

just outrageous. How can the Republican Senators say we want to see how this is working and not have a whole bunch of hearings to exam how it is working, instead of squeezing them out under direct pressure from us Democrats?

Now, tomorrow, in the Health, Education, Labor, and Pensions Committee there will be a hearing conducted remotely with Dr. Fauci. This is the kind of hearing we need, not once a week but several a day. The American people need to hear from experts in a fair, open, and truthful setting.

Until now, we have mostly heard from the members of the Coronavirus Task Force through the distorted lens of the White House press conference, where the President often prevents them from answering fully, interrupts their responses, or even contradicts their fact-based advice.

This will be one of the first opportunities for Dr. Fauci to tell the American people the unvarnished truth without the President lurking over his shoulder.

Dr. Fauci, let it rip.

But it shouldn't be this one committee hearing tomorrow, and it shouldn't be Dr. Fauci alone testifying, or even with the two he is testifying with. This is the routine oversight business of Congress, and we are now in a crisis. It should occur in every committee every week. There should be testimony from administration officials, ranging from Dr. Birx to Secretary Mnuchin, to Secretary DeVos and others.

We should also be debating another major emergency relief bill. As we speak, more and more businesses are going under, more and more people are losing their jobs, and more and more families don't have enough food to feed their children or are sitting for hours in car lines to get to food banks.

Speaker PELOSI and I completely agree. The new bill should be big, and it should be bold, and that is what the House is working on right now, while the Senate, under Leader MCCONNELL's leadership, dithers.

Already, however, we have heard that congressional Republicans are telling everyone they want to slow down. Leader MCCONNELL says he wants to hit the pause button. President Trump and administration officials are saying we might not need to do anything more to help the country. This would be a catastrophic mistake.

At the outset of the Great Depression, President Hoover was also reluctant to use national resources to attack the problem. He, too, was ideologically opposed to a vigorous and strong response from the Federal Government. President Hoover's failure was likely responsible for extending the length and deepening the severity of the Great Depression.

If President Trump and our Republican colleagues go the way of Herbert Hoover, if they oppose or slow-walk government intervention to save the

economy that is hurtling downward, I fear the Nation could suffer a similar fate—a second depression. We must avoid that at all costs. Now is not the time for timidity. Now is not the time for small thinking. Now is the time for action—big, bold, continued action.

There are so many issues that deserve our attention. On a daily basis, President Trump talks about the need to reopen our country. Well, President Trump, the only way we can safely reopen the country is if we have testing. To finally beat this disease, we need testing. To reopen businesses safely, we need testing. To reopen schools and sporting events, we need testing. To contain a resurgence in the fall or early next year, we need testing. Testing is, by far, the No. 1 priority from a public health standpoint and, maybe, from an economic standpoint as well.

For many countries, mastering the challenge of testing and contact tracing their population was their first priority. Here in the United States, unfortunately, the Trump administration is still trying to catch up. Three months ago—3 months ago—President Trump said: "Anybody that wants a test can get a test." That is still not even close to being true.

Americans have gotten sick, and because they could not get tested, they never knew if they contracted COVID and never knew if they passed it on to loved ones, colleagues, workers, or friends. For many who could get tested, they had to wait weeks for an answer, long after the disease had run its course and potentially spread to others.

We may never know the full extent of the human consequences that resulted from President Trump's administration's failure to rapidly develop a testing plan in the early days of coronavirus, but we do know that countries that did it successfully—such as South Korea, Germany, Australia, and New Zealand—were able to deal with the virus much better than we have. And to think the United States, which has always been the leader in public health, is lagging behind these other countries because of the President's denial and ineptitude should bother every single American, no matter what your politics.

Congress provided \$25 billion in the most recent relief legislation to increase testing capacity and contact tracing, and we are going to need to do more. If President Trump is so keen on speeding up the process of reopening the country, we should endorse what Democrats have urged him to do: Create a national testing regime immediately.

On one final matter, education, in the CARES Act, Congress provided a little over \$30 billion to help States, school districts, and higher education systems respond to the coronavirus after many schools were forced to close or to move to remote learning. We need more money than that, of course, and I think Democrats in both Houses agree.

