoming budget gap by furloughing about 3,000 municipal workers, deferring all police cadet classes and exhausting the city's entire \$20 million "rainy day" fund.

The proposals are in response to an estimated \$169 million revenue shortfall for the fiscal year that begins July 1.

Emptying the rainy day fund "leaves the city in a precarious state for the upcoming hurricane season," the mayor acknowledged in a message to city council members that accompanied his budget plan. The account hold money in reserve for emergency situations, such as cash flow shortages and major disasters.

The city had just recently replenished the fund after using all \$20 million in the wake of Hurricane Harvey. It will not have that option if a storm hits Houston this year.

"The dollars from the economic stabilization fund are gone," Turner said. "There is no rainy day fund."

Under Turner's plan, the city also would draw \$83 million from its cash reserves to balance the budget.

The city's tax- and fee-supported general fund, which covers most basic city operations, would spend \$2.53 billion under Turner's plan, a decrease of about 1 percent from the current budget. Despite the narrow spending cut, the city would be left with a general fund balance that dips below the amount required by city ordinance.

Turner said the rule makes an exception "in the event of economic instability beyond the city's control."

Houston is expected to lose nearly \$100 million in sales tax revenue during current fiscal year and the one beginning in July, due in part to a precipitous drop in oil prices, along with the closure of bars, restaurants and other businesses during the pandemic.

The overall city budget, including services that are funded by dedicated fees and utility charges, is \$5.1 billion, a slight increase from the current budget.

The proposed spending plan, which is subject to approval by city council, only says that the city would furlough "thousands of municipal employees." At a news conference Tuesday, Turner said the number would be around 3,000 of the city's nearly 21,000 employees. The workers would forego 10 days of paying the city roughly \$7 million.

Turner did not specify which departments would be required to send workers home without pay, though he said the city would not place anyone on furlough from the police, fire and solid waste management departments.

The city will implement any cuts until the new fiscal year begins July 1, Turner said.

The bulk of the city's operating budget is devoted to paying roughly 5,200 police officers and nearly 3,800 firefighters. Public safety would account for 59 percent of the general fund under the proposal, and usually about 90 percent of the police and fire departments' costs are devoted to personnel. Both departments would see modest increases of about 2 percent in spending under Turner's plan, with police climbing to \$930.6 million and the fire department to \$516.9 million.

The departments seeing the biggest cuts in their operation budgets include Public

Works (\$4.5 million, or 14.3 percent of its budget); Parks and Recreation (\$10.4 million, 13 percent); and Solid Waste (\$4.5 million, 4.8 percent).

Turner's budget plan could undergo significant changes, the mayor said Tuesday, if Congress allows local governments to spend COVID-19 stimulus funds to make up for lost tax revenue. Houston received \$404 million from the roughly \$2 trillion coronavirus stimulus package and for now is barred from spending it on previously budgeted expenses, though city officials may identify some public safety expenses related to the pandemic that can be covered with federal aid, Turner said.

"More than likely you will see additional dollars flowing into this budget in the next couple of weeks," Turner said.

The mayor already is proposing to use federal COVID-19 funds to cover the city's roughly \$10 million annual contract with the Houston Zoo, which is paid out of the general fund. Turner said he also has directed the fire and police chiefs to determine which of their recent operations were devoted to COVID-19—spending that could be eligible for federal aid.

Democratic lawmakers in Washington, D.C., also have sought more money for state and local governments in Congress' next stimulus package, though such plans have met skepticism in GPO ranks.

Even if Congress gives Houston officials more flexibility to spend the funds, Turner said the \$404 million will not cover all the city's COVID-19 expenses and lost revenue. The city already is projected to spend about \$200 million on testing, contact tracing and other health expenses, Turner said, while putting additional funds toward rental assistance and programs to help homeless Houstonians.

"The \$404 (million), though it seems like a big number, it's not big at all considering the needs that exist," Turner said. "Just because we may be able to pull dollars from what we have received, it doesn't mean that there will be sufficient dollars to do it."

If the federal government does provide more money, Turner said his first priority would be to reinstate the police cadet classes, which would cost \$14 million. Next on the list would be eliminating furloughs and refilling the city's reserves.

Cities across the country already have slashed large chunks of their payrolls, placing workers on furlough, laying off employees and implementing hiring freezes. As many as 1 million municipal workers may be laid off or placed on furlough, according to the National League of Cities.

[From the Houston Chronicle, May 6, 2020]

UNIVERSAL TESTING FOR CORONAVIRUS IS A NATIONAL SECURITY ISSUE

(By Rep. Sheila Jackson Lee)

Most Americans are not fully aware how up to now the United States has been so effective at preventing, combating, and mitigating outbreaks of infectious disease. We have been able to do this because of the expertise and responsiveness of superb institutions, independent agencies and offices throughout the federal government that effectively dealt with Ebola, H1N1, Zika, SARS and MERS.

I was alarmed by news reports in late December 2019 of a new or novel coronavirus. By January, the machinery of government with its unparalleled ability to project power globally, galvanize our allies, and coordinate peer competitors in the field of science and technology should have activated to provide all needed resources and assistance to China to contain the disease. This was not a China problem; it was a global threat requiring a global response.

So early the next month, on Feb. 10, I held a press conference to raise public awareness on the emerging threat posed. Two weeks later, on Feb. 24, I called another press conference to urge that testing be given the highest priority in battling the spread of the new coronavirus and the sickness it causes called COVID-19. And I continue to champion testing as the tool that federal, state, tribal and territorial governments must embrace to support our COVID-19 economic recovery.

We are at the beginning of May and testing is still urgently needed. There cannot be further delay in acting. If we cannot see COVID-19 there is no way to stop it. If we do not dramatically increase testing, we will remain prisoners of COVID-19 until we have a vaccine widely available, which is not expected to occur until early 2021.

As the nation does battle with COVID-19 it is not the role of public policy makers to determine acceptable losses of civilian lives. Although in military battles commanders must calculate acceptable losses as part of battle plans, none of these calculations are based on the intentional sacrifice of lives. Any commander thought to have unnecessarily cost the lives of soldiers or civilians through their actions or decisions would face severe consequences. If the decisions are not driven by public health, but by economic interest, this is the wrong calculation. The economic injury caused by COVID-19 is because there has been and continues to be insufficient testing to check its spread.

Decisions to open state economies seem to want to place responsibility upon small business owners who decide to reopen without making clear what the consequences may be to them if even one case of COVID-19 occurs among their employees or customers.

For this reason, I have partnered with Houston hospitals, local public health agencies, local businesses and international corporations to promote the provision of community-based COVID-19 testing sites to assist in this critical first step in stopping COVID-19's unchecked spread in local communities.

The economic and health security of the nation hinges on getting testing in every community so that we can shine a light on where COVID-19 is and where it is not present. The lack of testing early on and the continued lack of testing is costing trillions in lost economic output and it will continue to cost much more as we struggle to save lives through social distancing and providing adequate universal access to COVID-19 medical treatment, equipment and PPE to protect medical personnel as well as essential workers.

The United States needs to meet or exceed the recovery rate of other nations around the globe so that our national economy can benefit as the global economy recovers. This will happen once we demonstrate that our nation can do the hard work of implementing successful testing, contact tracing and social distance programs. Other nations including our own will not tolerate reinfections once they are under control because a COVID-19 infection anywhere is a threat to people living everywhere.

The virus that causes COVID-19 is less than five months old and it has rocked the world with its arrival. If this new coronavirus is under active transmission in communities, it could continue to evolve. This is the reason we must do the hard job of stopping this virus and do it sooner than later.

There are six actions that can be taken before the end of the summer to make it possible for children to return to school in the fall:

1. The president should use the Defense Production Act to produce enough of the

COVID-19 15-minute test recently approved by the FDA for use in high risk areas like urban, rural, and Native American communities and environment such as food processing, warehouses, production lines or factories;

2. Target COVID-19 pandemic aid to communities based upon mortality not just known infections;

3. Equip health care professionals with enough PPE to provide home health visits to the elderly who will need more engagement than telemedicine can provide to ensure their health and welfare;

4. Provide 100 percent paid medical leave for persons who themselves or someone in their household have one or more of the known risk factors that make COVID-19 a deadly threat;

5. Implement robust contact tracing efforts to ensure that every infection is tracked and those who may have been infected are identified; and

6. Prepare contingencies to address public emergencies such as hurricanes, tornadoes and wildfires in conjunction with COVID-19 for known seasonal high-risk disaster areas of the nation, such as along the Gulf Coast, the Mid-Atlantic, Tornado Alley and fire-prone California and the Caribbean.

A greater commitment to universal testing will save the lives of hundreds of thousands of people and cost far less than the economic stimulus that is very necessary as the economy stagnates under the weight of COVID-19 stay at home orders and quarantines. A misstep at this point can have dire consequences for the lives of families, their children and the elderly; and result in an even deeper impact on the local, state and national economy.

Ms. JACKSON LEE. Mr. Speaker, we need rural, city, local, and State funding and \$15 million in rental assistance. We need to do this resolution and pass the HEROES legislation now.

Mr. Speaker, as a senior member of the Committees on the Judiciary, and on Homeland Security, and the Budget, I rise in strong support of H. Res. 965, which authorizes the Speaker, in consultation with the Minority Leader, to temporarily implement remote committee proceedings and remote voting in the House when she has been notified by the Sergeant-at-Arms, in consultation with the Attending Physician, of a public health emergency due to the coronavirus.

When exercised, that authority lasts for 45 days but can be extended if the public health emergency persists or there is a resurgence.

Mr. Speaker, in the 231 years since the first Congress met in New York City on March 4, 1789, our nation has undergone and overcome many crises and challenges, from the presence of British troops in the capital city during the War of 1812, to the Civil War, World Wars I and II, the Spanish Flu of 1918, the Great Depression, and the Great Recession of 2008.

Through it all, Americans have persevered and America has flourished because Americans do not give up hope or give in to despair. Instead of cursing the darkness, we light candles.

Our national history is one of pride in our democracy, in a government of, for, and by the people, and our willingness to sacrifice to keep it and our ability to adapt to changing times to sustain it.

Mr. Speaker, we are now in the midst of one of those 'times that try men's souls,' as Thomas Paine put it two centuries ago.

As of yesterday, there were at minimum 4,405,688 cases of COVID-19 across the

globe and 1,400,500 in the United States, resulting in more than 300,000 deaths worldwide and more than 84,985 in the United States.

With just 4 percent of the world's population, the United States has one-third of the total COVID-19 cases and nearly 30 percent of deaths from COVID-19 globally.

Mr. Speaker, the necessary measures taken to slow the pandemic and 'flatten the curve' so as not to overwhelm the nation's health care system has also delivered a severe shock to economic activity in the United States.

Yesterday, the Department of Labor reported that the number of first-time unemployment insurance claims exceeded 2.85 million, bring the total number of unemployed to 36 million, shattering by orders of magnitude all previous marks.

So, Mr Speaker, it is essential that this Congress act and act now to put in place measure that will address the public health crisis, stem the economic onslaught, and ameliorate the suffering and deprivation of individuals and communities.

But requires that we first ensure that the Congress discharge the duties delegated it under the Constitution in a way that does not needlessly endanger Members, their staff, or any of the thousands of Capitol Hill personnel.

That is the purpose and intent of H. Res. 965; to allow Members from across the country to continue legislating on behalf of the American people while adhering to the advice of medical experts and protecting public health.

First, the resolution authorizes remote committee proceedings during the pandemic.

During the public health emergency period, committees are authorized to hold virtual hearings, markups, and depositions so Members can perform oversight, conduct fact-finding, and prepare legislation for the House floor.

