

of extreme judicial nominees humming along and did little else.

Now, after an interminable delay, the Senate Republicans have finally admitted that the country needs relief, but they can't even get their act together to produce a halfway legitimate legislative proposal. We all witnessed a week and a half of infighting on the Republican side as the country careened toward several cliffs created by Republican delay. The Republicans bickered amongst themselves as the moratorium on evictions expired, State and local governments shed jobs and cut public services, and the last enhanced unemployment checks went out the door.

When the Republicans finally convinced themselves they were ready to unveil a plan, instead of presenting a single, coherent bill, the Republicans released several incongruent drafts that were littered with corporate giveaways, K Street handouts, and Presidential pet projects.

Some Republicans proposed billions of dollars for large agribusinesses and defense contractors but not a dime to help American families stay in their homes. The Republican bill has a tax break for three-martini lunches but no food assistance for hungry kids. There is \$2 billion for a new FBI building, the location of which will increase the value of the Trump hotel, but no funding to help State and local governments retain teachers, firefighters, busdrivers, and other public employees. There is no support for Medicaid, for nursing homes, or for those with disabilities.

The proposals to support our health system and to meet our testing needs are wildly insufficient.

If you are one of the 20 to 30 million Americans who lost their jobs through no fault of their own and you can't find work, Senate Republicans think you have it too good right now. You should take a 30-percent pay cut, Republicans are saying.

This is not a serious proposal for a country in the midst of a once-in-a-generation crisis. So, as you can imagine, when reviews started rolling in yesterday, they weren't too positive. One Republican Senator said: "There are 100 problems with the plan." Another Republican: "It is a mess. I can't figure out what this bill is about." Another Republican of this Chamber said: "You look at the package that was rolled out by the Republican leadership, and it contains virtually nothing that will actually aid in the recovery." Those would be harsh criticisms if they came from Democrats, but those quotes weren't from Democrats; those were Republican Senators talking about their own party's plan.

Two senior Republican Senators have said that the Republican proposal would be lucky to get even half of the Republican conference to vote for it. Leader MCCONNELL warned Democrats against blocking the Republican proposal. It turns out that Senate Repub-

licans are blocking the Republican proposal.

So it is abundantly clear that the Senate Republican proposal for the next phase of COVID relief is not a useful starting point. You don't have to take my word for it; just ask President Trump, who took the podium yesterday afternoon and called the Senate Republican proposal "semi-irrelevant." At this point, I am beginning to wonder who does support the Republican proposal on COVID-19.

So here is where we are. We need to turn the page on the Republican proposal—and quickly. The legislative train wreck by Senate Republicans cannot derail our efforts to provide urgent, comprehensive, and necessary relief to the American people.

Speaker PELOSI and I have started negotiating with Chief of Staff Meadows and Secretary Mnuchin. We want to work with our Republican colleagues and the White House on a bill that actually meets the needs of the American people in these unprecedented times, but it is going to take good faith and compromise. We are not hearing that from Leader MCCONNELL.

Leader MCCONNELL is already drawing lines in the sand, insisting that any agreements include his specific corporate immunity provision—no negotiation. Put this provision—extreme provision—in the bill without negotiation. That sure doesn't sound like someone who wants to reach a bipartisan agreement. We are going to need everyone to pull together. We are going to need to focus on the needs of the American people.

With all due respect to the Republican leader, Americans on the brink of eviction are not crying out for a sweeping corporate liability shield. No one should be willing to torpedo all the relief Americans are counting on unless there is a giant corporate giveaway attached.

Time is short. Speaker PELOSI and I will be back at the negotiating table with the White House later today. It is time for our Republican colleagues to roll up their sleeves and get serious as well.

One final point on this subject. Again this morning, the Republican leader continued his "Alice in Wonderland" interpretation of what has happened. When what has happened is black, he says white. When what has happened is white, he says black. He is totally the opposite of the truth on what has happened.

He has suggested that Democrats might be trying to block progress on COVID relief because it might suit our party in the election, that we Democrats had decided to stop legislating until November—I mean, shocking stuff.

Over 10 weeks ago, Democrats—Democrats—passed a bill three times the size of the Republican proposal that was more generous and beneficial to the American people on nearly every measure. Leader MCCONNELL dismissed

it. Senate Democrats spent the entire month of June asking our Republican colleagues, including Leader MCCONNELL, to pass crucial legislation related to jobs, healthcare, and small business. We went on the floor and made those requests. Republicans blocked every single one—nearly every single one of those requests. So this absurd, nasty insinuation by the Republican leader doesn't pass the laugh test.

The fact that Leader MCCONNELL would even consider the idea that a political party might deny support for the American people in order to help win an election says more about the Republican leader than anybody else.

