

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

interview Flynn, make him a subject of an investigation, and then why the Justice Department eventually charged him. From the beginning, I wanted to know the facts of the case, and from the beginning, none of what I found looked right. Having done good government oversight for over 40 years, I know a government foul-up when I see it.

The public knows a lot more than they did in 2017 when the news first broke about this Flynn case. For example, we know that on January 4, 2017, the FBI wrote a closing memorandum on Flynn, who was code-named “Cross-fire Razor” by the FBI. That memorandum said the intelligence community could find no derogatory information on the general.

On the very same day the FBI was ready to close the Flynn case, Peter Strzok asked another FBI agent something like this: “Hey, if you haven’t closed Razor, don’t do it yet.” So Strzok obviously had another agenda. The case was still open at that moment, and Strzok asked that it be kept open “for now.” Strzok then quickly messaged Lisa Page, saying that Razor still happened to be open because of some oversight and said: “Yeah, our utter incompetence actually helps us. 20 percent of the time . . .”

During the course of my oversight activities of the FBI, I have uncovered and made public large amounts of Strzok’s and Page’s messages. When reviewing all the faults and disasters of the Russia investigation, these text messages are very, very important. They are the free expression of these top FBI employees’ mindset, unencumbered by rules or decorum. They give us a look at what the drivers of the Russia investigation actually believed.

In August 2016, just after the FBI opened the Russia investigation, Page said: “Trump’s not ever going to become president, right? Right!?” She is the one who edited Flynn’s 302 summary along with Strzok, which contradicted the original 302. Strzok responded to the Page quote that I just gave about whether Trump would ever become President this way: “No. No he won’t. We’ll stop it.” Their animus towards Trump helps to explain why they cut corners and why they didn’t follow regular protocol in running their inquiry.

On January 5, 2017, the day after Strzok moved to keep the Flynn case open, President Obama met with Director Comey, Deputy Attorney General Sally Yates, Vice President Biden, and National Security Advisor Susan Rice. At that meeting, they briefed President Obama on the Russia investigation. It is unclear to what extent they discussed the details of the investigation amongst each other, but given all that we know now regarding the fake foundation to the inquiry, it is time we asked: What did Obama and Biden know, and when did they know it?

During the course of my oversight, I acquired an email from Susan Rice.

She sent herself an email on Obama’s last day in office, January 20, 2017. That email memorialized the alleged contents of the January 5, 2017, meeting with Obama that I previously referred to. As I noted in 2018 when I made the email public, I found it very odd that among her activities in the final moments of the final day of the Obama administration, that she would write herself an email about a meeting that happened several weeks prior about this investigation. According to Rice, Obama wanted everything done “by the book.”

Of course, we now know that never happened. She also said, in part: “The President”—as in Obama—“asked Comey to inform him if anything changes in the next few weeks that should affect how we share classified information with the incoming team.”

Then, 1 week later, on January 12, 2017, somebody in the Obama administration leaked the Flynn-Kislyak call to the Washington Post that, for the very first time, ignited rumors about Flynn’s association with Russians and a possible violation of the arcane Logan Act.

Now, wasn’t this really a perfectly timed leak—one that would help to create a fake foundation to interview Flynn?

Well, guess what happened. Twelve days later, on January 24, 2017, Strzok interviewed Flynn in the White House. Prior to that interview, Comey chose not to follow normal protocols to inform the White House that the FBI intended to interview an employee. Now, we all know that the FBI would normally work through the White House counsel to have discussions for approval and who would be present at that interview.

You have seen it on television several times this weekend: Comey bragging about getting away with skirting the rules. When he was asked in a 2018 interview about how he did it, Comey said—and this is what showed up in these last weekends:

I sent them—

Meaning he sent the FBI agents to interview.

I sent them. Something I probably wouldn’t have done or even gotten away with in a more organized investigation, a more organized administration.

According to Comey’s former assistant, Comey said: “We just decided, you know, screw it,” in reference to their breaking protocol with the White House.

Now, I referred to an email that said the President wanted to do this by the book. Well, what I just described to you is hardly “by the book.” Flynn was never told during this interview what he was being secretly interrogated for, and the whole thing was done without Flynn having an attorney present. In fact, I think I recall they even told him he didn’t need an attorney.