Committee chairs can choose to hold entirely virtual proceedings, with Members participating from any location, or they can hold proceedings in the hearing room with some Members participating remotely.

Members participating remotely will count towards a quorum and be able to vote.

Committees are required to use software platforms approved by the Chief Administrative Officer (CAO) for remote participation.

Second, H. Res. 965 authorizes and implements procedures for remote voting on the House floor during the pandemic.

Specifically, the resolution allows for remote voting by proxy on the House Floor during the public health emergency period.

All Members voting remotely will be counted toward a quorum.

After sending a letter to the Clerk designating a proxy, Members are permitted to vote remotely on any vote.

Members voting remotely will be given 24-hours' notice before any final passage vote to ensure they can secure a proxy if they have not yet designated one.

Mr. Speaker, it is important to emphasize that this is not a general proxy, rather proxies must receive exact written instruction from the Member voting by proxy on each vote and are required to follow that instruction precisely.

To ensure transparency, a list of designated proxies will be posted on the Clerk's website and a list of Members voting remotely will be printed in the CONGRESSIONAL RECORD following each vote.

In addition, Members' votes will be read aloud during the vote.

Additionally, no Member can serve as a designated proxy for more than ten Members.

Finally, the resolution provides for remote voting through technology during the pandemic, after a system is developed and certified.

The resolution directs the chair of the House Administration Committee to study the feasibility of using technology to vote remotely in the House, and to provide certification upon a determination that there is operable and secure technology for remote voting.

After the certification, the chair of the Rules Committee is directed to issue regulations on the implementation of remote voting and the Speaker is then authorized to notify the House that Members may cast their votes remotely during the public health emergency period covered by the resolution.

Mr. Speaker, in this moment of national crisis Americans are looking to their government to be there for them and enact policies and take action that will see us through this pandemic as safely and as quickly as possible.

To ensure that the House, the first branch of the co-equal but preeminent body vested by Article I with the power to investigate, legislate, and appropriate in further of the general welfare and national defense, remains able to discharge its constitutional duty, I urge all Members to join me in voting to pass H. Res. 965.

Mr. COLE. Mr. Speaker, I yield 1 minute to the gentleman from Washington (Mr. NEWHOUSE), my good friend and former Rules Committee member.

Mr. NEWHOUSE. Mr. Speaker, I thank the gentleman for yielding.

Article I, section 5 of the United States Constitution states that only a majority can constitute a quorum in order to do the business of the people's House. As a former member of the House Rules Committee, I have a deep appreciation and a commitment to the precedence and procedures of this hallowed body.

But under this democratic proxy voting scheme before us today, only 22 House Democrats would need to be present in this Chamber to pass any and every single bill moving forward. This is a forced consolidation of power to a select few insiders, and it simply does not reflect the values of our constitution, our history, and our Nation.

The constituents of my Washington's Fourth Congressional District did not vote for their Representative to simply defer to a proxy and shirk the duties of serving as a U.S. Representative.

Mr. Speaker, the American people deserve more, and I urge a "no" vote on this terribly ill-advised and unconstitutional resolution.

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

I insert in the RECORD an April 14 AP news article entitled, "Wisconsin Assembly OKs Virus Bill in First Virtual Session."

[From the Associated Press, April 14, 2020]

WISCONSIN ASSEMBLY OKS VIRUS BILL IN FIRST VIRTUAL SESSION
(By Todd Richmond)

MADISON, WIS. (AP).—The Wisconsin Assembly overwhelmingly approved a sweeping coronavirus relief bill Tuesday during a vir-

tual session, the first time state lawmakers have gathered since the pandemic began in the United States.

The session took place in the Assembly chamber as usual, but due to concerns about spreading the virus nearly two-thirds of the body's 99 members attended via video-conference. The Senate was to hold a similar session on Wednesday to send the bill on to Democratic Gov. Tony Evers.

It marked the first time in Wisconsin's 172-year history that lawmakers convened a session with members participating remotely. Legislative rules require lawmakers to be present to debate and vote on bills but a 2009 law allows for virtual sessions during disasters.

One section of the Assembly gallery was open to the public, with only 14 seats available and each spread out 6 feet apart. Public seating, also 6 feet apart, was available in the Capitol rotunda with speakers and TVs tuned to WisEye, the Legislature's version of C-SPAN. Two large TV screens, tuned to Skype, were set up on the Assembly chamber floor. About 35 members sat in the chamber, all spaced several seats apart. Many rows were empty. Several pages wore face masks, as did Assembly Minority Leader GORDON HINTZ. He was the only Democrat on the floor.

The session got off to a slow start as Chief Clerk Pat Fuller tried to call the roll. Lawmakers joined from their kitchens, Capitol offices and home offices and struggled to unmute themselves and register their attendance before Fuller moved on to the next legislator. Some seemed amused at the setup, smiling and waving to the camera. Others initially appeared befuddled, apparently unable to hear or to figure out how to be heard. Roll call votes took minutes as Fuller asked each lawmaker individually for his or her vote. In a normal world voting is almost instantaneous as lawmakers signal their votes from their seats with the touch of a button.

Moments before adjourning for a 10-minute recess, Speaker Pro Tempore Tyler August warned lawmakers not to touch their laptops during the break because if they disconnected themselves they wouldn't be able to log back in. Assembly Speaker Robin Vos, one of the few legislators on the floor, said setting up the virtual session was "extremely challenging" and he hoped the Assembly would never have to meet that way again.

The process smoothed out as the session progressed. The chamber ended up approving the bill 97-2.

The legislation largely ensures that Wisconsin can capture the \$2.3 billion coming to the state under the federal stimulus bill, including higher Medicaid payments and unemployment benefits. The Legislature's budget committee would be allowed to allocate up to \$75 million in funding during the public health emergency and up to 90 days after it ends.

The measure also would waive the state's one-week waiting period to receive unemployment for anyone who applies between March and Feb. 7, 2021; ban certain insurers from prohibiting coverage based on a COVID-19 diagnosis; ease licensing and credentialing for health care workers; reduce nurse training hour requirements; and render health providers immune from civil liability for services provided during the pandemic. Local municipalities also could choose to defer their residents' property tax payments.

Evers' administration has been working closely with Vos and Senate Majority Leader Scott Fitzgerald on the bill. The governor did not say Monday whether he supported the bill, saying he had not reviewed it, but

he hoped it wouldn't be the last action taken by the Legislature to offer aid during the pandemic.

Nineteen states had allocated more than \$3 billion to respond to the pandemic as of Friday, according to the National Conference of State Legislatures and the Wisconsin Policy Forum.

As of Tuesday, COVID-19 had killed 170 people in Wisconsin and infected more than 3,500. Among those who contracted the virus and recovered is Democratic state Rep. David Bowen, of Milwaukee.

Vos and Hintz were the only lawmakers who spoke about the bill prior to the vote. Hintz said the Legislature should be prepared to return to work on further legislation that helps Evers deal with the pandemic.

"We should make sure we are listening, enabling and supporting and giving (the Evers administration) the flexibility to manage this crisis," he said. "I refuse to admit this is all we can do as a state."

But Vos cautioned against giving Evers "blank checks" as the virus wreaks "economic carnage" on the state's finances. He said he was disappointed the bill didn't freeze state spending in fiscal year 2020-21 and lamented that state workers will still get an automatic 2% raise.

"We have to be just like a family where the credit card use is limited," Vos said. "Think before we spend. Make investments that are wise but not wanting."

Mr. MCGOVERN. Mr. Speaker, I insert in the RECORD a May 6 Boston Globe article entitled, "For the First Time in 400 Years, Mass. Lawmakers Vote Remotely."

[From the Boston Globe, May 6, 2020]

FOR THE FIRST TIME IN 400 YEARS, MASS. LAWMAKERS VOTE REMOTELY

(By Matt Stout)

With lawmakers dialing in from across the state, the Massachusetts House of Representatives on Wednesday voted remotely for the first time in the body's near 400-year history, and officially relaunched formal lawmaking amid the novel coronavirus pandemic.

The historic session, which lasted roughly an hour, included one substantive vote: a 157-0 roll call approving a bill that would allow the state to borrow billions of dollars over the next eight weeks to help pay its bills.

It came amid a surreal scene. As a smattering of people, including House Speaker Robert A. DeLeo, held court in a mostly empty chamber, dozens of representatives called in to a network of conference call lines, where other lawmakers gathered and recorded their votes.

A livestream offered a view inside, showing a half-circle of stanchions surrounding the rostrum to separate DeLeo, House clerk Steve T. James, a court officer, and others—all of whom were wearing masks—from the rows of seats where representatives would otherwise be stationed.

Where they actually were ran the gamut. Representative William Driscoll Jr., a Milton Democrat, tweeted a photo from his car parked in the Blue Hills Reservation, the livestream playing from a phone propped up on his dashboard. Representative Tram T. Nguyen shared a picture of her logged in from a kitchen countertop. Representative Susannah Whippis showed off a plate of vegetables on her Twitter feed.

House leaders discussed for weeks how to relaunch formal legislative sessions amid the spread of COVID-19, after spending the better part of two months moving bills through informal gatherings with no debate and where a single "no" vote could stall legislation.

The set of emergency rules was approved Monday, but only after a heated, partisan dispute that started when House minority leader Bradley H. Jones blocked the rules package, arguing that it effectively limited how often most representatives would be allowed to speak.

He had accused DeLeo of using the crisis to "achieve more power," while the Winthrop Democrat lashed out at what he called the Republicans' "recklessness and fiscal irresponsibility." (The House couldn't pass the borrowing bill unless the House held a formal vote.)

Jones and DeLeo ultimately agreed to a revision this week that allows some Republicans, including Jones, more chances to speak during legislative debates under the new rules, which could remain in effect until as late as January.

Such back-and-forth was largely absent from Wednesday's otherwise smooth session, though it included some awkward but harmless hiccups as lawmakers adjusted to their new remote reality.

Shortly before DeLeo opened the session, a voice fluttered through on the livestream.

"Hello?" a lawmaker asked.

Another voice quickly cut in, informing him he had accidentally called a number connected to a microphone within the chamber. "You're actually dialed into the rostrum line," he was told.

Later, when Representative Denise Garlick called in to speak on the borrowing bill, a delayed feedback from the session was audible over the livestream—trailing the chamber by several moments and causing Garlick to pause for several moments after DeLeo recognized her.

When she wrapped her testimony, a long pause again settled over the line, and the phrase "[Audio difficulties]" popped up on the livestream feed.

"Is the representative finished with her remarks?" DeLeo eventually asked.

"Yes," Garlick said.

Representative Harold P. Naughton was the only lawmaker not to cast a vote, but the Clinton Democrat had a good excuse: A lieutenant colonel in the Massachusetts Army National Guard, he was activated roughly a month ago and is reporting to Hanscom Air Force Base through May 31, he said Wednesday.

"I've been pushing back information that I feel my colleagues need from the vantage point of the National Guard," he said in a phone call, adding he did listen to the session. "It was pretty historic."

The Legislature owes its roots to Colonial times, when the "General Court" gathered for the first time in 1629 in London and later became the government of the Massachusetts Bay Colony. Amid its various iterations, members have met in person to cast votes, and House leaders initially questioned whether the state's constitution even allowed it to conduct remote voting.

The House's emergency rules try to limit who could be in the chamber to DeLeo and Jones; Aaron Michlewitz, DeLeo's budget chairman; eight "monitors" who would tally votes from members on conference call lines; and a few other Republicans, Democrats, and staff.

The bill the chamber passed Wednesday allows the state treasurer to borrow any "necessary" amount this fiscal year and pay it back by June 2021. Donning a gray mask, Michlewitz said from the House floor that the amount could be "in the range of \$3 billion," though it will depend on how the state's finances weather the pandemic.

