

SCOTT of South Carolina, who is one of three African-American Members of the U.S. Senate. He told us a couple of years ago in a private Bible study—and I asked him later if I could mention it—that he was stopped 7 times—an African-American man—in his hometown, Charleston, SC, for being a Black man in the wrong place, even while he was the vice mayor of his hometown.

I asked him about that again this week. He said: Yes, it happened again last month. I think most of us don't know that. We don't think about that—those of us who aren't African American, aren't Black. To think about that, I think, helps us begin the process of understanding the feelings that are going on in the country right now, most of which can't be solved by laws. They will have to be changed by attitudes.

GOING BACK TO COLLEGE SAFELY

Mr. ALEXANDER. Mr. President, I come to the floor today to make comments on two other subjects. The first is about a subject that is concerning about 70, 75 million American families; that is, going back to college and going back to school. The question is on the minds of many Americans: Will we be going back to college? Will our children be going back to school?

We finished a hearing today—the Presiding Officer was present; the Senator from Alaska was present—on going back to college safely. The question is not whether we are going back to college in the United States of America; the question is how to go back safely. We all understand that when 70, 75 million students go back to college and go back to school, that is the surest sign that American life is regaining its rhythm—not just for the students themselves but, especially with the children, for their parents, most of whom work outside the home.

Today's subject was about college. We had excellent witnesses. We had Mitch Daniels, the president of Purdue University. He was introduced by the Senator from Indiana. We had the president of Brown University, Christina Paxson. We had Logan Hampton, who was president of a small historically Black college in Jackson, TN, Lane College. And we had the President of American Public Health Association, Dr. Benjamin. They talked with us about the various strategies and concerns that existed.

I will, in a few minutes, ask consent to put my opening statement in the RECORD, but if I can summarize it, it would be this. Most of our 6,000 public colleges and universities—some public, some private, some church schools—will be open in August for in-person students but not all of them. The University of California State system has said so far that it expects only to offer online courses. But at Purdue, for example—an institution of 55,000 students—President Daniels has decided, with the approval of his board, and

President Paxson of Brown—a different kind of institution in the Northeast, different from Purdue—they both decided it is their obligation to open up and to create a safe environment for the students to come back.

There are several reasons for this. There is some health risk in coming back. Of course, wise leadership can address that. But I think, as all of us have looked at our colleges, wise leadership can make colleges among the safest communities to live and work in America over the next year because colleges have certain advantages. In the first place, most of the campus community is young. While we can't be cavalier about the effect of COVID-19 on young people, as Dr. Fauci has warned us, the fact is that COVID-19 seems to hurt the young much less.

The second reason it would be easier to go back to college is that there is a lot of space in colleges that isn't used. Colleges are the most notorious wasters of space in our society. It is rare that a class is taught in the early morning or late evening or on Saturdays or in the summers. There is plenty of time and plenty of space to spread out on most college campuses.

As we learn more and more about COVID-19, it looks like there are three things we really need to do: Keep 6 feet apart, wash our hands, and wear a mask. Do those three things, and we can probably go back to school, back to work, out to eat, and do most of the things we would like to do.

At a college, as President Daniels says, he intends to develop a culture of masks. Vanderbilt University is going to require a mask to be worn in all indoor situations. Then they are taking a number of other steps. Concerts and parties and large gatherings are out. Flu shots and grab-and-go meals are in.

There will be systematic testing, and testing will be done in different ways. The president of Brown would like to test every student, she said in an article in the New York Times a few weeks ago.

The president of Purdue said: Well, maybe systematic testing. There will be different strategies for testing, but the goal of testing is two things. One is containing the disease; that is, identifying the sick and the exposed so that they can be quarantined so the rest of us don't have to be, and the other is to build confidence.

I know that when I took a test last week after I was exposed to COVID-19, I went home for 2 weeks of self-isolation, as the attending physician said I should do. That should have been it, but I went to my local public health department and took a test, which turned out to be negative, for peace of mind. It gave me more confidence to go back home and be with my family.