It has come to our attention that Secretary DeVos has been using a portion of the existing funding not to help States or localities cope with the crisis but to augment her push for voucher-like programs, a prior initiative that had nothing to do with COVID-19.

We have also learned that Secretary DeVos has added restrictions to the fund that weren't included in the law, including guidance that DACA recipients cannot receive aid. Shameful—there is no other word for it. Secretary DeVos is exploiting emergency relief funding to further her own rigid ideological agenda and deprive students of desperately needed Federal assistance. The Secretary of Education should reverse course immediately.

Subsequently, DeVos should testify in Congress as soon as possible. As someone who has habitually skipped congressional hearings, Secretary DeVos has a lot to answer for. If our students had the same attendance record as Secretary DeVos, they would have flunked out of school. Secretary DeVos needs to come clean about how her Department is exploiting congressional relief efforts intended to help schools recover and reopen.

I yield the floor.

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

The PRESIDING OFFICER (Ms. ERNST). Without objection, it is so ordered.

CORONAVIRUS

Mr. CORNYN. Madam President, as our Nation's war against the coronavirus has waged on, the Senate has taken decisive action to provide the resources we need to win the fight. We sent critical equipment to our frontline healthcare workers, and we have expanded testing resources nationwide. We provided loans to small businesses in order to protect jobs, and we sent direct financial assistance to the Americans who are struggling the hardest to make ends meet. These four bills—now law—passed by Congress have addressed both the public health crisis at the heart of the pandemic and the ensuing economic fallout.

Now, with the States beginning to gradually reopen their economies, we are staring down the barrel of a second epidemic, one generated by opportunistic lawsuits, crushing legal fees, and drawn-out court battles.

According to a database compiled by law firm Hunton Andrews Kurth, more than 950 such lawsuits have already been filed in the United States. We have seen suits against healthcare workers, nursing homes, colleges, governments, retailers—you name it. As our economy begins to reopen, unfortunately, so will the legal floodgates. The litigation epidemic is shaping up to be a big one.

Now, don't get me wrong, lawyers aren't all bad. I confess to being one myself. And there will no doubt be some meritorious claims. But many suits potentially serve as the cash cow—a chance to shake down a business for a nuisance settlement due to the cost alone of defending a lawsuit, even if you win.

With a pandemic that has affected more than 1 million Americans, you better believe there are some preparing for a gold rush. You can hear the TV commercials now asking if you or a loved one was impacted by the coronavirus, encouraging you to call a 1-800 number to see if you could be entitled to some money.

Imagine you are a nurse who is being sued by the family of a patient who tragically passed away at your hospital. Even though you acted in good faith and you took every precaution to save the life of the patient, you could get pulled into a nightmarish legal fight over a case that ends up having no merit in the first place.

Let's say you are a small business owner who closed your doors at the start of the pandemic, but then you applied for the loans, and you have done everything in your power to stay afloat until you could reopen. When that time comes, you take every precaution. Your employees wear masks, you reduce the number of customers so as to provide for social distancing, you regularly clean your store, and you have hand sanitizer available for all employees and customers. But then somebody says that they contracted the virus in your store and that they are going to sue you. Well, I have no doubt that, unless we provide for some limitations, there will be businesses that will say: Why bother? Why take on the risk? It is just not worth it.

We know small businesses provide the lion's share of the jobs in our economy, and they can get roped into spending all their savings—what is left—to defend or settle a nuisance lawsuit. And the fear of these consequences could worsen the toll this crisis has already taken on our economy.

We simply cannot allow a flood of frivolous lawsuits to harm our incredible healthcare workers or stunt our economic recovery. As we speak, I am working with colleagues on legislation to address the anticipated lawsuit bonanza.

Let me be clear. Not all lawsuits are created equal. Without a doubt, there will be legitimate claims as a result of reckless wrongdoing in the wake of this pandemic. Those are the types of cases we want to make sure are heard.

Last week, the Utah Daily Herald reported that one business required staff who tested positive for the COVID-19 to report to work anyway. Almost half of the business's employees tested positive. You don't have to be Perry Mason or Matlock—I realize I am dating myself here—to see that this is an egregious violation of Federal guidelines.