The legislation was first filed by Governor Charlie Baker amid fears the state could face a budget gap after pushing its April 15 tax filing deadline into July, potentially divert-

ing huge chunks of money it would otherwise collect now into next fiscal year.

That appeared to already be happening. Massachusetts tax revenues plummeted last month, dropping more than 50 percent below what the state collected at this time a year ago. The \$1.98 billion in taxes the state collected in April—typically the biggest tax month—was more than \$2 billion below state projections.

"A staggering number to say the least," Michlewitz said.

So, after Garlick and Representative Todd Smola, a Warren Republican, spoke in support of the bill, DeLeo teed up a roll call. Minutes later, he documented the 157-0 tally to officially move the bill to the Senate, where leaders are weighing their own rules to hold a remote session.

"Congratulations," DeLeo said to representatives watching and listening in. And he rapped the gavel to close the session.

Mr. MCGOVERN. Mr. Speaker, I insert in the RECORD an April 1 Courier Journal article entitled, "Kentucky House Dramatically Limits In-Person Voting on Bills Due to Coronavirus Concerns."

[From the Louisville Courier Journal, Apr. 1, 2020]

KENTUCKY HOUSE DRAMATICALLY LIMITS IN-PERSON VOTING ON BILLS DUE TO CORONAVIRUS CONCERNS

(By Joe Sonka)

FRANKFORT, KY.—For the first time in the history of the Kentucky General Assembly, a large majority of House members voted on bills remotely by texting photos of their paper ballot via phone.

The move is part of rule changes adopted Wednesday out of concern about the coronavirus pandemic.

The change was agreed on by leadership of the Republican majority and Democratic minority of the House in order to keep members from being in close proximity on the floor of the chamber, as the number of confirmed cases of COVID-19 in Kentucky continued to increase.

On Monday, lawmakers learned that a legislative staffer had tested positive for the coronavirus, though no legislators had announced testing positive as of Wednesday.

In a press release announcing the rules change shortly before the House gavelled in on Wednesday, House Speaker David Osborne, R-Prospect, said the pandemic is a historic challenge to the state, and his chamber "is willing to take equally historic steps to meet our Constitutional obligations to the people of Kentucky."

"I appreciate the support of our Caucus members, House Minority Leadership, and our staff in making it possible to use every tool available to us in order to finish our work," Osborne stated.

In order to adopt the rules change to allow remote voting, House leadership allowed members to enter in groups of 25 to cast their vote as present and in favor of amending the rules.

Under the rules change, members could text a photo of their paper ballot vote to designated members of their party who remained on the House floor and cast their votes.

Following the approval of the rules change, members voted 89-1 to adopt Senate Bill 249—freezing the pension contribution rate of local government employers—in a nearly empty chamber.

The three Democratic leadership members remained on the floor as vote designates, while three Republicans remained as vote designates along with Osborne and two other GOP members of leadership.

Two Democratic House members—Reps. Terri Branham Clark and Nima Kulkarni—were seen casting their votes on the bill from their cars in the parking lot outside the Capitol Building.

Part of the reason Democratic leadership agreed to the change was a pledge they received from Republicans that the House would take up only vital budget and revenue bills on the floor Wednesday, and not unrelated bills.

After the passage of SB 249, Rep. Chris Harris, D-Pikeville, entered the chamber and spoke in praise of Osborne's move to change the voting rules—noting that two weeks earlier he spoke on the floor denouncing House Republicans' decision to remain in session and vote on bills that were not related to a state budget or responding to the coronavirus crisis.

"I thank you for taking these historic and unprecedented measures to protect not only our members, but our families and communities," Harris said. "I was critical when I felt you weren't getting it right, so I want to be just as vocal in complimenting you today."

The House later used the same voting method to approve a one-year state budget for the executive branch and other appropriations and revenue bills that passed the Senate earlier in the day.

Mr. MCGOVERN. Mr. Speaker, I reserve the balance of my time.

Mr. COLE. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. GROTHMAN), my very good friend.

Mr. GROTHMAN. Mr. Speaker, I will bring up three things that are very wrong with proxy voting that I don't think have been brought up today.

First of all, one of the problems we have in this building is, even though we all represent 700,000 people, there are some Congressmen who are a great deal more powerful than others, and this bill will greatly increase the power of leadership.

Right now, people run into each other in the halls, talk to each other in the Cloakroom, question parts of the bill, and sometimes question leadership's narrative. This bill says everybody is going to be back at home, which greatly strengthens the power of leadership because people aren't around to question the bill.

Secondly, it lessens bipartisanship. When we are gone, we do have conference calls with other Republicans, but I find I talk to Democrats much more when we are in this building; and by taking people out of this building, you will decrease bipartisanship as you make proxy voting the norm.

Finally, you are penalizing the press. We should all be available to the press after these votes so they get a variety of perspectives. We are going to work our way down to the point where it is the Speaker and a few other Democrats around, and the press are not going to be able to talk to us all. It is an insult to the press.

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

I insert in the RECORD an April 22 Washington Post article entitled, "U.K.'s Zoom Parliament Launches With a Few Glitches But Shows Virtual Democracy May Work for a While."

[From the Washington Post, Apr. 22, 2020]

U.K.'S ZOOM PARLIAMENT LAUNCHES WITH A FEW GLITCHES BUT SHOWS VIRTUAL DEMOCRACY MAY WORK FOR A WHILE

(By William Booth)

LONDON.—Britain's extraordinary first "Parliament via Zoom" proceeded Wednesday in rather ordinary fashion, with the usual barbed questions and artful evasion by politicians, plus the addition of awkward views of oversize chins and bookshelves staged as backdrops.

Everything was the same, and everything was a little odd.

Breaking 700 years of tradition, the British Parliament has agreed to serve as a cradle of virtual democracy—to allow members to continue to debate, vote and legislate, but via video conferencing app, from the safety of their own homes, for the duration of Britain's coronavirus lockdown.

On Wednesday, there were a few minor technical hiccups. Some lawmakers' heads were cropped at the eyebrows by the bad framing. Their mics were sometimes too close or too far away, or the Internet connection bad, and so voices sounded tinny or muffled or like Darth Vader.

But all in all, for no rehearsals? Not a bad opening matinee.

For centuries, it has been essential for members of Parliament to be present in the Houses of Commons or Lords to vote. That's why special "division bells" ring out in Westminster's offices and committee rooms—and many bars—alerting lawmakers they have eight minutes to enter their lobbies, before doors are bolted shut.

Now, instead, they will get a ping on their mobile phones.

Britain is trying out "hybrid proceedings," where up to 50 lawmakers can be in the House of Commons—spaced six feet apart on the green leather benches—while another 150 of the 650 members can join by Zoom.

Wednesday's premiere featured the weekly thrust-and-parry session known as "Prime Minister's Questions," or PMQs.

Foreign Secretary Dominic Raab stood at the despatch box in place of Prime Minister Boris Johnson, who is recovering from the bout of covid-19 that put him in the hospital for a week.

In the sparsely populated House of Commons, Raab was quizzed by the new leader of the opposition Labour Party, Keir Starmer, who was prosecutorial in his questioning, insisting the government was slow to order a lockdown, slow to do widespread testing for the virus and slow to get vital protective gowns, masks and visors into the hands of front-line medical workers.

Speaker Lindsay Hoyle called on lawmakers by swiveling his head toward what appeared to be a TV monitor and shouting a version of: "We are now going over to Stephen Kinnock. STEPHEN KINNOCK!"

Shouting at a television being a time-honored tradition everywhere.

And then Kinnock, a Labour lawmaker from Wales, popped on the screen for those watching on Parliament TV—including Washington Post reporters—from their homes.

At one point, Hoyle shouted for David Mundell, a Scottish Conservative, who didn't answer.

"Unable to connect," the speaker said, perhaps creating a new meme, like the famous "orrrrrder, orrrrrder!" from past days. So they moved on.

In another exchange, Peter Bone, a Conservative from Wellingborough, was complaining about his constituents having to live off their overdraft accounts. "What on earth is going on?" Bone demanded. "When are the banks going to work in the nation interest and . . ."

Then his Zoom link went dead.

Raab said, "I got the gist," and answered anyway.

Legislatures around the world are sorting out how to proceed during the pandemic. Some—such as the German Bundestag and Irish Dail—are continuing to meet in person but with social distancing measures. Canada's Parliament is trying a mix of in-person and virtual, while the U.S. House of Representatives is fighting over a proxy voting proposal.

The Brits showed that it was possible to carry on.

The Guardian newspaper's Andrew Sparrow observed: "PMQs without 400-odd MPs in the chamber makes everything quieter, calmer, more intelligible and more grown-up. . . . Without the jeering and the aggro, it lacked gladiatorial edge, and frankly it was probably a bit more boring than the old PMQs. But boring is a much underrated virtue in governance."

Raab was questioned pointedly about the government's performance during the outbreak.

Labour lawmaker Barry Gardiner stated that the government's scientific advisory group on emergencies recommended a lockdown at the end of February. "The government claims it has followed scientific advice," he said. "But it hasn't, has it?"

Starmer asked Raab how it will be possible to go from the current 18,000 coronavirus tests a day to the 100,000 promised by the government by the end of the month.

Raab sought to correct Starmer, pointing out that the "capacity" stands at 40,000.

Starmer wasn't having it. "I didn't need correcting because I gave the figure for actual tests being carried out, which is 18,000," he said.

At the end of the session, Raab was asked by a Labour lawmaker if Britain would be "drawn into the U.S. president's disgraceful vendetta against the World Health Organization."

President Trump has cut off funding to the WHO because he says the international body sides too closely with China, where the virus first exploded onto the scene.

Raab said Britain supported international efforts and was a "leading player, whether it's on vaccines or supporting vulnerable countries, in helping to get through what is a global crisis."

He said the WHO has "has a role to play. It's not perfect, no international institution is—we do need to work to reform it. But we made clear we consider it an important part of the international response."

Mr. MCGOVERN. Mr. Speaker, breaking 700 years of tradition, I also insert in the RECORD a March 26 Politico article entitled, "Corona-era European Parliament: Empty Chamber and E-Voting."

[From the Politico, Mar. 27, 2020]

CORONA-ERA EUROPEAN PARLIAMENT: EMPTY CHAMBER AND E-VOTING

(By Maia De La Baume)

The chamber was almost empty, even for a presidential address. One lawmaker wore a face mask. And deputies voted remotely for the first time in the assembly's 62-year history.

Welcome to the European Parliament in the age of social distancing.

The Parliament's special one-day plenary session on Thursday, held to pass a series of corona virus emergency measures, was a mixture of the strange, the surreal and the historic.

Only a handful of the Parliament's 705 members sat in the hemicycle chamber in Brussels. The rest were scattered across the

Continent, following via video-link and voting by email from their home countries.

When European Commission President Ursula von der Leyen delivered a speech chastising EU member countries for thinking only of themselves at the start of the crisis, she stood meters apart from any aides and MEPs.

Parliament President David Sassoli, back in the building following a fortnight working from home after a visit to his home country of Italy, called the session “special and atypical.”

“It is the first time that a democratic parliament uses remote participation, this has never happened before,” Sassoli told MEPs after a first round of emailed votes. “The European Parliament is called on to experiment with things in this way at a moment for great danger for our citizens.”

As experiments go, this one was quite radical.

The Parliament’s regular plenary venue of Strasbourg has been abandoned for the next few months, at least. As much as the Parliament has a physical home at all right now, it’s Brussels.

Plenary sessions are normally four days long. But on Thursday everything was crammed into a one-day marathon to push through three coronavirus-related measures, including freeing up 37 billion in EU funding for member governments and temporarily allowing airlines not to use their slots at airports.