The anticipation is that there will be plenty of testing. Admiral Giroir, the Assistant Secretary of Public Health, has told our committee, we are, in the United States, doing about 10 million tests a month now. States are submit-

ting to the Federal Government a plan each month about their testing needs. The Federal Government is helping fill in any gaps. Over the next 2, 3 months, the number of tests will go from about 10 million a month to 40 or 50 million tests a month. That is a lot of tests. We are already testing more than any country in the world.

My guess is that colleges and universities—even though there are 6,000 of them, 127 different institutions in Tennessee—if they will be in touch with their Governor and be a part of the State testing plan, they can have adequate tests, not only to contain the disease and isolate those who should be isolated but to give peace of mind to other students and faculty and members of the community who come on-board.

Finally, we talked a little bit about the role of the Federal Government. We have a classic discussion about that here. Some want to say Washington should do it; some want to say the State should do it. Generally, our friends on the Democratic side trust Washington, DC; generally, we on the Republican side trust the States. But there is a role for both. The Federal Government, through the Centers for Disease Control, can provide advice. The Federal Government, as it is doing through the Shark Tank, as we call it, at the National Institutes of Health, can accelerate the number of rapid tests that are available at a low cost for campuses.

The Federal Government can provide additional funding for campuses, as we did in the CARES Act. Those are some of the things we can do from here. But the things we ought not to try to do from here are to order California to open its campuses if California doesn't want to or to tell Purdue and Notre Dame and Brown and the University of Tennessee and Vanderbilt that they cannot open their campuses if they do want to and think they can do it safely. We should not be trying to tell each of those campuses exactly how many tests they have, what kind of tests they have, any more than we try to tell them what the faculty ought to be paid or what student admissions policies ought to be or what the curriculum ought to be.

While the Federal Government needs to create an umbrella in which individual campuses can go back to school safely, we need to be careful about telling everybody exactly what to do.

We had a very big event here 4, 5 years ago when we fixed No Child Left Behind. Everybody wanted it fixed—Democrats, Republicans, labor unions, Governors, teachers. Why? Because after a while, everybody got tired of Washington, DC, telling 100,000 public schools exactly what to do, what teachers to hire, what curriculum to have—all of these things. The same is true with our colleges.

Our system of colleges and universities is the best in the world. Everyone concedes that. It has not gotten

there by Washington ordering what it should do, and Washington shouldn't order what it should do about this disease. It should advise; it should help; it can help send money. But the autonomy of each campus ought to be respected.

One other thing about the colleges and universities have asked for from us is liability protection.

I ask unanimous consent to have printed in the RECORD following my remarks a letter from the American Council on Education, with a number of things in it they ask of Congress. This is the umbrella organization for hiring education, and it includes liability protection.

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

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

AMERICAN COUNCIL ON EDUCATION,
June 3, 2020.

Hon. LAMAR ALEXANDER,
Chairman, Committee on Health, Education,
Labor and Pensions, U.S. Senate, Wash-
ington, DC.

Hon. PATTY MURRAY,
Ranking Member, Committee on Health, Edu-
cation, Labor and Pensions, U.S. Senate,
Washington, DC.

DEAR CHAIRMAN ALEXANDER AND RANKING MEMBER MURRAY: On behalf of the American Council on Education and the undersigned higher education associations, I am writing to thank you for holding today's hearing examining the important issue of how U.S. colleges and universities can reopen their physical campuses in the fall as the nation seeks to recover from the COVID-19 pandemic and begin returning to normal.

The issues involved with safely welcoming students, faculty, and staff back to campuses are complicated; there is no one-size-fits-all solution. Every institution is developing plans appropriate for their own circumstances and the needs of their campus community, based on the guidance and resources available from federal, state, and local public health officials. For example, while residential campuses need to carefully consider protocols to minimize the risks for students living in close proximity to one another, commuter campuses must be cognizant of students who move between campus, home, and work on a daily basis—and some campuses must address both sets of issues. Every campus wants to offer as full a range as possible of academic, housing, social, athletic, and other programs and services, and to do so in a way that ensures as best as possible the safety and health of students and all other members of the campus and surrounding community. In addition to these challenges, we know that students will be coming back to campus with significant financial challenges as they and their families are not immune from the broader economic conditions facing our nation. Colleges and universities, while under financial strain themselves, will redouble their efforts to support students who are most in need.

