

Our task in the weeks ahead will be to keep seeking thoughtful solutions that are not just for the very short term but will help pivot toward a phased reopening and recovery. We will need to ask not only how we endure each week but also how we foster recovery on the other side.

Early February feels like it was about 2 years ago, but the truth is, it was just 12 weeks ago. American workers and families were in one of the most prosperous economic moments in our history. Wages were growing. Unemployment was near a 50-year low. Formerly discouraged Americans were being drawn off the sidelines. The country was buzzing—literally buzzing—from coast to coast. The American people built that. It is our job to help them build it again.

As we carefully consider what may come in the weeks ahead, we will need smart and targeted policies to help jump-start our economic engine, not unrelated ideological wish-list items that would gum it up even further. The country will need pro-growth, pro-certainty policies—pro-growth, pro-certainty policies.

The last thing we need is for the political left to view this national crisis as an exploitable opportunity to achieve other goals they have wanted for a very long time. That is how, for example, former Vice President Biden has repeatedly described the pandemic. Here is what he had to say: “an incredible opportunity . . . to fundamentally transform the country”—“an incredible opportunity . . . to fundamentally transform the country.”

This cannot be about ideological transformation. It needs to be what will actually work for the American people.

Here is just one example of a commonsense policy Republicans will insist on. Even as the entire country is rallying behind healthcare workers and small businesses, trial lawyers are already looking for ways to line their pockets by suing the very people we are bending over backward to help.

As one recent Washington Post column put it, “[f]ear of COVID-19 lawsuits is not [some] mere Republican reflex”—a Washington Post column: “[f]ear of COVID-19 lawsuits is not [some] mere Republican reflex.”

It went on to list all sorts of lawsuits that are already pouring in. This kind of hostile climate would create yet another major headwind we cannot afford. Republicans will be insisting on strong legal protections for the frontlines. We will not let our historic recovery efforts be diverted so that taxpayers foot the bill for the biggest trial lawyer bonanza in our history.

Our discussions in the weeks ahead do not need to be partisan or contentious. There is nothing partisan about the coronavirus, and there is nothing partisan about the inspiring example being set by citizens across our country.

In my home State of Kentucky, we are proud of a father-daughter duo in

Breathitt County. They both came down with the virus. They both beat it and then turned right around and started donating plasma to the race for new medicines.

We are proud of the family resource coordinators of Fayette County Public Schools who are collecting donated household supplies to add to weekly food deliveries for thousands of students and families.

These stories only scratch the surface in the Bluegrass, and I know every one of my colleagues has stories of their own to tell. We are all in this together. We have stepped up to meet the challenge. Let’s continue to stand together for our country.

#### RESERVATION OF LEADER TIME

**THE PRESIDING OFFICER.** Under the previous order, the leadership time is reserved.

#### CONCLUSION OF MORNING BUSINESS

**THE PRESIDING OFFICER.** Morning business is closed.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

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

The legislative clerk read the nomination of William R. Evanina, of Pennsylvania, to be Director of the National Counterintelligence and Security Center. (New Position)

**MR. MCCONNELL.** I suggest the absence of a quorum.

**THE PRESIDING OFFICER.** The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

**THE PRESIDING OFFICER.** Without objection, it is so ordered.

#### RECOGNITION OF THE MINORITY LEADER

The Democratic leader is recognized.

#### CORONAVIRUS

**MR. SCHUMER.** Madam President, the Republican leader has called the Senate back into session during a time when there are significant risks to the health of the Members of this Chamber and the staff who make this place function.

This is a time of national emergency. We should be working to provide our country with the relief and support it so direly needs. But this is only the second day of business since Leader MCCONNELL called the Senate back into session, and there will be no votes on the floor—not one vote. And so far, there is no plan—no plan at all—to consider COVID-related legislation on the floor in the near future.

If we are going to be here in session, with an elevated health risk, why doesn’t Leader MCCONNELL have us work on issues that are directly related to COVID-19?

Last night, we confirmed a non-controversial nominee to the Nuclear Regulatory Commission. The next nominee on the floor is for a counter-intelligence post—no doubt important but unrelated to COVID—whose nomination has been delayed by a hold by a Republican Senator. So when the Republican leader reasons that we must process nominees on the floor this week because of a previous Democratic obstruction, he should check his notes and his facts first.