Some of the Parliament’s usual quirks were suspended—such as the “catch the eye” procedure whereby MEPs signal to the president that they wish to speak, and the blue cards raised to indicate a wish to question a fellow member.

Fewer ushers than usual roamed the chamber and they kept their distance from one another. Interpreters sat alone in their booths, rather than being crammed in with colleagues. Journalists were advised to stay away and watched via video stream.

Among the few MEPs who attended in person, Fulvio Martusciello of Italy wore a large white face mask. A Spanish MEP sported a new beard, perhaps a result of personal confinement.

In the Parliament, MEPs usually vote by raising their hands or by pushing a button on their desks to give their verdict on dozens or more amendments before adopting a final legislative proposal.

But on Thursday they considered only a few amendments as legislation was rushed through under an emergency procedure. And they voted from all across Europe by printing out a form, then signing, scanning and emailing it to the Parliament.

For some, such technological advances were long overdue.

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For some, such technological advances were long overdue.

“Corona drags the European Parliament into the 21st century,” tweeted Dutch center-left MEP Lara Wolters, above a picture of her smiling as she signed a ballot paper.

Bulgarian center-right MEP Eva Maydell also endorsed the innovation. But, she added, “this way of voting is only feasible for single votes. We need another solution for longer votes.”

Some MEPs apparently doubted their colleagues were up to the challenge of the new system. German Green MEP Rasmus Andresen asked his fellow lawmakers on Twitter not to “send your votes to all colleagues (don’t push the ‘reply all’ Button). It’s good to be transparent, but I don’t want to receive about 2000 emails with your votes in my inbox today.” (No older MEPs shot back by criticizing his lack of apostrophes or use of upper and lower case letters.)

Other MEPs complained about formatting issues with the first ballots that were sent to them, including trouble converting the documents into a PDF if they were using Apple devices.

Dita Charanzova from the centrist Renew Europe group told POLITICO the Parliament should have gone entirely digital and regretted that staff such as ushers had to attend, given that people are meant to be staying at home for health reasons.

“We are now a digital Parliament, no one should have to take a risk just for a few

members in an empty room,” Charanzova said. “It’s ridiculous to see the Commission there, and some MEPs. We should have gone completely digital for this plenary and for all future plenaries until the crisis is over.”

Mr. MCGOVERN. Mr. Speaker, I reserve the balance of my time.

Mr. COLE. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. WALDEN), my good friend and the distinguished ranking member and former chairman of the Energy and Commerce Committee.

Mr. WALDEN. Mr. Speaker, I thank my friend from Oklahoma, the current Republican leader of the Rules Committee, for yielding.

We are in unprecedented times, and unprecedented times do call for unprecedented actions. But using these times to smash a wrecking ball into the foundation of democratic lawmaking by making government more remote, more isolated from the people by dramatically centralizing even more power with those few at the top in the majority while giving the range of the House to fewer than 25 Members who show up with votes, with proxies, seems like a return to boss politics.

This is not to say there is never room for improvement in the way the House conducts its business.

Mr. Speaker, 10 years ago, I led the transition effort for House Republicans, and we looked at ways that we could modernize Congress and improve its operations.

But I knew these were matters not to be taken lightly and we needed an inclusive, bipartisan approach, and I took great care to solicit input from Democrats and Republicans alike. We even put up a suggestion box.

What we did was good work. The changes were relatively small, but the process was robust. Unfortunately, the reverse is true of this proposal.

“Regular order,” “accountability,” “transparency”—for the most part—“bipartisanship,” these are words that govern the Energy and Commerce Committee, the Republicans and Democrats. As the Republican leader of the Energy and Commerce Committee, I am concerned what this proposal means for the committees.

How do we preserve the rights of all Members on both sides of the dais from top to bottom as we Zoom through hearings and markups?

How do we preserve the integrity of the proceedings?

What if there is a technology failure?

What if somebody makes a mistake using the technology, like accidentally muting another Member or themselves? Haven’t we all, by now, experienced the inadequacies of video conferencing?

No serious legislator can believe that remote hearings, remote meetings, and remote markups are improved by these changes.

Moreover, this rules change further dehumanizes our processes. We all know social media has become a cancer on civility. Further distancing Members will not improve our relationships.

Think of what gets worked out between Members here on the floor or in the committees.

We need more bipartisan dialogue in this country, not less, so I urge my Democratic colleagues to withdraw this proposal and work with us to preserve the great democratic traditions of the U.S. House that will work in this challenging time.

□ 1345

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

Mr. Speaker, I have been inserting various articles into the RECORD showing other States and other parliaments and congresses across the world operating remotely to prove a point that it can be done.

I don't know whether my Republican friends are just intimidated by technology. I mean, listening to some of them, I think they think bifocals are a radical idea. But the bottom line is: We can do this.

The United States Senate had a remote hearing, and it worked out just fine.

The bottom line is that we are in the middle of a health crisis, a pandemic, and we need to make sure that we can continue to do our work in a safe and orderly way.

I mean, if I were cynical, I would think the reason my Republican friends are against this is to make sure we don't do anything. And I get it. They may not like the fact that we are trying to address the needs and the concerns of the American people, but we are going to do this, and I hope we get a bipartisan vote on this.

Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. HOYER), our distinguished majority leader.

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I want to remind us today of President Lincoln's words to Congress. He said this: "The dogmas of the quiet past are inadequate to the stormy present. The occasion is piled high with difficulty, and we must rise with the occasion. As our case is new, so we must think anew and act anew."

So said President Abraham Lincoln. So it is today.

This occasion is piled high with difficulty, but we must rise to the occasion. Our challenges are piled high, and this House must rise to meet them.

We find ourselves in new and unprecedented circumstances, so, Mr. Speaker, we must think anew and act anew.

The House has a duty to the American people to do its job, even in a crisis like this one that nobody on this floor has ever experienced. The House has a duty to the American people to do its job, especially in a crisis like this.

Let me say at the outset, Mr. Speaker—I want my colleagues to hear me on this—that there is no substitute for personal interaction of Members in a committee room or on the House floor. I share that view, Mr. MCCARTHY

shares that view, Ms. PELOSI shares that view, Mr. MCCONNELL shares that view.

But when that is not possible because it poses a mortal danger—86,000 plus of our fellow citizens have died because they contracted COVID-19. It poses a mortal danger to the health of Members, staff, press, and the public, and therefore, we must provide an alternative way to do the people's business.

Now, let me say that we had a bipartisan task force. At the first task force meeting, RODNEY DAVIS, Republican from Illinois, said, "We want the Congress to be able to work."

My colleague said that, cynically, we could observe that perhaps for those who may not be able to garner a majority for what we pass, perhaps they don't want us to work.

I hope that is not the case.

I know the administration does not want us to do oversight, but that is our responsibility.

This resolution will enable the House to conduct its work in full without risking the health and safety of Americans and communities across the country from which Members come and to which they will return.

It allows committees to use remote technology to conduct hearings and mark up legislation, technology already in use safely and effectively by millions of Americans, including the Supreme Court, nine people who have decided they ought to be separated and are therefore doing what has never been done in history. It is not a revolution. They are using technology to do the same thing they could do in the hearing chamber of the United States Supreme Court, period.

The United States Senate, as so many of my colleagues have observed, held a virtual hearing. The chairman was not there. He was quarantined. The witnesses were not there. They were quarantined.

Now, there were, as Mr. MCCARTHY has suggested, Members in the hearing room. So it is what Mr. MCCARTHY refers to as a hybrid hearing. This rule provides for that.

It will also permit the use of proxy voting on the House floor and takes steps toward adopting remote voting once a platform has been deemed secure.

I had hoped that Democrats and Republicans could move forward with such changes on a bipartisan basis.

I absolutely reject any theory that the character of the House is being changed by this rule, absolutely reject it. My friend is shaking his head, "No, it is."

Nothing changes. The same people vote, the same issues will be considered, the same witnesses will be heard, the same committee rules will be followed. The only thing that changes is the technology that is available to us.

By the way, when that board was lit up, there were some who people thought that was a radical change: "I ought to be able to stand on the floor

and say 'aye' or 'nay.'" And when C-SPAN was introduced: Oh, my. How radically that would change the House.

I reject, I say again, that this is any kind of radical change. What it is is the use of technology to accommodate the crisis we confront.

We had many productive discussions through our bipartisan task force, and, Mr. Speaker, I thank Mr. COLE, I thank Mr. DAVIS, I thank Minority Leader MCCARTHY. I congratulate JIM MCGOVERN, the chairman of the Rules Committee, for his fairness and for his attentiveness to everybody's position.

We didn't reach agreement. I am sorry that we didn't reach agreement. But we took a lot of the ideas that our friends on the Republican side of the aisle suggested. They were good suggestions, and we incorporated them in what we are doing.

We are including in this resolution the requirement that any software platforms are to be approved by the chief administrative officer, so some technology that is not accepted or proved to work would not be used, and allowing committees to hold hybrid hearings, which I just referred to, with both remote and in-person participation simultaneously.

However, Mr. Speaker, we were unable to reach a consensus on adopting 21st century tools that would allow the House to meet its constitutional responsibilities during this emergency, which is why Democrats are bringing this resolution to the floor today.

I hope, however, with this resolution now on the floor, that Republicans will join us in voting for it, and I urge them to do so.

If, in fact, you want the Congress to be able to act and exercise our responsibilities, you will vote for this rule, because it simply enables us to do what we have historically done: held hearings, voted on bills, brought them to the floor, had amendments, and passed them, the only difference being that there will be some people, maybe many people, who will be doing so, as technology enables us to do, virtually.

We know that remote technologies work, because the committees have already been using them to hold meetings, host forums, and engage in discussions about legislation.

Many State legislatures, Mr. Speaker, and foreign parliaments have already adopted these technologies successfully. By the way, one of them is Kentucky, for what it is worth.

The Washington metro area is still experiencing a high rate of infections, which has not yet peaked.

So our doctor, on whom we have relied for some of our health needs, says the best practice would be not to come together in one room, whether it be a committee room or the floor of the House, but would be to have people have the opportunity to vote remotely.

That is why the Capitol physician has cautioned us against bringing Members to Washington.

At the same time, more than half of those employed here as staff or support

workers commute to the Capitol complex on public transit, and they are concerned. We have an obligation to protect them and their families as well.

This change is not permanent. This is to meet a temporary catastrophe that confronts our country which we have not seen the likes of for over a century.

It will not advantage or disadvantage either party. There is no partisan advantage in this rule; none, zero, zip.

It does not fundamentally alter the nature of the House or how it operates. Let me repeat that. It does not fundamentally alter the nature of the House or how it operates.

There is no dangerous precedent here, only a commonsense solution to an unprecedented crisis that demands our ingenuity and adaptability as an institution.

Now, I said it hasn't happened for more than a century. 1918, during the Spanish flu, they passed many, many pieces of legislation with two or three people on this floor.

Perhaps my colleagues on the other side of the aisle think that is better than the 432 others by technology saying, "I vote aye," "I vote nay," whether it is in committee or, frankly, on this floor.

Indeed, to paraphrase Lincoln: This is how to think anew and act anew. That is all we are doing.

We need to have a system in place not only to deal with the current crisis, but future emergencies, including the possibility that another surge of COVID-19 is going to happen this fall.

If we fail to act now, as we failed to act after 9/11, we may be in a lot of trouble come September, without the capacity to join us all together in this Chamber, but still with the capacity to join us all together and participate pursuant to the rules of this House, even though we do so virtually.