There is no desire to impede the effort to hold bad actors accountable, period. That is my guiding principle. The problem is with the expected onslaught of frivolous claims, which will do nothing more than harm the very people already hurt by this virus.

Just because a lawsuit is baseless doesn't mean it will be quick, easy, or cheap to resolve, and we can't put our healthcare workers in a situation where, after battling this virus for months on end, they then have to battle a false claim in court.

Future legislation should include liability protections for our frontline workers and small businesses that are complying with the very government regulations designed to protect against the spread of the virus.

More than a dozen Governors have already provided liability protections to healthcare workers, but we can't just depend on the States to uphold these protections. We can't wait for the dam to break. Congress must act to provide the shield for the healthcare workers who have done everything in their power to save lives during this unprecedented crisis.

Again, to state the obvious, this would not interfere with liability for intentional or grossly negligent conduct. As I said before, no one wants to put a stop to meritorious lawsuits. We want to prevent baseless claims from tying up our courts, destroying jobs, and holding our economy hostage.

There are several ways to accomplish this, but we need to focus on a solution that provides clarity for our businesses and prevents gamesmanship in the courts.

Michael Krauss is a law professor at George Mason University who specializes in tort law. He has pointed out that employees can get workers' compensation benefits if they become sick or disabled on the job. In other words, employees will be covered by existing workers' compensation laws. We are talking about third-party claims, not employees. Defending lawsuits, no matter how far-fetched, is expensive, and litigation costs alone can make the difference between the destruction and survival of a business.

Professor Krauss said that in his opinion, the ideal statute would say: "If you do the following, you may not be sued." He said that could include a list of requirements, like wearing masks. There could be specific regulations for restaurants, meatpackers, or other industries.

Any liability limitations will only protect the individuals and companies that comply with Federal guidelines and seek to keep their workers and the public safe.

My colleagues and I have been in discussions about the best way to do this, and we are actively developing a proposal that I hope will gain bipartisan support. There are fair and reasonable ways to deal with this. We have seen this before. This is not a novel concept. Whether it is the response to the Y2K

paranoia around the turn of the century or the attacks of 9/11, there are many more examples where Congress has, on a bipartisan basis, responded to a national emergency and provided these sorts of commonsense legal protections.

As we continue to work to support the American people during the crisis we are facing today, we can't ignore the onslaught of lawsuits that could soon bankrupt small businesses and strangle our recovering economy. Congress must act to ensure America doesn't wake up from this pandemic only to find itself in a legal nightmare that we could have and should have prevented.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

RUSSIA

Mr. GRASSLEY. Madam President, in the last several weeks, a lot of information relating to the FBI's Russia investigation has been declassified and made public. That is in large part thanks to action taken by Attorney General Barr and action taken by Acting Director Grenell at DNI on declassification of a lot of things that should have been declassified a long time ago. Their acts of transparency are finally shining a light on the dark corners of the Federal Government. The public's business ought to be public. There is too much overclassification in the Federal Government. Barr and Grenell are doing what they ought to do, and I hope they keep it up.

In the last several weeks, we have also seen a lot of denial from some quarters in the media about the information that has been released.

Also last week, former President Obama said the rule of law is at risk because of the Justice Department's dismissal of the Flynn case. Contrary to what President Obama believes or the media might say, I believe the opposite is true. The rule of law is at risk if the Federal Government can get away with violating the Constitution to do what they did to Lieutenant General Flynn.

When it comes to those violations and other misconduct by former government officials, Obama and the mainstream media pundits all seem to be silent all of a sudden. I have heard no comment from Mr. Obama about the independent inspector general's findings that Andrew McCabe lied under oath to Federal investigators multiple times or about how Department of Justice prosecutors falsely told the court that they had produced all Brady material to Flynn. I didn't hear them when the Federal Government surveilled an American citizen connected to the Trump campaign without probable cause and based on intelligence that the FBI knew was questionable at best. There is too much silence on something that now is so obvious.

Since 2017, I have aggressively pursued the Flynn investigation to find out more about why the FBI decided to