We could be using our time here to address a number of urgent priorities, whether it is rescuing our ailing health system, increasing testing capacity, assisting small businesses, renters, and homeowners. Providing vigorous oversight of legislation we have already passed would have been a better use of the Senate’s time.

Instead of coming together to work on these pressing matters, we are talking about nominations and rightwing judges, including a former protege of the Republican leader who was rated unqualified by the American Bar Association, a man who argued against the constitutionality of our healthcare law in the midst of a public health crisis—someone who probably 80 percent or 90 percent of Americans would reject if they knew his views. But he is a protege of the leader. We are rushing him through. We are not paying attention to COVID.

The Senate Intelligence Committee is holding a virtual hearing on the nomination of Representative RATCLIFFE to serve as the next Director of National Intelligence. This is an extremely important post that demands a candidate with deep experience, credibility on both sides of the aisle, and, above all, the ability to speak truth to power.

Representative RATCLIFFE meets none of these criteria. He is a deeply partisan cheerleader for the President, a yes-man in every sense of the phrase—someone who doesn’t speak truth to power to the President of the United States. He tells the President what he wants to hear.

Doesn’t this sound familiar? Right now, we are living with the consequences of a President who doesn’t want to hear the truth about the coronavirus, who doesn’t want to believe it is as bad as it truly is, who wants to cling to quack medicines that will not work, and who runs away from the fact that his administration bears responsibility for the inadequacy of our national response—a President who still doesn’t have a testing plan when we desperately need tests to get this country open again.

The President doesn’t like hearing the truth. It is that simple. That has hurt us dearly when it has come to the coronavirus. This crisis is partly the

result of an administration that did not take COVID-19 seriously enough early enough and refused to heed the warnings of public health officials and scientists.

The same phenomenon of the President's not wanting to hear the truth will hurt us dearly when it comes to national security as well. If the Director of National Intelligence can't stand up and tell the President what is really happening, even when the President doesn't want to hear it, our country will be dramatically less safe—the same thing that has happened during the coronavirus crisis. If we move RATCLIFFE and pass him, we will repeat the same mistake that the President has made on COVID. Not hearing the truth, not acting on the truth, listening to flattery and not much else, which we did on COVID, will be repeated on national security.

Now, I think many of my Republican colleagues actually know this. This is not the first time that President Trump has floated RATCLIFFE's name—it is the second—because, the first time, the Republicans balked. Many Republicans whispered: He has no experience. Some Republicans said to one another and to some of us: You don't need someone in the DNI who is just a cheerleader for the President; you need someone who knows intelligence and will speak the truth.

There is no new evidence that Mr. RATCLIFFE will act with the necessary independence. Nothing has changed about RATCLIFFE's qualifications since he was shot down by the Republican Senators in their saying he was the wrong man for the job. Yet sometimes—all too often in this Senate and to the detriment of this country—even when my Republican colleagues know the President is wrong, they go blindly along with him anyway. That happened with COVID and will now happen with our intelligence agency. I hope it is not the case. I hope Mr. RATCLIFFE's nomination will be roundly rejected, as it should be.

#### NOMINATION OF BRIAN MILLER

Madam President, the second hearing this morning is in the Senate Committee on Banking, Housing, and Urban Affairs on Brian Miller to be the Special Inspector General of the pandemic relief efforts. Having an independent, experienced, and strong IG to oversee the administration's use of taxpayer funds in this pandemic is critically important. Under President Trump, who has been firing IGs left and right simply because they tell the truth and who believes that he is accountable to no one, selecting a truly independent watchdog is essential and urgent.

As someone who currently works directly for President Trump as a member of his White House Counsel's Office, Mr. Miller's independence from the President is very much in doubt. We need a strong, tough IG. Billions of dollars are being spent. We don't want someone who has in his mind: I have to

please the President. Mr. Miller needs to explain why the Senate should confirm him to a position that requires genuine independence. In particular, he must answer specific questions from the Committee on Banking, Housing, and Urban Affairs about his role in the White House Counsel's Office and what issues he has worked on. It is not acceptable to hide behind vague assertions that he can't answer those questions. It is too important. The burden on Miller is to demonstrate that he can be a truly strong and independent inspector general.