This resolution isn't just about adopting remote working tools for the House. It is about ensuring that the House of Representatives, the people's House, conducts its constitutional duties of policymaking and oversight effectively and safely.

I am not sure the executive department is shedding any tears that we are not here.

Hear me: It is about making sure that our system of checks and balances remains fully in place by keeping the House functioning to the full extent of its abilities even, as I said, it does so virtually.

Frankly, when I say something to people on some of this technology, whether it is Zoom, FaceTime, Teams, WebEx, or any other technology of that type, very frankly, when I am looking at TOM COLE on that, as we did a couple of times, I see him on the screen, I know it is TOM COLE, and when TOM COLE says something, I know that that is what TOM COLE is saying.

There is no secrecy here. There are no smoke and mirrors. There is no advantage to either party by this. That is why I do not understand why this isn't

a bipartisan piece of legislation enabling this body to work in an effective way, albeit virtually.

□ 1400

Mr. Speaker, I want to thank Chairwoman LOFGREN from the House Administration Committee and Chairman MCGOVERN from the Rules Committee for their tireless efforts on this resolution, and I want to thank all of the Members who have been patient while we negotiated with Republicans through the bipartisan task force, hoping to produce a resolution that was bipartisan in its authorship.

Having said that, there is a very fundamental difference. I understand that.

Mr. COLE, at the hearing, offered a scholar's opinion that it would be unconstitutional to do this. Mr. MCGOVERN offered another scholar's opinion that it was fully constitutional to do this.

If that is the fundamental difference, I understand. But it is not because it radically changes the way this House works or radically changes the votes of the majority or the minority, or radically in any other way changes this House of Representatives to a body that is not represented. This resolution remains bipartisan in its ideas, and I hope it will be bipartisan in its adoption.

Once it has passed, I would ask my colleagues to familiarize themselves with its new proxy voting requirements and to adhere strictly to them. That will allow the Clerk's office to more effectively fulfill its role of recording and counting Members' votes with utmost accuracy.

Again, Mr. Speaker, I urge all of my colleagues to join me and many others in supporting this resolution and permitting the House to do its work safely and in compliance with social and physical distancing practices urged by all of our medical personnel.

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

Mr. Speaker, I have been extraordinarily restrained in this debate because I have a lot of speakers that need to have time on the floor to express their feelings. Sometimes when the other side repeatedly says things that are either out of context or deserve a rebuttal, you have got to respond. To my good friends on the other side who have cited the Senate committee, they know in negotiations we said we would be happy to do exactly that. We just want markups to be in person. So please don't use the Senate committee as if we somehow were opposed to that.

Second, my friend said we are intimidated by technology. We are not intimidated by technology. Heavens.

We respect tradition and we think there is a better way to do this. As my friends know, we moved toward them in the course of that discussion.

Finally, my very good friend, the chairman, said this was a plot maybe to do nothing. We have passed four bipartisan pieces of legislation working

together. We have done a lot in the last few weeks, and to suggest that we would deliberately sabotage the operation of the House simply because we disagree with you is wrong.

Quite frankly, doing nothing is bringing a bill to this floor—which you are getting ready to do in H.R. 6800—that you know the Senate won't pick up and you know the President won't sign. That is doing nothing.

We have proven that working together we can do a lot. All we ask is, let's return to that.

Mr. Speaker, I yield 2 minutes to the gentleman from Alabama (Mr. ROGERS), the distinguished ranking Republican Member on the Homeland Security Committee.

Mr. ROGERS of Alabama. Mr. Speaker, I thank my good friend from Oklahoma for yielding.

Mr. Speaker, I rise in strong opposition to H. Res. 965. This blatant, partisan move to fundamentally alter the way the House and committees operate completely undermines the rights of the minority and over 200 years of precedent.

As ranking member of the Homeland Security Committee, I am particularly concerned how this resolution overrides the rules of our committee. At the beginning of the Congress our committee negotiated with the majority a set of rules that protected minority rights. Now those rules are being thrown out and replaced by regulations written by the chairman of the Rules Committee, regulations that the minority first saw only hours ago.

I don't understand why Speaker PELOSI doesn't trust her chairmen and chairwomen to negotiate with their ranking members on ways to accommodate committee business during this pandemic. But, apparently, she just doesn't trust them.

One of the things that concerns me most about this resolution is that nothing guarantees that Republican Members are going to properly be notified and able to fully participate in virtual committee hearings. That may sound petty to you, but, unfortunately, on my committee, it is already the reality. For the last 2 weeks, Homeland Security Democrats have been holding virtual hearings without notifying Republican Members. To make matters worse, they restricted participation to only a handful of their Members. I fear this resolution will only further empower the misconduct on my committee and cause it to spread to others.

Worst of all, this is being done for the short-term benefit of the majority, and not the American people.

Mr. Speaker, I include in the RECORD a letter from all ranking members opposing this resolution.

WASHINGTON, DC,

May 14, 2020.

Hon. STENY H. HOYER,
Majority Leader of the House,
Washington, DC.

DEAR MAJORITY LEADER HOYER: We write in regards to H. Res. 965, which proposes partisan changes that facilitate remote and virtual committee operations while the House remains in recess.

When the Majority first released proposed rule changes a few weeks ago, we couldn't possibly imagine it could get any worse for the House as an institution. Yet, somehow, the Majority managed to write an even more egregious package of rules changes and seems hellbent on pushing these changes through without bipartisan consensus.

Upending more than 200 years of precedent through partisan fiat will jeopardize the deliberative process of the House of Representatives and our ability to represent our constituents. The House will be in session this week with debate being held and votes being cast. If the whole House can conduct business while adhering to health guidelines, then so too can our Committees.

The work of committees should be prioritized to ensure that we are producing thoughtful legislation to support the continuing response to COVID-19 and to foster a robust economic recovery for the American people. Properly prioritizing this work will ensure greater flexibility in scheduling and increase our ability to follow all applicable health guidelines.

Congress has already demonstrated that we can come together during this crisis to address the needs of the American people. Unfortunately, many of the proposed changes in H. Res. 965 are only necessary if you seek to move partisan measures or legislation unrelated to the COVID-19 response.

The proposed resolution gives unilateral authority to Chairman McGovern to determine how committees manage their business. Currently, committees are required to vote to ratify proposed committee rules, but this new superpower will allow a single Member of the House to determine the rules of the road for all without amendments and without a vote.

The issuance of a subpoena and conducting a deposition are serious matters. To allow remote depositions underscores how unserious H. Res. 965 truly is. A deposition is an important tool for committees to use and it should not be subject to the uncontrolled environment of an untested virtual setting.

The rights of the Minority in the House must be protected. Without the ability to ensure the rights of our Members are secured, we cannot support your efforts and will oppose any attempt to alter the rules.

As Ranking Members of all standing and select committees, we oppose this partisan assault on the rights of the House Minority and our ability to effectively represent the American people.

Sincerely,

Michael Conaway, Ranking Member, House Committee on Agriculture; Mac Thornberry, Ranking Member, House Committee on Armed Services; Virginia Foxx, Ranking Member, House Committee on Education and Labor; Kenny Marchant, Ranking Member, House Committee on Ethics; Michael McCaul, Ranking Member, House Committee on Foreign Affairs; Rodney Davis, Ranking Member, Committee on House Administration; Kay Granger, Ranking Member, House Committee on Appropriations; Steve Womack, Ranking Member, House Committee on the Budget; Greg Walden, Ranking Member, House Committee on Energy and Commerce; Patrick McHenry, Ranking Member, House Committee on Financial Services; Mike Rogers, Ranking Member, House Committee on Homeland Security.

Jim Jordan, Ranking Member, House Committee on Judiciary, House Committee on Oversight and Reform; Rob Bishop, Ranking Member, House Committee on Natural Resources; Frank Lucas, Ranking Member, House Com-

mittee on Science, Space and Technology; Sam Graves, Ranking Member, House Committee on Transportation and Infrastructure; Kevin Brady, Republican Leader, Committee on Ways & Means; Garret Graves, Ranking Member, Select Committee on the Climate Crisis; Tom Cole, Ranking Member, House Committee on Rules; Steve Chabot, Ranking Member, House Committee on Small Business; Phil Roe, Ranking Member, House Committee on Veterans' Affairs; Devin Nunes, Ranking Member, Permanent Select Committee on Intelligence; Tom Graves, Ranking Member, Select Committee on the Modernization of Congress.

Mr. ROGERS of Alabama. Mr. Speaker, many of my constituents are showing up to work every day; from grocery store clerks, to nurses, doctors, policemen, and first responders. If the House had the resolve and the courage to do the same, we wouldn't need this partisan resolution. This is disgraceful. I urge all Members to vote "no."

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

Mr. Speaker, I include in the RECORD a May 13 letter from Norman Ornstein, a current resident scholar at the American Enterprise Institute in support of our plan here.

MAY 13, 2020.

DEAR CHAIRMAN MCGOVERN: I want to commend you for the careful and thoughtful report you have issued and on which the House will soon act to provide the first important and meaningful steps to allow the House to operate during a dire emergency that may leave large numbers of members unable to work and be present in the Capitol to meet, vote and do other important business, including crafting and marking up legislation and doing important oversight.

As you know, I have been focused since 9/11 on making sure we have a functioning Congress at times of emergency; Congress is the first article in the Constitution, the first branch, for a reason, and it is essential for our freedom and our system of democracy that it be working and acting at all times, but especially during crises. The alternative is government by executive fiat, or no government at all. That spurred the creation of the Continuity of Government Commission, co-chaired by the late Lloyd Cutler and former Senator Alan Simpson, and which I have served as senior counselor.

My first interests, of course, stemmed from the terrorist attacks in 2001, but they were broadened by the anthrax scare that followed shortly thereafter. If it had been more directed and concerted, it could have resulted in widespread deaths and incapacitations of lawmakers in the House and Senate, meaning no quorum to meet the express Constitutional requirement and therefore no Congress for months or longer. That set of events also meant that in our Continuity of Government Commission, we had to consider the possibility of a crisis that could include a bio-attack, a pandemic, or a natural disaster. One of the things we discussed and considered, especially reflecting the interest of your colleague Jim Langevin, was the need to have a capability for Congress to debate and vote remotely if members were scattered across the country and could not meet together face to face in the Capitol or another designated forum.

Unfortunately, Congress, in the nearly 20 years since 9/11, took no significant steps to deal with these issues. Now they are back in a very serious way. COVID-19 is deadly, espe-

cially for older Americans and especially so when large numbers of people congregate closely together physically, which is a characteristic of Congress. As the congressional physician noted, meeting together in the traditional way is currently dangerous for lawmakers, their staffs, all those working in the Capitol complex, and all those they come into contact with. Travel on common carriers like airlines or trains is also dangerous, and it is possible that airlines will be shut down or curtailed enough that lawmakers back home would not be able to get back to the Capitol if there were an urgent need to meet to act for the benefit of the American people.

So the steps you have proposed, along with Majority Leader Hoyer and House Administration Chair Lofgren are thoughtful, balanced and sensitive to the need to create a plan to meet and vote remotely, while also understanding that this is a big step, given both the traditions of the House and the imperatives built into the Constitution. You commendably recognize that this first set of steps should be temporary, triggered only when absolutely necessary, and can and should be followed by additional action when we are confident that there are secure and usable technologies to allow remote voting, remote debate and deliberation, remote markups in committees, and so on. And you have pledged that you will write regulations that will balance the needs of majority and minority, be transparent, and avoid the kinds of manipulation that can occur with unlimited proxy voting.

I hope the House, in a bipartisan fashion, will endorse your plan and make sure we have a functioning House throughout this terrible crisis, to do what the Framers expected from the people's house, and to protect the interests and liberties of all of us.