NLRB NOMINATIONS

On another matter, today the Senate will vote on two nominations to the NLRB—the National Labor Relations Board—one nominee from the Republican side and another from the Democratic side. On bipartisan boards and commissions like the NLRB, this used to be the tradition. The President's party always enjoys a majority on these boards, but it is crucial for the opposite party, whoever it is at the time, to have their recommendations approved to these bipartisan boards.

Unfortunately, the vote comes today after more than 2 years during which the Republican majority refused to even schedule a vote on a Democratic nominee to the NLRB, Mark Pearce. The Republicans waited so long that both Democratic nominees who were already on the NLRB had their terms expire.

While Democrats look forward to confirming Lauren McGarity McFerran to the NLRB later today, we are still frustrated that the Republican majority denied any Democratic representation on the Board for too long, and they continue to deny a vote on the second Democratic seat.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

CORONAVIRUS

Mr. THUNE. Madam President, I intend to talk about section 230 here in just a moment. I just want to react to what the Democratic leader said and also make some observations generally about where I think we are with respect to a coronavirus relief bill.

The Democratic leader indicated that the Republican bill wasn't a serious bill. Frankly, I think it could be argued that the bill he has endorsed, passed by the House of Representatives, was not a serious bill. It was about \$3.5 trillion, which would make it about \$1 trillion larger than the massive coronavirus relief bill we passed unanimously in the Senate back in March. That bill, at the time, for a lot of people, represented something unlike anything they had ever seen before, both in terms of scale and scope, the expanse of all the issues that it addressed. I think in many respects it was a bill that most Members believed at the time that we needed to get as much assistance out there as quickly

as we could, and as a consequence of that, there was broad support for that.

We are at a different point now, obviously, several months later, and have some perspective that enables us to look at what might be effective, what has worked, and what hasn't worked. We have gotten a lot of input from State and community leaders, from businesses, schools, hospitals, and healthcare providers who have been impacted by the virus, and have been able to respond to what has already been done by the Congress in terms of assistance.

So I think at this point, as we look at what the greatest needs are, it is pretty clear that we have to do something to provide safety net assistance for those who have lost jobs in the form of unemployment insurance. I think there is a commitment on both sides to address that.

I would argue that the proposal advanced by the Democrats, which would just be a continuation of the existing program, is not one that I think most people across this country think is wise policy, and certainly to the degree that it provides an incentive for people to stay home and not go back to work, it does provide a disincentive to work.

I think that is something this legislation ought to address, and that is pretty much a widely held view, not just by Republicans but by Democrats. There are Democrats here in the Senate, Democrats in the House, and Democratic Governors who have said that the existing unemployment benefit needs to be modified, needs to be reformed, needs to be revised.

The question has been raised: What level? It strikes me, at least, that we ought not be putting a benefit out there that exceeds the amount that people would make if they were actually working, because what that essentially says is that those who are working, those who stayed in the workforce are basically paying benefits to those who did not, when, in fact, if there weren't a benefit that exceeded the amount that they made when they were working, they might get back in the workforce if those jobs become available again. That is certainly something we want to incentivize.

So I would hope that in any deal that is struck where we address unemployment insurance, we can come up with a solution that does tailor it to the need of the moment, and that is to get people back to work. We want to have policies that create jobs. That is something I think ought to be first and foremost in this bill.

We have indicated that this ought to be about kids, getting them back to school in the fall. It ought to be about healthcare, about coming up with therapeutics and more testing, better testing. It ought to be about ultimately, hopefully, getting a vaccine and in the meantime making sure that we are addressing the needs of our providers, those doctors and nurses and nursing home caregivers who are on the frontlines.

So those are the priorities that I think ought to be in this bill. It seems to me there is plenty of room for bipartisan cooperation, and it will take that. It also strikes me that this suggestion that you have to do more dollar-wise isn't always necessarily a sound approach. In fact, I would argue that anything we do right now ought to be targeted. It ought to be focused on those who have needs. If it is assistance to State and local governments, if it is assistance to small businesses that are out there creating jobs—anything that we do at this point ought to be based and predicated upon where the needs are, and we ought to have accountability for the funds that are going out there.

My impression from the bill passed by the House Democrats and supported by many Senate Democrats here is that the more we spend, the better it is. I don't think the American people subscribe to that view. I think they realize, like I do, that we are operating in an environment where we have a \$26 trillion debt, and we have already added this year, because of the first coronavirus bill, about another \$3 trillion to that debt and increased our debt to GDP ratio up over 100 percent, which is pretty dangerous territory if you look at any relevant metric in history.