Now, we know that the FBI had no real investigative purpose to interview Flynn. We also know, based upon FBI

notes, that agents apparently interviewed Flynn to trick him in a lie so that they could prosecute him or get him fired. That prosecuting him or getting him fired are very clear in some notes that we got from the FBI, handwritten notes.

Keep in mind that the FBI had prepared to close this case weeks before, except it didn’t quite get closed because Strzok came in and said: Can we keep it open—or something to that effect.

The FBI already had the transcript of the Flynn-Ambassador Kislyak call. They knew exactly what was discussed. So what was the point of interviewing Flynn if they already had the transcript?

Well, lucky for Strzok, the FBI had not technically closed the Flynn case. So he figured yet they could lay a trap for Flynn, and they did lay a trap.

In doing so, they didn’t warn him that he was under investigation. They went around the Justice Department, and I made it very clear how they bypassed the White House on interview protocols, because Comey was bragging on television about that.

Under Comey’s leadership, the FBI abused government powers in ways that our Founders and Framers feared most, because they had had enough of George III. They weren’t going to let it happen again in the United States. That is why they wrote the Constitution the way they did.

The Russia investigation, in other words, is a textbook example of what not to do. At every step of the investigation, the government sought evidence to advance it, never got the evidence that they needed to advance it, and advanced the investigation anyway.

That is pretty clearly an abuse of power.

Let’s recall that Comey also leaked his memos of his private discussions with President Trump to get the special counsel, Mueller, appointed. Comey is pretty smart. He had a plan. It worked. That plan worked to get Mueller appointed. Mueller did his work for 2 years, and it cost the taxpayers \$30 million. In the end, Mueller found no collusion and no obstruction, which is exactly the same information that the House Intelligence Committee’s 50-plus depositions told us. Those were done way back—not way back but a little way back—in 2017. Mueller finished his job in 2019. That is more than \$30 million just to reinvent the wheel.

Now, with respect to Comey, I think it is monumentally important to point out a piece of his testimony from 2017, before the House Intelligence Committee. Comey said the following:

. . . we had an open counterintelligence investigation on Mr. Flynn, and it had been open since the summertime, and we were very close to closing it. In fact, I had—I think I had authorized it to be closed at the end of December, beginning of January.

Now, Comey leaked his memos so that the public would know the President allegedly said to him that he

hoped Comey would let the whole Flynn thing go. That is what the hook was to getting a special counsel appointed.

Not once in Comey's memos did he mention that by the time that conversation occurred, he had already authorized the Flynn case to be closed. Don't you think that is a material fact that would put the proper context on his interactions with Trump?

Attorney General Barr is exactly right. What the FBI did to Flynn cannot be justified by any angle of review. What the FBI did is to flout the rules, the law, and the Constitution. Entrapment is unconstitutional.

That is where the outrage ought to be—not on the dismissal of the case but on facts that the case was brought in the first place and a good man's life was destroyed.

Mueller had all these facts. He had documents. He had the Brady material. He had the FBI notes and contradictory 302 summaries. He had the emails. He had all the information that showed Flynn was set up, targeted, and pressured to plead guilty in a secret side deal between the Mueller team and his former lawyers, only because he was running out of money and the government was coming after his son.

Flynn did what maybe a lot of people would do when your family is at stake. Flynn did what he did to save his family from financial ruin and his son from reputational ruin. He did what any father would do for his family.

If it can happen to Flynn, it can happen to you. It can happen to any American, and, in some ways, this also happened to a person named Carter Page and with the illegal surveillance on Carter Page.

You know, in this business of self-government and this business of constitutional safeguards, we still are in a constant battle between liberty and tyranny, and we have seen some tyranny in regard to Flynn. My fellow Americans, let's use the Russia investigation and all of its shortcomings to forever guard against the tyranny of the Federal Government.

On one last thing, people are constantly phoning our offices and wanting to know when all the people who did the injustice to Flynn are going to be prosecuted, because they think there are two standards of justice. You know, they announced yesterday that McCabe isn't going to be prosecuted. But Flynn was entrapped to be prosecuted, and how wrong that is. A lot of people want justice brought to the people who did the injustice, and I think they ought to be prosecuted.