Sincerely,

NORMAN ORNSTEIN,
Resident Scholar,
The American Enterprise Institute.

Mr. MCGOVERN. Mr. Speaker, in response to the gentleman who just spoke, I don't know what he is talking about, but there is nothing in this package that we are presenting that would undermine minority rights. I am happy to urge him to have his staff contact ours, but what he is talking about has nothing to do with what we are discussing here today.

I reserve the balance of my time.

Mr. COLE. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Illinois (Mr. BOST), my very good friend.

Mr. BOST. Mr. Speaker, I thank my friend from Oklahoma for yielding to me.

Mr. Speaker, the American people are sacrificing on the front lines. It has already been discussed about the truck drivers, the nurses, and all of that.

I was going to go on to that, but then when I sat on this floor and listened to things that were being said—remember, I come from the State of Illinois where over a long period of time, about 35 years, we have seen small moves that sounded so good at the time, giving all of their power to the Speaker—all of their power given away, which is not what our Founding Fathers said.

Mr. Speaker, the sponsor of this bill has said on several occasions that he would like to insert this statement into the RECORD and this article into

the RECORD. Well, they do not change the facts of Article I, Section 5 that are so clear, that this is unconstitutional.

I hope for the sake of the people who I represent or the people who each one of us represent that the Members will stand against this proposed rule, a rule that gives more power to one person instead of the individuals that we have here the way it was originally set up.

Mr. Speaker, as I direct my comments toward you and the Chair, I would like to say this: If you believe that I, as a Member, am going to give up by proxy the ability to represent my 720,000 people, it will not happen.

Mr. MCGOVERN. Mr. Speaker, the good news is that the gentleman doesn't have to give anything up.

Mr. Speaker, how much time remains?

The SPEAKER pro tempore. The gentleman from Massachusetts has 1½ minutes remaining. The gentleman from Oklahoma has 8½ minutes remaining.

Mr. MCGOVERN. Mr. Speaker, I reserve the balance of my time.

Mr. COLE. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Ohio (Mr. LATTI), my very good friend.

Mr. LATTI. Mr. Speaker, I thank my friend for yielding.

Mr. Speaker, I rise in opposition to H. Res. 965, which is a flagrant disregard to the Constitution and House traditions.

Proxy voting has previously been deliberated in this body. In 1970, an amendment was offered to ban all forms of proxy voting in committees. It argued committee members should be present in person to listen to debate, discuss, and vote. Proxy voting tends to add to the cloud of suspicion hanging over Congress.

The use of proxy voting on important bills gives up a Member's voice and adds to the appearance of secrecy. In 1974, an amendment was offered to entirely ban proxy voting. It was adopted by this House but later overturned by the Democratic Caucus. A CRS report gave the opponents' views to proxy voting by stating that it contributes to the domination of committee chairs, contributes to absenteeism, and detracts from the care necessary to formulate sound legislation.

A history maxim states that he who forgets the past is condemned to repeat it. Learn from our past and vote "no."

Mr. MCGOVERN. Mr. Speaker, I reserve the balance of my time.

Mr. COLE. Mr. Speaker, I yield 1 minute to the distinguished Member from California (Mr. LAMALFA), my good friend.

Mr. LAMALFA. Mr. Speaker, I thank my colleague from Oklahoma for yielding.

Mr. Speaker, our Founders used to ride days on horseback, on wagons, and through unkind conditions to get to D.C. to do their jobs for all of us at the time. We only have to brave TSA lines and occasionally delayed flights.

The Constitution here did not catch the virus. Why are we voting on a measure here to basically suspend it? These rules have been in place since basically 1789.

Mr. Speaker, our constituents elected us to come to Congress and do our job and be their voice in Washington, D.C. This would only mute their voice.

Just as ballot harvesting in my State has led to some shady and even fraudulent outcomes, Members of Congress should not have to be here to be possibly coerced by certain other Members to how their votes should be shaped. We need to be able to show up. It is not that hard, really, at the end of the day.

We have a higher calling to come here and do our job and be present to have these interactions, to have these conversations, especially when we are talking about possibly \$3 trillion of new spending that is going to be debt for the grandkids that we are still trying to be helpful to in our future generations.

I urge a "no" vote on this and we need to stop and think of what we are doing here.

Mr. MCGOVERN. Mr. Speaker, I reserve the balance of my time.

Mr. COLE. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Arkansas (Mr. WESTERMAN), my very good friend.

Mr. WESTERMAN. Mr. Speaker, why is it not too big of a health concern to call us back from all across the country to vote on a useless messaging bill that will wither on the vine outside this Chamber, but it is too much to ask us to come back and hold committee hearings?

Proxy voting shouldn't happen; not now, not ever. If Members of Congress are unwilling to do their job, they should step down and let someone else do it. If politicizing a process weren't enough, the Speaker is now weakening the core foundations of Congress.

Already, House Democrats have demonstrated their expertise at crafting partisan bills behind closed doors. And on the Natural Resources Committee, they have been holding partisan virtual hearings disguised as roundtables with no Republican input.

I will concede to my colleagues across the aisle that proxy voting will keep the process moving: the wrong process, the wrong direction, and for all the wrong reasons. I am not only concerned about how we will be voting; I am also concerned about what we will be voting on.

Is the plan now for a handful of Members to come back to D.C. every other week to vote on yet another messaging bill from the Speaker? This is wrong and none of us should stand for it. Republicans are ready to get back to real work. I ask Speaker PELOSI to please quit playing games with the rules and let us do our jobs.

Mr. MCGOVERN. Mr. Speaker, I reserve the balance of my time.

Mr. COLE. Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from Alabama (Mr. BYRNE).

Mr. BYRNE. Mr. Speaker, I was listening to the majority leader talk about a statement that Abraham Lincoln made. He made it in his annual report to the Congress on December 1, 1862. In that message, he proposed one of the dumbest ideas that has ever been put forth in this Congress and that was: instead of freeing the enslaved people in this country, we would round them up and put them on boats and take them back to Africa. That is what was in his message.

He talks about the tired dogmas of the past. The Constitution is not dogma. It is the fundamental law of this country.

□ 1415

Remember, on December 1, 1862, this Congress was in this room. Fifty miles away, 10 days later, a fierce and awful battle took place in Fredericksburg, with 18,000 casualties. If it hadn't been winter, the Confederate Army could have come here and taken this building. Yet, they continued to meet here, through pandemics of yellow fever and malaria. This was the hottest spot in the country for typhoid fever for over 15 years, and the Congress still met in this room.

Millions of Americans go to work every day, doing their jobs, and they expect us to do the same. Instead of adopting this very ill-considered rule, we should all get to Washington, do our jobs, and take care of the American people.

Mr. MCGOVERN. Mr. Speaker, I reserve the balance of my time.

Mr. COLE. Mr. Speaker, I yield 1 minute to the gentleman from the great State of Pennsylvania (Mr. PERRY).

Mr. PERRY. Mr. Speaker, this isn't about changing the rules to get things done. This is about changing the rules to hide what is done and who has done it.

This rule would change what is going to happen shortly here, which is a bill that provides another \$1 trillion to State and local governments in addition to the funds provided under the CARES Act. Now, much of the \$1 trillion already sent to the States has yet to be spent.

Take my home State of Pennsylvania, Mr. Speaker, where the Governor there has withheld CARES Act funding and extorted the counties to go along with his indefinite shutdown, the untimely deaths of hundreds and thousands in nursing homes, and the bankruptcy of many of our citizens.

This unnecessary and unconstitutional mandate has resulted in 1.8 million Pennsylvanians losing their jobs. We are fifth in population, number one in unemployment, and one or two in untimely deaths in nursing homes.

Despite all the CARES Act funds that we have already given, 41 days is what it takes, on the average, for somebody to receive unemployment benefits run by the State.

More money isn't going to help anything here, Mr. Speaker, not one more cent.

Mr. MCGOVERN. Mr. Speaker, I reserve the balance of my time.

Mr. COLE. Mr. Speaker, I yield 1 minute to the gentleman from the great State of Michigan (Mr. WALBERG).

Mr. WALBERG. Mr. Speaker, I had an experience just last week, in a virtual hearing, when it came my turn to push the “mute off” button on the microphone, it didn’t work. I was passed over. Then, when I texted in to find out why, I was told, basically: That is too bad. We will catch you at the end.

The only place for us to be in this Congress is where we are supposed to be, and that is here. We ought to be doing our work together.

Let me read you a quote from General Omar Bradley, a famous general who understood the cost of leadership. He said, of the Athenians:

In the end, more than they wanted freedom, they wanted security. They wanted a comfortable life, and they lost it all—security, comfort, and freedom. When the freedom they wanted most was freedom from responsibility, then Athens ceased to be free.

Mr. Speaker, together, we work for the freedom of this country.

Mr. Speaker, I would submit to you that if I am not willing to do what is necessary to be here, then it is time for me to consider turning over to somebody else. I would suggest that that ought to be for all of us who are privileged to represent people in this august body, which is not like any other parliamentary body in the world, not like a State legislature. This is the U.S. Congress. Let’s act like it.

PARLIAMENTARY INQUIRY

Mr. MCGOVERN. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Massachusetts will state his parliamentary inquiry.

Mr. MCGOVERN. Mr. Speaker, the gentleman just said that we had an official virtual hearing in this House.

I want to know whether or not, under the rules that currently exist, is it allowed for there to be official hearings virtually or remotely?

The SPEAKER pro tempore. The Chair doesn’t advise on committee proceedings.

Mr. MCGOVERN. Mr. Speaker, I will take it as there was not a hearing.

Mr. WALBERG. Mr. Speaker, may I respond. Education and Labor Committee last week.

Mr. MCGOVERN. Not a hearing.

Mr. WALBERG. Witnesses.

Mr. MCGOVERN. Mr. Speaker, I reserve the balance of my time.

Mr. COLE. Mr. Speaker, we have heard a lot today that the Republican plan was simply to prioritize testing for Members of Congress. Actually, it is a great deal more than that, as my friends know. It is much more expansive and much more complete.

Mr. Speaker, I include in the RECORD the Republican plan authored by the distinguished Republican leader, Mr. DAVIS of Illinois, and myself.

A PLAN FOR THE PEOPLE’S HOUSE

FOUR STRATEGIES TO REOPEN CONGRESS AND RESTORE AMERICA’S VOICE

(By Kevin McCarthy)

Benjamin Franklin once said, “If you fail to plan, you are planning to fail.”

Recently, we called on Speaker Pelosi to establish a clear, safe, and effective plan for reopening the House of Representatives. This follows the White House and America’s governors releasing their own detailed plans for a phased reopening of society, and now, both the United States Senate and Democratic Speaker of the California State Assembly calling their members back into session.

In the interim, a bipartisan taskforce has been convened—on which we are all serving—to further explore ways in which Congress can operate during this challenging time. While differences remain, it has become clear through our initial meetings that all members of our taskforce share several fundamental beliefs.

First, the business of the People’s House is “essential work” that must not be sidelined or ground to a halt.

Second, there is intrinsic value in a Congress—a physical meeting of people and ideas—that should be dutifully guarded.

And third, any changes to centuries-old rules and precedents of the House should be done in a deliberate and bipartisan way.

As we enter this indeterminate period between outright mitigation and a return to normalcy, everyone recognizes that our typical ways of doing business will need to adjust. Simply put, Congress will look and feel different.

However, we believe there is a pathway forward that enables the House to fully perform its key functions without compromising our shared values or sacrificing bedrock norms.

To that end, we offer four strategies that should form the basis of any plan to reopen Congress and restore America’s voice. These strategies are based on the advice of public health professionals, as well as guidance from parliamentary experts with decades of combined House experience.