Effectively and safely reopening campuses is constrained by the large revenue losses and significant new expenses that colleges and universities have already experienced and will continue to face. These expenses include the costs associated with moving instruction online, serving students remotely, and implementing new health protections and safety precautions. Estimates by ACE and other organizations have repeatedly concluded that institutions of higher education

have already lost tens of billions of dollars via diminished revenues and increased costs in the current academic year. Surveys and data indicate that the next academic year will be far worse. In addition, some states have already substantially cut funding to public universities and to student grant programs at all institutions, while for others, the cuts are looming.

Understandably, implementing widespread testing, contact tracing, and quarantine and treatment facilities will impose substantial ongoing expenses, beyond the already sizable challenges in procuring and providing the extensive amounts of physical protective equipment and making the physical modifications to campus buildings that will be necessary to ensure the health and safety of our students, staff, and visitors. We are happy to share with the committee a list examples of individual institutional losses, based on public reports, demonstrating the enormous range and variations in circumstances that will dramatically complicate the ability of many campuses to reopen. Institutions are not asking for the federal government to make them whole, but they need support if they are to have any chance at returning to something resembling normal operations.

While institutions will be taking extensive measures such as those noted above in combination with campus-specific public health education programs and outreach—encouraging safety measures such as the wearing of masks, hand washing, and social distancing and expecting shared responsibility for behavior—it will be impossible to completely eliminate the transmission of this highly contagious virus. It is not only possible, but perhaps even likely, that any campus reopening will result in some COVID-19 infections within the campus community.

As a result, institutions are facing enormous uncertainty about COVID-19-related standards of care and corresponding fears of possible litigation, even when they have employed reasonable decision-making and done everything within their power to keep students, employees, and visitors as safe as possible. In addition to providing critical financial support for institutions that have been hard-hit during this crisis, we believe Congress should pass legislation providing a timely, temporary, and targeted federal safe harbor from liability for illness or the spread of illness when good faith efforts are made to comply with applicable local, state, and federal public health standards. These protections should preserve recourse for those harmed by truly bad actors who engage in egregious misconduct or gross negligence.

Thank you again for your willingness to examine these important issues during today's hearing. We look forward to working with you and your colleagues on this urgent matter.

Sincerely,

TED MITCHELL,
President.

On behalf of:

Accrediting Commission for Community and Junior Colleges, ACPA—College Student Educators International, American Association of Collegiate Registrars and Admissions Officers, American Association of Community Colleges, American Association of State Colleges and Universities, American College Health Association, American Council on Education, American Dental Education Association, American Indian Higher Education Consortium, Association of American Universities, Association of Catholic Colleges and Universities, Association of Community College Trustees.

Association of Governing Boards of Universities and Colleges, Association of Jesuit

Colleges and Universities, Association of Public and Land-grant Universities, Association of Research Libraries, Coalition of Urban and Metropolitan Universities, College and University Professional Association for Human Resources, Council for Advancement and Support of Education, Council for Christian Colleges & Universities, Council for Higher Education Accreditation, EDUCAUSE, Higher Learning Commission, Hispanic Association of Colleges and Universities.

NASPA—Student Affairs Administrators in Higher Education, National Association of College and University Business Officers, National Association of Independent Colleges and Universities, National Association of Student Financial Aid Administrators, National Association of System Heads, New England Commission of Higher Education, Northwest Commission on Colleges and Universities, Rebuilding America's Middle Class, Southern Association of Colleges and Schools Commission on Colleges, State Higher Education Executive Officers Association, TMC, UNCF (United Negro College Fund, Inc.).

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

OPENING STATEMENT

COVID-19: GOING BACK TO COLLEGE SAFELY—
THURSDAY, JUNE 4 AT 10 A.M.

Introduction

The question for administrators of 6,000 colleges and universities is not whether to reopen in August, but how to do it safely.

Most are working overtime to get ready for one of the surest signs that American life is regaining its rhythm: 20 million students going back to college.