So I would argue that the approach that we take right now ought to be focused, it ought to be targeted, it ought to be measured, and it ought to be directed to those who really have needs—by that, I mean people who are unemployed—through unemployment insurance. It ought to be small businesses that are trying to keep their employees employed and trying to get back and going again and creating jobs. It ought to be healthcare providers who are dealing with the frontline crisis and also the heavy investment we need to make in the ultimate solution, which will be the vaccine, and, of course, in terms of the fall, getting kids back to school. That entails a whole lot more testing. Those are all things that are included in the bill that was put forward by Republicans.

Most of the Democratic objections to that bill are that it doesn't spend enough, that it is just not generous enough. Well, again, I think we have to be very, very careful, very thoughtful and aware and conscience of the fact that we are operating at a time when we have \$26 trillion in debt, where every dollar we spend is a borrowed dollar, and we need to be effective, surgical, targeted, and wise about how we spend the American people's hard-earned tax dollars.

I am hopeful these discussions will lead to a solution. We knew right away that there wasn't going to be unanimous support for this. It is not like the last time around, and I have said all along that I wouldn't expect every Republican to support the bill that came out and was released a couple of days ago. I think it is a starting point.

I hope the Democrats will negotiate in good faith and not simply try to raise the ante because they have a bill that has already passed the House at \$3.5 trillion. That, to me—not to mention the size of it but also the components of it—was a very irresponsible bill. That is not a serious bill. And the fact that it mentions the word "cannabis" more times than it mentions the word "jobs" I think gives you all you need to know about how serious that effort was.

But there is a place that we can land that addresses those critical elements that I mentioned, and I hope that, notwithstanding the rhetoric we are hearing from the Democratic leader, the Democrats will enter into good-faith discussions and play a constructive role in trying to come up with a bipartisan solution to the challenges we face because of an unprecedented and historic pandemic.

PACT ACT AND SECTION 230

Madam President, yesterday in my role as head of the Commerce Subcommittee on Communications, Technology, Innovation, and the Internet, I led a hearing looking at proposed reforms of section 230 of the Communications Decency Act.

So what is section 230? Section 230 provides internet sites that host user-generated content—sites like YouTube or Twitter or Facebook—with immunity for the content users post on their sites. So, for example, if somebody uploads a YouTube video with defamatory content, YouTube isn't held responsible for that content.

It is not fair to say that section 230 has enabled the internet as we know it. Without section 230 protections, many of the sites we rely on for social connection or news or entertainment would never have come into being. If a solo blogger, for example, could be held responsible for monitoring each and every comment on his or her site, no matter how many hundreds or thousands there are, it is unlikely blogging would ever have taken off. If YouTube were responsible for the content of every one of the millions of videos on its site, it is unlikely that YouTube would have grown the way that it has.

There is a reason that user-generated sites like Twitter and Facebook are U.S. companies and not, for example, European companies. That is because other countries do not offer the liability protections of section 230.

But section 230 was written in the infancy of the internet, long before sites like Twitter and Facebook were created. As we have seen the internet grow, we have come to realize that there are also some changes that need to be made.

For example, while I support the principle that sites should not be held responsible for everything users generate, there is a difference between an inappropriate video a site misses and a site that knowingly allows itself to be used for criminal purposes.

In 2018, after it became obvious that certain sites were knowingly allowing

themselves to be used by child traffickers and predators, Congress passed a law to hold these and other sites responsible for enabling child sex trafficking.

As the previous chairman of the Senate Commerce Committee and current chairman of the Commerce Subcommittee on Communications, Technology, Innovation, and the Internet, I have been focusing on internet issues related to user-generated content sites for the past couple of years. I have chaired several hearings on the topic, including a hearing on terrorist content on sites like Twitter and Facebook and a hearing on the opaque algorithms that these sites use to filter the content that users see.

At the end of June, Senator SCHATZ and I introduced legislation, the Platform Accountability and Consumer Transparency Act, or the PACT Act, to address some of the issues surrounding section 230 and user-generated content sites.

Our bill would preserve the benefits of section 230, like the internet growth and widespread dissemination of free speech it has enabled, while increasing accountability and consumer transparency. One reason section 230 has become so controversial is that internet platforms have cultivated the notion that they are merely providing the technology for people to communicate and share their thoughts and ideas.

But the reality is somewhat different. The truth is that websites have a strong incentive to exercise control over the content each of us sees, because if they can present us with content that will keep us engaged, we will stay on that site longer. Today, sites like Facebook and Twitter make use of sophisticated content moderation tool, algorithms, and recommendation engines to shape the content we see on these platforms.

Moderation can certainly improve the user experience. Most of us would prefer that YouTube suggest videos that match our interest rather than something completely unrelated. The problem is that content moderation has been and largely continues to be a black box, with consumers having little or no idea how the information they see has been shaped by the sites they are visiting. The PACT Act would address this problem by increasing transparency around the content moderation process.