We believe embracing this approach would achieve the necessary balance between health and institutional concerns—and hopefully build a more resilient and productive legislative branch in the process.

STRATEGY 1: MODIFY EXISTING PRACTICES AND STRUCTURES

The Rules Committee majority staff report on voting options during the pandemic states: “By far the best option is to use the existing House rules and current practices” (emphasis original).

Already, Congress has demonstrated its ability to adapt and to do so responsibly.

Earlier this month, the Rules Committee successfully convened an in-person business meeting in accordance with health guidelines developed by the Attending Physician and Sergeant at Arms. Likewise, over 50 members participated in a hearing on COVID-19 response efforts hosted by the Committee on Small Business. And this week, the Labor-HHS Appropriations Subcommittee will hold an in-person hearing on the coronavirus pandemic.

Beyond committee business, nearly 400 members came to the House Floor on April 23 in an orderly and physically distant fashion to record their votes on two consecutive measures, a process that Speaker Pelosi characterized as having been executed “fabulously.”

Moving forward, we should expand these protocols to reduce density and congestion in every facet of our work.

House office buildings and individual office floor plans should be assessed to provide new

provisional occupancy levels—with an eye towards possible reconfigurations to accommodate physical distance.

Additionally, measures should be explored to engineer temporary controls or barriers in locations where physical distance is difficult to achieve, as is currently happening in grocery stores and other places of public accommodation across America. For example, plexiglass dividers could be installed in high trafficked areas, like security checkpoints, or possibly in committee hearing rooms along the dais to provide further separation between members.

STRATEGY 2: EMPLOY A PHASED RETURN WITH COMMITTEES

Just as our states are employing a phased reopening approach, Congress should do so as well—beginning with committees and subcommittees as the engines of regular order.

Currently, the average total membership of a standing House Committee is approximately 40 members, with average subcommittee membership in the teens.

Each committee should present an outline to the Majority Leader detailing their projected business meetings for the month ahead, along with estimated attendance levels.

Working backwards, this information could be used to generate a staggered business calendar, with rotating use of larger committee hearing rooms where necessary. Precedence should be given to bipartisan COVID-19 response measures and other high-priority legislative items, such as the National Defense Authorization Act, Water Resources Development Act, and FY21 appropriations measures.

By directing committees to focus on legislation that has bipartisan and bicameral appeal, we can make the most of each member’s time and effort, thereby making the House more productive.

This system would also ensure greater transparency and regular order for all members—as opposed to centralized decision-making by a select group of leadership and staff that reduces the role of representative to merely voting “yea” or “nay” on pre-drafted proposals.

At the start, we do not envision routine recorded votes occurring in the House every day or perhaps even every session week. Instead, our voting schedule should be reimaged in the near-term, with postponement authority providing a structure to queue up bills at the end of a week or work period.

Lastly, regular morning hour time should be restored so all members have the opportunity give one- and five-minute speeches from the House Floor, an essential forum that has not been available now for over a month.

STRATEGY 3: DEPLOY TECHNOLOGY IN A “CRAWL, WALK, RUN” PROGRESSION

The rules change proposal introduced by Chairman McGovern would enable sweeping use of technology for every element of committee business.

This is concerning for a variety of reasons—many of which are catalogued in the Rules Committee majority staff report—including untested assumptions that members have “reliable, connected technology, knowledge of how to use that technology, access to round-the-clock technical support, . . . [and] secure connectivity with the capacity to transmit potentially large amounts of data,” just to name a few.

From a security standpoint, the House averages 1.6 billion unauthorized scans, probes, and malicious attempted network cyber-connections per month. Earlier this month, our colleagues experienced this kind of incident firsthand with hackers interrupting a House Oversight Committee video event multiple times.

In our view, technology should only be deployed in a “crawl, walk, run” progression. Before we rush to discard over 200 years of precedent, we should require that rigorous testing standards be met, ample feedback be provided, and bipartisan rules of the road be agreed upon and made public to truly safeguard minority rights.

We believe “hybrid” hearings—an idea initially proposed by Democrats on the taskforce—could serve as a useful proof-of-concept to consider, similar to the model currently being used in the United Kingdom to facilitate virtual question time in the House of Commons.

For the purposes of these hybrid hearings, in-person quorum requirements should remain in place (most committee rules require only two members be present to hear testimony), with allowances for committee and non-partisan support staff to guide the proceedings and troubleshoot any technical problems. For the reasons outlined above, virtual participation should not become the default—but should instead be reserved for members in at-risk categories or who are otherwise unable to travel to D.C.

Under this proposal, committees that regularly handle sensitive and classified materials, including Intelligence and Ethics, would still be required to meet in-person.

We cannot recommend using virtual platforms for committee markups, given the mountain of unanswered questions regarding how more complex and involved procedural maneuvers would work in a remote setting.

STRATEGY 4: ACCELERATE ACTIVE RISK MITIGATION PRACTICES

Thanks to the efforts of the Attending Physician, in coordination with the House Administration Committee, the fourth strategy has already been set in motion.

Personal Protective Equipment (PPE) kits—including gloves, facemasks, and alcohol-based hand sanitizers—have been provided to each member office and committee, with additional supplies available on-demand.

Hand sanitizing stations are now ubiquitous around the Capitol campus—including on the House Floor—while enhanced cleaning procedures have become the new standard, with areas ripe for surface contamination having been limited or removed.

Staffing has been kept to a minimum through continued use of teleworking procedures, while the Capitol remains open to only members, required staff, and credentialed press.

Even so, these mitigation practices can be accelerated in several key ways.

Measured screening procedures should be considered, consisting of either self-reported medical diagnostic assessments, at-home temperature monitoring, touchless thermal temperature checks at office entry points, or any combination thereof.

A uniform “return-to-work” policy—in accordance with existing CDC guidelines—should be adopted for any staffer experiencing signs of illness.

Finally, our ongoing and iterative testing regime should be scaled as test availability increases nationwide. This plan should progress to incorporate asymptomatic randomized testing, and eventually, FDA authorized rapid antigen tests.

CONCLUSION

We fully appreciate the extraordinary nature of the challenge before us. However, when it comes to fundamentally altering how the House operates—in this case, potentially abandoning the Capitol for the remainder of the 116th Congress under the introduced Democratic proposal—every avenue should first be explored that preserves enduring institutional rules while prioritizing member health.

As Chairman McGovern recently wrote, “decisions we make today will influence the choices made in this chamber 100 years from now.”

We agree—and firmly believe it is our job as leaders of our respective parties to ensure the most reasoned voices prevail on this critical matter, not simply the loudest ones.

This pandemic has claimed too many lives and livelihoods already. We must not allow the institution we are tasked with safeguarding to be the next.

Mr. COLE. Mr. Speaker, I yield 1 minute to the distinguished gentleman from California (Mr. MCCARTHY), who is the Republican leader of the House of Representatives.

Mr. MCCARTHY. Mr. Speaker, I thank the gentleman for yielding, and I thank him for his work, and RODNEY DAVIS’ as well. Unfortunately, it did not come to the place where we could have a bipartisan agreement.

Now, Mr. Speaker, today isn’t just a day for debate. It is also a day for remembrance. It is Peace Officers Memorial Day and the second-to-last day of Police Week. So, before I begin, I want to say thank you to everyone who serves as a police officer or is a family member of a police officer, including our wonderful Capitol Police and their families who do an incredible job protecting this campus, its employees, and its visitors. As the guardians of peace, they are on the front lines every day. Despite the danger, they are undeterred from performing their duty.

As the son of a firefighter, I know that they do not do their job for recognition or praise, but they truly deserve our gratitude, especially now. So, I thank them for everything they do, from a very grateful Congress.

Now, Mr. Speaker, the work of our frontline heroes is the definition of “essential.” It cannot be done remotely or by proxy.

Why should Congress be any different? We are supposed to represent the people. We should strive to show a level of determination in our important work that is worthy of the police officers we honor today. The American people expect us to do our part to defeat this virus just like they are doing on a daily basis.

Mr. Speaker, Speaker PELOSI said in this exact Chamber just a few weeks ago: “We are captains of the ship. We are the last to leave.”

But proxy voting calls on Congress to abandon the ship and be the first to leave for months or possibly for the rest of the session. The Speaker is on the brink of launching the most significant power grab in the history of Congress. It runs counter to 230 years of House rules and even the Constitution.

Mr. Speaker, our Founders would be ashamed that we aren’t assembling. I want every American to understand what it means for their Member of Congress to whom they lend their voice in Washington. It means that you can stay home for the rest of the year but still get paid for the rest of the year. Many Americans will not be paid.

It means that they can let someone else—Speaker PELOSI—consolidate

power and do their job for them when they could do it for themselves. It means that they will participate only in legislative theater while shutting your voice out for the real lawmaking process.

A virtual Congress would be a Congress that is connected to the internet but disconnected from the American people. That isn’t fair to our constituents, our colleagues, or our country. It undermines the very purpose of representative democracy as our Founders designed it.

Roger Sherman, the only Founder to sign all four great state documents, said, in 1789: “When the people have chosen a representative, it is his duty to meet others from the different parts of the Union and consult and agree with them to such acts as are for the general benefit of the whole community.”

Sherman was right. Especially in a pandemic, our presence here, our Congress together, matters. It matters to our constituents; it matters to our institution; and it matters to all those who will come after us.

This pandemic has claimed too many lives and livelihoods already. We must not allow this great body that we are charged with safeguarding to be the next casualty if you pass this bill.

In fact, aren’t we proving today that we don’t need a virtual Congress?

In the middle of this virus, the House is conducting its business while following the health guidelines. We can do that at a committee level, too.

Our Republican colleagues, Mr. COLE and Mr. DAVIS, had submitted that “Plan for the People’s House” for the committees to work in a safe manner. It is the only side that has produced a plan, and it was a bipartisan plan to move forward. It is about more than reopening a campus. It is about restoring America’s voice.

We don’t have to choose between the health of our Capitol community and the health of this institution. We can continue to work in a safe and effective manner without overturning 230 years of constitutional and legislative tradition. Remote voting should be the final and last option, not the first and only.

Unfortunately, rather than allowing the most reasoned voices to prevail on this crucial matter, my friends across the aisle have surrendered to the loudest voice.

Mr. Speaker, as I look at this reckless proposal, I am reminded of what the great American author James Fenimore Cooper said in 1838. He said that the most dangerous attacks on freedom are made by “the largest trustees of authority, in their efforts to increase their power.”

Mr. Speaker, I believe that is worth hearing again. It was said in 1838 that the most dangerous attacks on freedom are made by “the largest trustees of authority, in their efforts to increase their power.”

Cooper was correct, and that should concern each and every one of us

today. By changing the rules to increase the power of a select few, Democrats will forever alter our institution for the worse.

That will be the legacy that is left this Congress, a Congress that is a voice of people who have lent their voice throughout this Nation to 435 Members that will now shrink to 20. We were warned that the dangers of freedom will come from those who are the trustees of authority. We were warned so maybe today would never happen, but now we are witnesses of it. In a few minutes, we will be given the opportunity to make that choice.

Mr. Speaker, will your legacy be what Cooper had warned the Nation about? I hope it will not.

Mr. Speaker, if you are okay with overturning 230 years of tradition and allowing 20 Members to control Congress, then vote for this resolution.

Mr. Speaker, if you enjoy being cut out of the lawmaking process, then vote for this resolution.

Mr. Speaker, if you ran to get a title but are willing to give your vote in return, then vote for this resolution. But if you think our Congress still matters, and if you think the people's voice still matters, then I urge all of my colleagues to vote "no."