Our witnesses today are here to tell us their strategies for reopening safely:

Mitch Daniels, President of Purdue University, West Lafayette, IN

Christina Paxson, President of Brown University, Providence, RI

Logan Hampton, President of Lane College, Jackson, TN

Georges Benjamin, MD, Executive Director of American Public Health Association, Washington, DC

College best health practices

Purdue University, the University of South Carolina, Rice University, Creighton University, and The University of Notre Dame will finish in-person classes before Thanksgiving to avoid further spread of COVID-19 during flu season.

Vanderbilt will require face masks in classrooms.

To make social distancing easier, colleges are rescheduling classrooms usually empty in early mornings, evenings, weekends and summer. Concerts and parties are out. Grab and go meal options, flu shots and temperature checks are in. Campuses will offer more online courses.

I recently was on a phone call with about 90 presidents of Tennessee's 127 institutions of higher education, and almost all of them are planning to resume in-person classes in the Fall, but they want governments to create liability protection against being sued if a student becomes sick.

Bucking the trend, California's state university system will offer most of its courses only online.

College testing strategies

All roads back to college lead through testing.

The availability of widespread testing will allow colleges to track and isolate students who have the virus or have been exposed to it, so the rest of the student body doesn't

have to be quarantined. Campuses are exploring using mobile phone apps for tracking and creating isolation dormitories to isolate students who have the virus or have been exposed, as UT-Knoxville is doing.

Widespread testing not only helps contain the disease; it builds confidence that the campus is safe. Fortunately, U.S. Assistant Secretary for Health Admiral Brett Giroir says there will be 40-50 million tests available per month by September. That is 4-5 times today's number—and today's number is twice as many as any other country.

Dr. Francis Collins, who led the Human Genome Project, now leads a competitive "shark tank" enterprise at the National Institutes of Health to discover new ways to conduct tens of millions of additional accurate tests with quick results.

Should everyone on campus be tested? On a webinar for institutes of higher education on Friday, May 29, Centers for Disease Control and Prevention officials said that they are not recommending that at this time and encouraged campuses to work with their state and local health officials.

However, that does not take into account testing for peace of mind. Some schools may want to test everyone before they come back to campus.

Schools may want to think about testing randomly to detect asymptomatic cases and have the ability to test everyone in certain categories: health care, food service, and cleaning workers; older faculty; students with medical conditions or who are arriving from virus hot spots; all students in a class or dormitory where a person tests positive for the virus.

Administrators ask: Where will I find tests? The answer is, consult your local health department and your governor. Each state submits a monthly plan to the federal government outlining testing supplies and needs. Admiral Giroir's team then helps fill the gaps.

My recommendation: you want your school's testing needs to be in your state plan. A school can also contract directly with laboratories who conduct tests, review the Food and Drug Administration list of authorized tests, or ask for help from a nearby large university or hospital that has created its own test.

COVID-19 plans should last for at least the full school year. The government is pursuing vaccines at warp speed, but no one expects one by August. In the second semester there should be more tests, more treatments, better contact tracing and vaccines—amidst the flu season and the return of COVID-19. It will be the Fall of 2021 before school life approaches normal.

But students returning in the Fall and their families will want and need to have peace of mind that they, and their loved ones, are heading back into a safe environment. Testing is the key to providing this peace of mind.

College Environment—the Good and Bad

There are several reasons colleges have an advantage in providing a safe environment for students and faculty:

The first reason is that younger people have been less hurt by COVID-19.

For example: In Tennessee, nursing homes account for around 5 percent of cases of COVID-19 infections but 36 percent of COVID-19 deaths.

Compare that with Tennesseans under the age of 30, who have accounted for around 30 percent of cases of infection, but less than 1 percent of deaths.

Still, there is much we are still learning about the virus, and Dr. Anthony Fauci has warned against "cavalierly" assuming that young people are not at risk.

Second: Colleges are notorious wasters of space. As I wrote for Newsweek in 2009 to encourage colleges to embrace 3-year degrees: Former George Washington University president Stephen J. Trachtenberg estimates that a typical college uses its facilities for academic purposes a little more than half the calendar year. "While college facilities sit idle, they continue to generate maintenance, energy, and debt-service expenses that contribute to the high cost of running a college," he has written.

Keeping students six feet apart will be a lot easier if colleges embrace a new efficiency and use more of their classrooms and spaces throughout the day and throughout the year.

Maybe that's a lesson that will last beyond this virus crisis.