It would require internet platforms like Facebook and Twitter to submit quarterly reports to the Federal Trade Commission outlining the material they have removed from their sites or chosen to deemphasize—for example, posts they have chosen to mostly exclude from users' feeds.

Sites would also be required to provide an easily digestible disclosure of their content moderation practices for users and, importantly, they would be required to explain their decisions to remove material to consumers. Until relatively recently, sites like Facebook

and Twitter would remove a user's post without explanation and without an appeals process. Even as platforms start to shape up their act with regard to transparency and due process, it is still hard for users to get good information about how content is moderated.

Under the PACT Act, if a site chooses to remove your post, it has to tell you why it decided to remove your post and explain how your post violated the site's terms of use. The PACT Act would also require sites to create an appeals process, so that if Facebook removes one of your posts, it would not only have to tell you why, but it would have to tell you a way to appeal that decision. To some extent, some platforms like Facebook are already starting to do this, but by no means are they all doing so.

The PACT Act would preserve companies' 230 protections for material posted on their sites, but it would require companies to remove material that has been adjudicated as illegal by a court. Large sites like Facebook and Twitter would be required to remove illegal content within 24 hours, while smaller sites would be given additional time. Failure to remove illegal material would result in the site's losing its 230 protections for that content or activity, a provision that matches a recent recommendation made by the Department of Justice for section 230 reform.

Finally, in addition to promoting transparency and accountability, the PACT Act also contains measures to strengthen the government's ability to protect consumers. As the Department of Justice has noted in its recommendations to reform section 230, broad section 230 immunity can pose challenges for Federal agencies in civil enforcement matters.

It is questionable whether section 230 was intended to allow companies to invoke section 230 immunity against the Federal Government acting to protect American consumers in the civil enforcement context. This contributes to the creation of a different set of rules for enforcing consumer protections against online companies, compared to those in the offline world.

I am grateful to Senator SCHATZ for his work on this bill, and I am proud of what we put together. We both have done a lot of work on these issues, and this bill is a serious bipartisan solution to some of the problems that have arisen around section 230. Our hearing yesterday, which included one of the original authors of the section 230 provision, former Representative Chris Cox, confirmed that the PACT Act would go a long way toward making our user-generated internet sites more accountable to consumers.

I look forward to working with Senator SCHATZ to advance our legislation in the Senate, and I hope that we will see a vote on our bill in the near future.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

CORONAVIRUS

Mr. DURBIN. Madam President, to date, America has lost nearly 150,000 people who have died with diseases related to coronavirus. We are quickly approaching 5 million cases of infections in the United States of America.

Consider this for a moment. The United States has 5 percent of the world's population. Yet we have almost 25 percent of all the COVID infections in the world. How did we reach this point that we have such a rampant rate of infection in what is considered one of the most developed nations on Earth?

Part of the problem is the President, who peddles worthless medical advice, and part of the problem is that the Republican Senate has been unwilling to face the economic hardships which have been created by this pandemic on our economy.

It was 10½ weeks ago that the House of Representatives, under Democratic control of Speaker PELOSI, passed the Heroes Act. That was 10½ weeks ago. They knew this day was coming—when the unemployment benefits that we put in the original legislation would expire, as they will this week, and the help for those who are renting to meet their obligations would expire, as it did last week. So 10½ weeks ago, Speaker PELOSI put on the table her proposal to deal with America after these things occurred.

Today, on the floor of the Senate, Senator MCCONNELL, the Republican leader, called her efforts “a looney ideological fantasy”—“a looney ideological fantasy.” The obvious question to Senator MCCONNELL, who is the leader of the majority here in the U.S. Senate, is, Where have you been for the last 10½ weeks? Where is the Republican alternative, the Republican substitute? Why have we not seen that come forward and a real negotiation take place between the House and the Senate?

For the longest time, Senator MCCONNELL told us that he just did not feel “a sense of urgency” to take up this matter. He did not feel a sense of urgency. Well, history was made in the Senate Chamber this last Monday, because Senator MCCONNELL came to the floor and used the word “urgent.” Finally, urgency is stirring in his loins, and he announced this week a Republican alternative—but not quite. What he announced was a series of bills to be introduced by the Republican side—a series of bills. We are just days away from the situation where these issues are expiring, such as unemployment assistance, and yet, in this circumstance, we are dealing with the problem where we do not have alternatives from the Republican side. Well, we have some. One was addressed this morning, when it came to unemployment assistance.

Understand what happened last March 26 when we passed the CARES Act. This bill passed 96 to nothing in the Senate Chamber—unanimous, bipartisan. But when we sat down to establish the amount of money to be