#### CORONAVIRUS

Madam President, there are serious questions about the fitness of both of these nominees—Mr. RATCLIFFE and Mr. Miller. Yet, more broadly, the Republican leader has made a mistake by choosing to dedicate this session to nominations only instead of to urgent legislative business—COVID-19.

We could and should be focused on issues like testing. The first diagnosed case of COVID-19 was diagnosed here in the United States just over 100 days ago. We still don't have a national testing strategy that is adequate. In early March, President Trump said that anybody who needs a test gets a test, which has entered the pantheon of Presidential lies, alongside: "I am not a crook," and "Read my lips: no new taxes." It was not true then, and it isn't true now. We still don't have a situation in which everyone who needs a test and wants a test gets one.

As nations around the world, like South Korea and Canada, flatten the curve with rigorous national testing programs, the United States—this great United States, usually the leader of the world—is lagging so far behind. So, today, 42 Senate Democrats are sending a letter, demanding that the Trump administration fulfill its responsibility to produce a comprehensive, national strategic plan of action by May 24. Congress provided \$25 billion in the last round of COVID legislation to help build up our testing capacity. The administration needs to take those resources and produce results. We have given him the money and the wherewithal. Where are they? The strategy they must come up with must include a strategy for managing supply chains and for making sure resources are equitably allocated and a strategy to use all available tools, like the Defense Production Act, to make sure we reach the level of testing that will manage this disease, save lives, and get our economy moving again.

Until we have a vaccine, the most important tool we have at our disposal for tracking the disease, limiting its spread, and understanding where we can safely open is testing, testing, testing. We await the President's response to our letter and want to work with the administration to make sure we can end its embarrassment of inadequate testing, which, frankly, is far more than an embarrassment—it is crucial. It is life and death.

#### SMALL BUSINESS LENDING TRANSPARENCY

Madam President, finally, on small business lending transparency, over the past several months, Congress has provided historic levels of funding to help small businesses retain employees, meet payroll, and stay afloat during these turbulent times. Because of the depth of this crisis, we have dedicated trillions—not billions but trillions—to this effort. We must absolutely make sure these relief programs are implemented properly. With so much taxpayer money at stake, oversight, transparency, and accountability are musts.

Issues with the small business lending programs cropped up almost as soon as the administration began implementing them. Truly, small businesses had a difficult time in securing loans while larger businesses that had standing relationships with big banks had a much easier time. Minority-owned businesses, women-owned businesses, and other unbanked businesses—the proverbial small restaurant owner, the butcher, the baker, the candlestick maker—have been left out to a large degree. We tried to rectify some of these problems, particularly in COVID 3.5, but more must be done.

As Justice Brandeis said: "Sunlight is the best disinfectant." Transparency around these programs is the order of the day. So, this afternoon, Senator CARDIN and I will ask the Senate to pass legislation that demands new disclosure requirements for the Paycheck Protection Program and other disaster relief accounts. Our bill is very simple. It would require the daily and weekly reporting of the PPP, the Economic Injury Disaster Loan, and debt relief programs to be broken down, in each case, by geography, demographics, and industry. The data would need to be downloaded and would include the names of the entities and the loans or grant amounts. It would need to detail whether the programs are reaching underserved communities.

This is hardly a controversial idea. There is nothing partisan about it. Our legislation would simply require the basic transparency we expect from any Federal program—certainly, one of this size and importance. It is my hope that my Republican colleagues will not block our request simply because it comes from this side of the aisle. I would hope, on a day when the Republican leader has scheduled literally no business on the floor of the Senate, that we could come together to pass this very simple bill to make sure we know how taxpayer dollars are being spent.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

#### CORONAVIRUS

Mr. DURBIN. Madam President, to date, more than 1 million people have contracted coronavirus in the United States—61,000 in the State of Illinois. Sadly, we are quickly approaching a death toll of 100,000 Americans. While more people continue to contract and