But even more important than prosecuting him, it is about time that these facts get out so the public knows the injustice that is going on within our government, within the FBI, in the highest levels of the FBI.

We aren't finding fault with the people in the FBI who are doing what needs to be done to bring law and order to our country, but when we have these

unusual, illegal, unconstitutional, corrupt things that happened to Flynn, it ought to wake up the American people. It ought to wake up those of us in government to make sure it never happens again.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

NATIONAL POLICE WEEK

Mr. BOOZMAN. Madam President, I rise today to recognize the National Police Week in honor of the men and women who serve and protect our communities. The individuals called to uphold the rule of law do so in times of crisis, and they serve their families, friends, and neighbors at a moment's notice. They are selfless public servants who courageously face danger head-on.

Law enforcement officers respond to calls for help while not knowing what challenges they will face. We are in a unique time right now and experiencing unprecedented challenges in our country. Law enforcement officers are working to protect citizens while also safeguarding themselves against the unseen enemy of COVID-19.

The disease has forced departments in Arkansas and all over the country to change protocols in order to prevent the spread of the disease, but that hasn't stopped the resolve, the determination, and the passion of officers to defend the community. Despite this new challenge, they continue to serve with the same level of professionalism and integrity.

We are working to provide departments and agencies with additional resources to safeguard these public safety officers. I am pleased the Department of Justice recently awarded Arkansas near \$7 million so we can better serve the safety needs of officers in the State and get them personal protective equipment—gloves, masks, and sanitizer—that they need in order to perform their job safely. This funding is vital as the calls for assistance keep coming and police officers continue to respond to these emergencies.

I want to thank our law enforcement officers for their bravery today and always. It takes a special person to put their life on the line every day to protect our communities. We are fortunate to have some of the very best in Arkansas.

National Police Week is a time that we honor the sacrifices of individuals who selflessly serve their community and give their lives, if necessary, while in the line of duty. We preserve their legacies by adding their names to the National Law Enforcement Officers Memorial in Washington, DC, to serve as a reminder of their sacrifices.

This year, the names of 307 fallen officers will be added to the memorial, including five Arkansans. The names of Game Warden Ollie Mitts, Deputy Sheriff George Rogers, Deputy Sheriff Ulyss Baldwin, Fayetteville Police Officer Stephen Carr, and Stone County Sergeant Michael Stephen, Sr. are new to the memorial. We will remember forever them as heroes.

I am a proud cosponsor of the Senate resolution marking National Police Week because we must always remember the brave officers whose lives were cut short because of their public duty and recognize those who continue to selflessly serve to keep us safe.

I am proud to honor the individuals who are called to serve and protect and will advocate for policies that provide our communities and officers with the resources they need to protect themselves.

Thank you to the officers in Arkansas and those all across the country for upholding the law, protecting the community, and saving lives.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mrs. BLACKBURN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BOOZMAN). Without objection, it is so ordered.

PROTECTING HUMAN RIGHTS DURING PANDEMIC ACT

Mrs. BLACKBURN. Mr. President, to all of my colleagues and to our staff here in the Chamber, those who are mothers, I hope they had a wonderful Mother's Day weekend, and it is a joy to return to work today. I will tell you, I am really blessed to have some of those moms. They are policy experts, and they are a part of my staff. I listen a lot to what they have to say.

Like with all of our staff, I admire their dedication and their focus—especially now and especially when it comes to discussing how this COVID crisis is affecting their children, how they are learning and how they are utilizing technology to communicate and practicing distance learning and hearing what schools are doing as they are all going through a learning curve. We are all going through a learning curve on how to utilize technology.

The thing that is so significant, as I talked to so many of these working moms and dads, what we realize and they realize and what they highlight with me is that embodied in this technology, we have a lot of dangers that exist and vulnerabilities that are being created to the privacy of our children.

Long before students were forced to attend classes via webcam, Congress began taking a hard look at how the companies providing digital classrooms were protecting what I term the "virtual you"—you and your presence online—how they were protecting that virtual you of underage users.