Mr. Speaker, I know each and every one of you will honor the police for doing their job. Each and every one of you will honor all those in the medical community for doing their job. I know Members will honor the delivery driver, will honor the cashier, and will honor those who are behind the check stands at Home Depot or in the grocery store because Members think what they are doing is essential.

I hope that Members look deep in their hearts because when they asked their constituents to vote for them because they believed the job they were running for was essential for the Nation—because I think it is—I want them to look at their vote.

Because, Mr. Speaker, if you believe 20 should have the power, if you believe you should have the title and not do the job, and if you believe you should be paid while you stay home, I think we have a difference of opinion.

I believe our work is essential, and I believe we are proving we can do it. I believed the Speaker when she said just a few weeks ago that we are captains of the ship and that we will be the last to leave, not the first to abandon it like you will today.

A vote for this resolution is a vote to abandon this House, to abandon the Constitution, to abandon 230 years of tradition. You will still have your title. You will have no power. And worst of all, your constituents will have no voice.

□ 1430

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair.

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

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

The distinguished minority leader asked the question: Why should we be treated differently from anyone else in this country? That is actually a very good question, and that is why we rejected his proposal and his idea that Members of Congress get preferential treatment, that we move to the front of the line with regard to tests at a time when our doctors and our nurses and our teachers and volunteers in homeless shelters and in food banks can't get a test, but somehow we are so special that we should move to the front of the line.

We rejected that. And quite frankly, it is one of the reasons why people have a bad feeling sometimes about Congress because of when they hear those kinds of suggestions.

Quite frankly, I am ashamed that even that idea was brought forward in a serious way. I know they do this at the White House, but the idea that we would step ahead of everybody else doesn't make any sense.

Mr. Speaker, to hear some of my Republican friends, you would think this House conducts its business today, in 2020, just as it did in 1798. But that is just not true. A lot has changed these last 230 years, from the way we vote to the way we count a quorum. Americans are watching and they are listening to this debate live right now because of actions Congress took decades ago to adapt to new technology.

The changes that we are talking about here aren't permanent ones like that. These are temporary, to be used only during this pandemic. Once it is over, we go back to working side by side and in person.

State legislatures and governments around the world have already acted to make remote voting possible. I really don't know why some people here believe that this House is somehow different. We can't afford to let this pandemic stop our legislative work in its tracks.

And I would say to the minority leader: We want to do our work, and we want to do the oversight to make sure that the administration appropriates the money that we fought to get to the American people the right way.

Mr. Speaker, I urge my colleagues to vote for this bill, and I yield back the balance of my time.

Ms. LOFGREN. Mr. Speaker, I rise today in support of H. Res. 965, a measure to ensure that the House can continue to govern during the coronavirus pandemic. The proposals before us offer new ways to conduct our legislative business. In some respects, they present new tools for governing—but they are within our authority to implement and they are not intended to replace our regular order. To the contrary, they present a fallback option to ensure that the House can continue to lead during this crisis, and as the resolution makes clear, they are intended to be used only during extraordinary circumstances.

And there can be no doubt that these are extraordinary times. We know that to date,

about 1.4 million Americans have already contracted this deadly virus. To put this in perspective, that's more than the entire population of my hometown, San Jose, California, which is the tenth largest city in the country.

In just three months, more Americans have died from the coronavirus than were killed in all the wars we have fought in more than a half century combined—including in Vietnam, Iraq, and Afghanistan.

According to one model, which the White House has relied on, by August of this year the toll could be as high as 147,000 deaths. That's nearly twice as many as the same model forecast only two weeks ago.

At the same time, we face dire economic conditions. In the past eight weeks, more than 36.5 million unemployment claims have been filed, and the unemployment rate has quadrupled, soaring to 14.7 percent. It has previously been estimated that the nation's highest ever unemployment rate was 24.9 percent, during the Great Depression in 1933. Yesterday, California's Employment Development Department released new data which show that the unemployment rate in my state may already be 24.4 percent.

The coronavirus pandemic has affected nearly every aspect of our daily lives, upending businesses and grinding our economy to a halt. This crisis demands legislative action and oversight.

However, the health guidelines issued by the Centers for Disease Control and Prevention and the advice of the Attending Physician show that there are significant challenges to the House operating as if nothing has changed, including the need for social distancing, use of masks or facial coverings, cancelling any gatherings of more than 250 individuals or more than 10 individuals in a high-risk category, and others.

Moreover, we are still learning about how this highly contagious deadly virus is spread and what steps can be taken to mitigate its further spread. I represent Santa Clara County, which experts now believe suffered the first death from the coronavirus in the United States. But experts did not know until mid-April that a death which occurred on February 6 was actually a result of the coronavirus.

I am mindful that many people are putting themselves at risk by working on the frontlines every day: from doctors and nurses, to police officers, firefighters, and paramedics, to transit workers and truck drivers, among others. As the daughter of a truck driver and a cafeteria cook, I deeply appreciate everything all of these people are doing to support their communities and the country, even at risk to their own health.

However, we in Congress have an option that most of these vital frontline workers do not: we can do our work remotely in a safe, secure, online format. It is clear that we need rules that allow the House to conduct oversight of the coronavirus response, mark up legislation, and take votes on the House Floor without needlessly putting Members, Capitol Police, staff, press, and non-partisan institutional staff at risk.

The resolution before us would provide mechanisms to do just that, both at the committee level and on the House floor.

A series of events this week prove that the highest levels of our government recognize the need to adapt our work to the 21st century—and that we can do so in a safe, secure, and transparent way.

The Supreme Court—which has long resisted modest attempts to increase transparency and public access to its proceedings—heard oral arguments by conference call, as it has done during the pandemic. Those important cases involve critical congressional oversight prerogatives.

The Senate held a hearing that included remote participation, as it has done during the pandemic. This time, it included an entire panel of witnesses testifying remotely, as well as a Chairman and Ranking Member who led the hearing remotely, in addition to other Senators.

For its part, the executive branch recognized the legitimacy and need for these virtual proceedings by participating in the proceedings of both the legislative and judicial branches—including by having high ranking members of the White House Task Force testify remotely in a Senate hearing about the Administration's response.

Expanding congressional activity online ensures that we can continue to act, while reserving precious testing equipment and supplies for frontline workers who don't have jobs that can be performed remotely.

The House has not always been quick to adopt technology to its legislative procedures. It is not unusual for any institution steeped in history and precedent to resist technological change. That was the case for the House when it came to advances like electronic voting and televising our proceedings—both of which we take for granted today. The first bill to permit a form of electrical and mechanical voting was introduced in 1886, but the House did not take its first electronic vote until 1973, nearly 90 years later. Similarly, it took more than 40 years from the time Members of the House first appeared on live television to the time that cameras were allowed to broadcast live proceedings on the House floor.

Resistance to technological change for governing has not been unique to the House. The Senate took another seven years after the House to permit television coverage of its proceedings, and it still does not permit electronic voting. Even today, the Supreme Court does not televise its proceedings.

Yet, as we have seen this week, both of those institutions have recognized that we are living in extraordinary times, and that it is essential to change the way they operate.

We can—and we must—act swiftly to ensure that Congress can continue its legislative and oversight work online during these unique and extraordinary times. Working with Leader Hoyer, Chairman McGovern, and the staffs of the Rules and House Administration committees, together we have prepared a proposal that encompasses two distinct components: remote, directed voting on the House floor, and remote committee hearings and markups to ensure that we can continue to develop additional legislative solutions and carry out oversight of the Administration's response.

For committee operations, the resolution provides for the use of suitable, secure online platforms for committee proceedings. The intent of the resolution is not to provide an advantage to either the majority or the minority, but to permit committees' proceedings to have the same status and significance as if they were held entirely in-person.

For voting on the floor, we will rely on a secure email system, coupled with Member-driven, remotely-directed authorizations. This sys-

tem would use secure email for proxy votes: a solid, well known, resilient technology with very low bandwidth requirements that we understand very well from a cybersecurity standpoint.

These new provisions build on steps we have already taken to expand the use of technology during the pandemic to promote social distancing and other safeguards consistent with the advice of the Attending Physician and the CDC.

For example, last month the Speaker directed the creation of an electronic hopper to permit the virtual submission of all Floor documents—including bills, resolutions, co-sponsors and extensions of remarks—via a dedicated and secure email system. Since the policy took effect, 489 measures have been filed, and of those, 482 measures were filed electronically and just 7 were filed using the old process.

And in my capacity as Chairperson of the Joint Committee on Printing, I directed the GPO to accept for publication in the Congressional Record extensions of remarks submitted with a Member's electronic signature. Under this new, more convenient system Members have filed 356 extensions of remarks by email.

I represent Silicon Valley, which has become synonymous around the world for technology and the spirit of innovation. We in Congress must adopt the entrepreneurial spirit and openness to new technology that made that community a global leader and apply it to the procedural and logistical challenges we face in our legislative operations—as well as to a strategy to respond to and overcome the coronavirus.

Ms. ADAMS. Mr. Speaker, the American people, our constituents, are keeping this country afloat during this emergency.

They are looking at the representatives to lead—not only through the legislation we debate and pass, but through the example we set.

I support H. Res. 965 because it will allow the House to do the People's business in a thoughtful and safe way.

We are in the midst of the unprecedented crisis—we cannot operate as if things are business as usual when all the science tells us that “business as usual” could mean hundreds of Members, staff, and employees of the Capitol get sick.

We need to change how the People's House operates until we ensure that America's frontline workers have access to adequate testing and PPE—and then can provide that same access to Members, staff, and Capitol employees.

Because as we all know—that is the only way to dig our way out of this health crisis.

H. Res. 965 would allow Members to designate a proxy to cast floor votes if it's considered too dangerous to travel to Washington and would allow for our Committees to continue their work in holding hearings and marking up legislation.

Over the past two months, Congress has passed 4 bills to provide much-needed relief to the close to 40 million of newly unemployed Americans, and the 1.45 million Americans that have tested positive for COVID-19.

Despite what my friends on the other side of the aisle say, Congress is working and will continue to work to meet the health and economic challenge in front of us.

H. Res. 965 gives us the ability to do that as we fervently do what is necessary to ensure this health emergency passes.

Mr. PALMER. Mr. Speaker, I rise in opposition to this usurpation of the rights and responsibilities of the members of Congress. And I emphasize the responsibilities of every member of Congress to do the job they were elected to do. I agree with my colleague from Arkansas Mr. Westerman. If you are not able to do the job you should consider stepping aside and letting someone else do the job. No one in this House is indispensable . . . no one.

One of my Democrat colleagues referred to this resolution as our rule, there is not one Republican in support of this resolution . . . it is your rule, not our rule.

I have heard multiple citations of history. Here is one I would like to cite. Caesar Rodney was one of the three delegates from Delaware to the Continental Congress. Despite suffering from facial cancer and asthma, Rodney rode 80 miles through a severe storm to cast his vote for Independence. He did not ask one of his Delaware colleagues to be his proxy. Despite his condition, he rode all night to cast his vote.

I stand in the spirit of Rodney Caesar and all others before us who valued upholding their responsibilities above their own self-interest and well-being, to call on all members of good faith who value this institution to vote ‘No’ on this resolution.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 967, the previous question is ordered on the resolution.

The question is on the adoption of the resolution.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

HEALTH AND ECONOMIC RECOVERY OMNIBUS EMERGENCY SOLUTIONS ACT

Mrs. LOWEY. Mr. Speaker, pursuant to House Resolution 967, I call up the bill (H.R. 6800) making emergency supplemental appropriations for the fiscal year ending September 30, 2020, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. BROWN of Maryland). Pursuant to House Resolution 967, the amendment printed in House Report 116-421 is adopted, and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 6800

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as “The Heroes Act”.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows: