

also had to be here in the Capitol to do the critical work of responding to the crisis, and we simply couldn't be here without the contributions of a number of individuals: the men and women of the Capitol Police, the cleaning staff, the food service workers, the maintenance technicians and other support staff, the staffers who have to be in the office for the Senate to be able to operate, and the staffers right here on the floor—the doorkeepers and cloakroom staff and individuals from the Offices of the Secretary and the Parliamentarian.

I know these are stressful days to be coming to work. I know you have been asked to exceed your normal duties. I am incredibly grateful and I know that all of my colleagues are incredibly grateful for everything you have done to keep the Senate operating safely. It is because of you that we are able to get keeping our work done for the American people.

Sooner or later, we are going to get through this pandemic and life will return to something resembling normal, but I hope we will still remember to be grateful for the people who have kept our society running during this crisis, who have shown us, in a difficult and challenging time, how to get up every day and do our duty.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

NOMINATION OF WILLIAM R. EVANINA

Mr. WYDEN. Mr. President, I rise to oppose the confirmation of William Evanina, whom we will be voting on shortly. Because of his failure to protect whistleblowers, leading whistleblower protection organizations support the opposition to Mr. Evanina's confirmation.

I ask unanimous consent that the statements of two organizations, true advocates of whistleblower rights at this crucial time, be printed in the RECORD.

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

[From the Government Accountability Project, May 6, 2020]

SENATOR WYDEN OPPOSES SENIOR INTELLIGENCE OFFICIAL'S NOMINATION OVER WHISTLEBLOWERS

WASHINGTON—Today, Senator Ron Wyden (D-OR) opposed William Evanina's nomination to serve as the Senate-confirmed Director of the National Counterintelligence and Security Center (NCSC). Sen. Wyden's opposition comes days after Senator Charles Grassley (R-IA) lifted his 2018 hold on Mr. Evanina, placed in part because "Mr. Evanina was responsible for developing policies and procedures to address retaliatory security clearance actions" taken against whistleblowers. Mr. Evanina has yet to produce those policies and procedures, leaving government investigators with little guidance.

Government Accountability Project's National Security Analyst Irvin McCullough said,

"Losing your security clearance means losing your livelihood for many Intelligence Community employees. These folks' whistle-

blowing protections were specifically designed to give special care to whistleblowers whose security clearances are revoked in retaliation for making protected disclosures. However, the Director of National Intelligence never implemented uniform policies and procedures for these whistleblowers, meaning agencies can act as their own fiefdoms when adjudicating these complaints. While a whistleblower at the CIA has the same rights as a whistleblower at the NSA, one may find it much harder to enforce their rights simply because their agency is free to apply harsher standards than the other. That is unacceptable. Bill Evanina was directed to issue universal guidance for all agencies to follow when investigating these types of retaliation complaints, but he hasn't done it. While Mr. Evanina is a dedicated public servant who has contributed greatly to our country's national security, this is his job and he needs to do it. We thank Senator Wyden for taking a stand to protect whistleblowers and ensure accountability inside the Intelligence Community."

Contact: Andrew Harman, Communications Director.

STATEMENT FROM LIZ HEMPOWICZ, DIRECTOR OF PUBLIC POLICY, PROJECT ON GOVERNMENT OVERSIGHT

"POGO commends Senator Wyden for standing up for whistleblowers by refusing to confirm Mr. Evanina until this critical issue is resolved. Any security clearance action must be based on the national interests of our country, not personal bias or retaliation. Retaliatory security clearance actions undermine the security clearance process, this is why Congress made it unlawful to retaliate against a whistleblower by restricting their access to classified information. ODNI charged Mr. Evanina's office with the creation of uniform guidance for investigating retaliatory actions, but he has failed to fulfil that mandate even after several years. Thank you to Senator Wyden for standing up for whistleblowers and their right to a fair and equal investigation."

Mr. WYDEN. Mr. President, it is currently open season on whistleblowers under the Trump administration. Donald Trump and those around him have made it clear that anyone who speaks up about waste, fraud, abuse, or lawbreaking can be punished. If you are a whistleblower under the Trump administration, Donald Trump himself and his echo chamber will publicly call you a liar. They will threaten to make your name public, even at the cost of your physical security. They will prevent your complaints from getting to the Congress, and they will fire the inspectors general who investigate your complaints.

Now, more than ever, courageous whistleblowers deserve leaders who are going to protect them, defend them, and vigorously advocate and work for them. They deserve leaders who are going to stand up to Donald Trump and anybody else who tries to punish those who are going to speak truth—truth, especially, to those in power.

I am rising today, taking this time of the Senate, to speak on behalf of whistleblowers who feel under siege right now. I am on the floor to oppose the confirmation of William Evanina's track record of inaction and why he should not be the Director of the National Counterintelligence and Security Center.

The fact is that Mr. Evanina has failed, repeatedly, the key test on protecting whistleblower rights. Specifically, he failed to enact whistleblower protections that the Congress required in 2014. Think about that—all those years to get the job done and he didn't do it. That is a 6-year track record of letting down whistleblowers and failing to follow the law.

Today, Congress ought to stand up for whistleblowers, protect our democracy, and the rule of law. And when Congress does act and pass whistleblowers' protection legislation the way this body did in 2014, the Congress must not reward those who ignore the whistleblower protection laws. Here, you have a case of exactly that, refusal to implement it for almost 6 years, and the person we are discussing with that track record of not being there for whistleblowers at a crucial time is being considered for a job promotion in the Senate.

I want to unpack, for a few minutes, what the world looks like now to a potential whistleblower in today's intelligence community. One of the biggest threats faced by whistleblowers who work with classified information is that their bosses are going to retaliate against them by revoking their security clearances. Without clearances, they can't do their jobs, their livelihoods are ruined, and their families suffer. That threat has a chilling effect on potential whistleblowers and makes it less likely that abuses are going to be investigated and brought to light.

The Congress has cared about this for years. It is why, in 2014, the Congress passed legislation specifically prohibiting the revocation of security clearances as a form of retaliation against whistleblowers.

Here is what the questions were. What happens if a whistleblower's boss simply insists that they revoked the clearance for some other reason? What if they say it wasn't retaliation for being a whistleblower? Does the whistleblower have any recourse? Is there an appeals process? Or are whistleblowers, who stick their neck out to report waste, fraud, and abuse, just out of luck?

The Congress then stood with whistleblowers. In that same 2014 law, Congress required the Director of National Intelligence, in consultation with the Attorney General and the Secretary of Defense, to develop and implement policies and practices to make that appeals process for whistleblowers a reality. In other words, the Congress recognized that if whistleblowers were truly going to be protected from retaliation, there had to be a meaningful process for them to defend themselves against agencies that always have all the power and always have an obvious incentive to silence and remove those who speak up about abuses.

This important law was passed by Congress in July 2014. As of that day in 2014, the Director of National Intelligence should have been drafting those

policies, but they didn't do it in 2014, or in 2015, or in 2016, or in 2017, or 2018, or 2019—all those years of inaction—and certainly they haven't done it in 2020, especially because of the pandemic, because this is a crucial time when whistleblower protection is needed, now more than ever, because we need those folks to be speaking truth to policy-makers.

I ask the Senate: Who is at the helm every single one of those years of inaction? The person the Senate is thinking about promoting today, William Evanina. Six years have passed, and Mr. Evanina has not produced those whistleblower protection policies required by law.

During that time, there had been five Directors of National Intelligence. The Congress made the Director of the NCSC a Senate-confirmed position. Mr. Evanina kept his job, becoming both Acting Director and the nominee. Meanwhile, Congress reached out to ask: What is the story on these policies? Is anybody actually moving to protect the whistleblowers, as Congress required in 2014?

I want to say it again. On Mr. Evanina's watch, nothing happened in 2014, nothing happened in 2015, nothing happened in 2016, and nothing happened in 2017, 2018, 2019, and not in 2020—no policies, lots of empty rhetoric and no policies. Without the actual policies, whistleblowers are vulnerable, and when they tell the truth and push for accountability, they suffer.

Every day, Donald Trump steps up his attacks on whistleblowers, on inspectors general, and on the whole system of accountability that has traditionally been bipartisan. Congress has pushed back, passing laws to protect whistleblowers, but the laws have to mean something for the sake of whistleblowers and the rule of law. Congress should not reward those who ignore the law and leave whistleblowers vulnerable. That is what Mr. Evanina has done for 6 years. That is why I cannot support his confirmation. He has defied the law and failed to protect whistleblowers.

I am going to state the obvious. When the Congress passes a law, it has to be implemented. When Congress directs the government to protect whistleblowers, that is something that is priority business. In 2014, this body tried to protect whistleblowers. A law was passed. Mr. Evanina has ignored it all these years. That is just not acceptable.

Now, with Donald Trump and his administration feeling free to publicly attack whistleblowers again and again and conduct an unremitting assault on the entire whistleblower system, laws to protect them are especially important to our democracy. Day after day, we see the costs of a campaign to silence people who speak up about abuses. We see it in his efforts to cover up his failed, often corrupt, responses to the COVID-19 crisis. We see it across the board.

Now is when this country needs officials who are going to demonstrate leadership, who are going to stand up for the brave and the people who are willing to put their neck out to report misconduct. Whistleblowers deserve it, and the country deserves it.

Now, the last point I am going to make—my colleagues probably have heard it, and they are going to hear it, I believe, again—is that Mr. Evanina is going to promise once more, after 6 years of empty promises, to complete these critical whistleblower protection policies. What I would ask Senators is this: Enough is enough, right? After 6 years—6 years of unfulfilled promises—the Senate ought to say: The country deserves better. The country deserves action, and the country deserves real protection for whistleblowers.

Mr. Evanina remains the Acting Director. I want him—even after he hasn't done it for 6 years, I want him to complete those whistleblower protection policies. When they are completed and the law Congress passed is implemented, it seems to me that is the time for the Senate to discuss again whether Mr. Evanina should get a promotion.

Now, last, I just want to come back to how I started. I am not the only one who feels this way. The country's leading whistleblower organizations have made it clear they oppose Mr. Evanina's confirmation due to his failure to produce policies. They include such organizations as the Government Accountability Project, the Project on Government Oversight, Whistleblower Aid, and National Security Counselors. It is not just one Member of the U.S. Senate who is here to say that it is time to finally ensure that these courageous Americans, these patriots, who are willing to come forward when all the incentives in American Government are to stay quiet, not put yourself at risk, don't put your career in jeopardy—when all the incentives are for them to stay quiet, in this country right now, we need them speaking truth more than ever before. I oppose this nomination because there is a long, long track record of not being willing to stand up for these courageous whistleblowers, and I intend to vote against the nominee.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I rise today in strong support of William Evanina to be the first Senate-confirmed Director of the National Counterintelligence and Security Center, or NCSC. I believe Bill is an American patriot and an American success story.

He was raised in Peckville, PA, with very modest means. He was the first in his family to go to college. Prior to joining the FBI in 1996, his first job was with the General Services Administration in Philadelphia. Over his 24-year long career with the FBI, Bill investigated organized crime and violent crimes. He investigated the 9/11 ter-

rorist attacks, the anthrax attacks, and the Daniel Pearl kidnapping. Bill also led the counterespionage group at the Central Intelligence Agency. He earned a reputation as the consummate counterintelligence and security professional, fiercely dedicated to the mission with unquestionable honor.

Then, in June 2014, then-Director of National Intelligence, Jim Clapper—someone whom I know and respect very much—appointed Bill to serve as the Director of the NCSC. Many technical and complex activities fall under NCSC, including personnel security policy, information technology protection standards, CI cyber operations, supply chain risk management, threat awareness for the U.S. critical infrastructure, and damage assessments from spies and unauthorized disclosures. I have partnered, in my role as vice chairman, with Bill on many topics, to include educating industry about the threats posed by China and reforming an antiquated personnel vetting system.

The Intelligence Authorization Act for fiscal year 2016 recognized the vital work that NCSC does and made the position subject to Presidential nomination and Senate confirmation. In February 2018, President Trump nominated Bill to be the first Senate-confirmed Director. The Senate Intelligence Committee considered the nomination in May of 2018 and unanimously—unanimously, with some concerns from my colleague from Oregon, but unanimously—recommended his confirmation to the full Senate.

His nomination didn't get taken up because a Member on the opposite side had a concern. We considered his nomination again in February 2019 in the new Congress, and, again, our committee voted unanimously in favor of his nomination.

Unfortunately, over the last 2 years, despite universal recognition of Bill's qualifications for the position, his nomination became entangled in unrelated matters. Despite the delay—and I think Bill had plenty of opportunities to leave the government—Bill stayed the course, committed to the mission above all else.

Now, I share my colleague from Oregon's concerns about whistleblowers. I have seen this administration and this White House's disregard for whistleblowers. I tell you this: I believe I have Bill's commitment that the matter of processing the procedures on whistleblower protections will be dealt with. I also feel extraordinarily strongly that at this moment in time, when there is not a single Senate-confirmed appointee in the whole Office of Director of National Intelligence, now more than ever, we need at least one career intelligence professional with a good record, confirmed by this Senate, standing guard over an operation that right now, unfortunately, seems to be directed too often by political appointees that, both, disregard protection for whistleblowers and, in my

mind, too often disregard protections for our whole intelligence community.

With the fact that we have now gotten rid of the unrelated matters that were precluding Bill's confirmation by my colleague on the majority, I think we deserve to give this nominee what he and the country deserves—a vote. And my hope is a very strong vote of confirmation so that we can send someone who, as a career professional, has a commitment to holding truth first and foremost above political interference. We need Bill Evanina confirmed in this position.

I look forward to Mr. Evanina's confirmation today so that he can continue addressing the many important counterintelligence and security challenges facing our Nation.

I yield the floor.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of William R. Evanina, of Pennsylvania, to be Director of the National Counterintelligence and Security Center. (New Position)

Mitch McConnell, Lisa Murkowski, Chuck Grassley, Josh Hawley, Joni Ernst, John Barrasso, John Cornyn, Shelley Moore Capito, Deb Fischer, Rob Portman, John Thune, Roger F. Wicker, John Boozman, Roy Blunt, Cindy Hyde-Smith, Mike Braun, Marsha Blackburn.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of William R. Evanina, of Pennsylvania, to be Director of the National Counterintelligence and Security Center (New Position), shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from North Carolina (Mr. BURR) and the Senator from Kansas (Mr. MORAN).

Further, if present and voting, the Senator from Kansas (Mr. MORAN) would have voted "yea".

Mr. DURBIN. I announce that the Senator from Ohio (Mr. BROWN), the Senator from Vermont (Mr. LEAHY), the Senator from Washington (Mrs. MURRAY), the Senator from Vermont (Mr. SANDERS), the Senator from Hawaii (Mr. SCHATZ), the Senator from Michigan (Ms. STABENOW), the Senator from Massachusetts (Ms. WARREN), and the Senator from Rhode Island (Mr. WHITEHOUSE) are necessarily absent.

The PRESIDING OFFICER (Mr. CRAMER). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 83, nays 7, as follows:

[Rollcall Vote No. 82 Ex.]

YEAS—83

Alexander	Fischer	Perdue
Baldwin	Gardner	Peters
Barrasso	Gillibrand	Portman
Bennet	Graham	Reed
Blackburn	Grassley	Risch
Blunt	Harris	Roberts
Booker	Hassan	Romney
Boozman	Hawley	Rosen
Braun	Heinrich	Rounds
Cantwell	Hoeven	Rubio
Capito	Hyde-Smith	Sasse
Cardin	Inhofe	Schumer
Carper	Johnson	Scott (FL)
Casey	Jones	Scott (SC)
Cassidy	Kaine	Shaheen
Collins	Kennedy	Shelby
Cooms	King	Sinema
Cornyn	Klobuchar	Smith
Cortez Masto	Lankford	Sullivan
Cotton	Lee	Tester
Cramer	Loeffler	Thune
Crapo	Manchin	Tillis
Cruz	McConnell	Toomey
Daines	McSally	Udall
Durbin	Menendez	Warner
Enzi	Murkowski	Wicker
Ernst	Murphy	Young
Feinstein	Paul	

NAYS—7

Blumenthal	Markey	Wyden
Duckworth	Merkley	
Hirono	Van Hollen	

NOT VOTING—10

Brown	Murray	Warren
Burr	Sanders	Whitehouse
Leahy	Schatz	
Moran	Stabenow	

The PRESIDING OFFICER. On this vote, the yeas are 83, the nays are 7.

The motion is agreed to.

The PRESIDING OFFICER. The Senator from Colorado.

CORONAVIRUS

Mr. GARDNER. Mr. President, early last December or at least sometime later last year, people in Wuhan, China, began showing symptoms of what was at that time an unidentified respiratory disease in increasing numbers. We now know that virus as COVID-19, and it has completely upended our way of life in the United States and around the globe. This virus has infected over 3.5 million people around the world and killed, tragically, over 68,000 people in the United States, and that includes over 900 incredible and great Coloradans, my home State. We certainly mourn with those families who have lost loved ones, and we will keep fighting for a path forward as we get through this together.

I want to commend in the strongest terms possible our frontline workers, whether it has been our first responders, our healthcare professionals, or those who have allowed us to continue to enjoy a safe and secure food supply; people in the essential businesses who each and every day don't complain but go to work to help make sure our communities can get back to work. The list of heroes in our communities, those who have given so much, goes on and on and on.

I think it is important to recognize that as we have addressed the coronavirus challenge in this country—the measures we have taken, the steps

that have been laid out by mayors and governors and the President—they have been to comply with guidances and health directives and to comply with the best science and scientists our country has, not out of fear of the coronavirus, not because people are afraid of COVID-19, but they have done it out of love—love for their community; love for their parents and grandparents, whom they hope to keep safe and healthy; love for our country, to stop the spread and flatten the curve.

So to all of our incredible healthcare workers, the frontline workers, essential workers, grocery store clerks and gas station workers, mechanics at farm equipment dealerships that have remained open to keep tractors running during planting, to our ranchers and farmers who have kept our food supply flowing: Thank you.

People everywhere across Colorado are hurting, obviously, because of this pandemic. I have heard numerous stories across our great State. I have held telephone townhalls in every congressional district in Colorado, speaking directly with Coloradans who have lost their jobs, who are unsure about how they will feed their family, and who have endless questions about what the future holds for them.

I have heard from restaurant workers in Denver who were laid off when their restaurant closed. I have heard from restaurant owners who have done everything they can to keep their restaurant workers employed—preparing meals and providing them to the hungry and the homeless.

A small business owner in Monument, CO, shared with me how difficult it was to lay off 35 dedicated staff members but not having a choice.

I have talked to businesses in El Paso County near Colorado Springs who used the last prepaid minutes on a cell phone to participate in our townhall to try to figure out where they could get food.

I have talked to elderly Coloradans who were afraid to go to the grocery store because they didn't know if they had special hours. They had an underlying condition, and they didn't know if they could go safely. Our staff was able to help this person get the groceries they needed and the disinfectant they had requested and leave some information about the special hours that grocery stores around the town were holding for people who needed a little bit more social distancing—more space, more time, a safer environment to go out.

But the effects of the coronavirus aren't because somebody intentionally decided to hurt our economy, but they are hurting because of the necessary public health actions their government has taken. It is in large part the government's responsibility to help get them through this because it was the government that said to them: Stay at home. Close your doors. Don't go to work.

It is our responsibility to provide the help that our economy needs to get