Third, tracking and tracing the virus will be easier to do at colleges—we know what classes students attend, and what dorms they live in. If colleges take it a step further and, for example, assign seats in class, infections will be even easier to track.

Fourth, a college can require students to wear masks. Campuses can make mask-wearing part of the student culture.

But college environments pose a couple of challenges as well.

First, we know that 19 and 20-year-olds don't always choose to do what's healthiest. For example, the 2018 National Survey on Drug Use and Health found that a third of college students admitted to binge drinking in the past month. So a social-distanced, mask-wearing culture in class may not always extend into the evenings and weekends.

And second, 86 percent of undergraduate students are not living on campus, according to the National Center for Education Statistics. That statistic includes big variations: 40 percent of students at private 4-year colleges live on campus; 26 percent at public 4-year institutions, 2 percent live on campus at community colleges. Nearly half of undergraduates live within 10 miles of campus. That means many students will leave and return, potentially exposing themselves and others to the virus—making social distancing and CDC-recommended health status checks all the more important.

Federalism

What should the federal government's role be in helping colleges and universities safely reopen?

Providing advice from the CDC about best practices

Funding for innovation, such as the shark tank I mentioned, so there's an ample supply of rapid tests for colleges

Encouraging colleges and universities to work with states and get included in their testing plans, and then help states get supplies they need for testing

Funding, such as the nearly \$14 billion in CARES Act to address lost revenue due to COVID-19 and help students disrupted by the crisis

Federal government can provide liability protections

Beyond that, decisions should be left to the individual campuses. From small technical institutes like Lincoln College of Technology to research institutions like the Massachusetts Institute of Technology. From community colleges to tuition-free, four-year institutions like Berea College in Kentucky.

When I became a university president in 1988, I asked the president of the University of California System, David Gardner, what made that university so good. His first answer was autonomy—that the government provides students with funds that follow them to the school of their choice and then allows the institutions to run themselves.

The United States is home to 6,000 colleges and universities—arguably the best system of higher education in the world because institutions have maximum autonomy and minimum direction from Washington on everything from their curriculum, tuition, admission policies, health care plans for students, and compensation for faculty. They determine what their policies will be for student behavior and conduct, housing, safety, and a host of other things.

So I would suggest we honor that same tradition now: President Trump and Congress should not be telling the California State University System that it has to open its classes in person, or telling Notre Dame it cannot—or telling UT that it must test everyone on the campus or telling Brown University that it cannot. Colleges themselves, not Washington DC, should make those decisions.

Conclusion

We know that a single lost year of college can lead to a student not graduating from college and set back career goals.

Already, disruption of university research projects has erased much of the progress that was being made with the record levels of research funding Congress has provided over the past five years. Many American colleges—overall considered the best in the world—will be permanently damaged or even closed if they remain, in witness Christina Paxson's words, "ghost towns."

Two thirds of college students want to return to campus, according to an Axios survey. At Purdue, tuition deposits by incoming freshmen broke last year's record. Colleges and universities are microcities. College presidents and administrators can make them among the safest small communities in which to live and work during this next year. In doing so, they will help our country take its surest step toward normalcy.

Mr. ALEXANDER. Next week in our committee we will take a look at going back to school safely, K-12. That is a lot more families—20 million college students, 75 million children in K-12. And in every one of those families, in every one of those homes, I can tell you those families are worried about whether those children can go back to school and whether they can go safely. I believe they can, and all across the country, Governors, classroom teachers, mayors, principals are working, just as we heard today from the college presidents, to make sure they go back safely.

GREAT AMERICAN OUTDOORS ACT

Mr. ALEXANDER. Mr. President, if I may switch gears to another subject, briefly—on Monday, the Senate will be casting the most important vote on conservation legislation, outdoors legislation, that we have had in 50 years. That is quite a statement to make because we do lots of legislation in the U.S. Senate. I am not exaggerating when I say that. This is a piece of legislation that will do more for our public Federal lands—our national parks, our fish and wildlife lands, our Bureau of Reclamation Lands, the lands that hunters and fishermen use—than any piece of legislation we have passed in at least 60 years. In addition, it will create permanent funding for the Land and Water Conservation Fund, which