

bill for police, firefighters, and teachers across America, unless there is guaranteed immunity from lawsuits, and here is one of the leading companies, the No. 1 primary witness of the Republicans in the Senate Judiciary Committee hearing, saying to the Federal and governments: Establish standards, reasonable standards, for us to live up to when it comes to conducting business, and we will do it.

I think that is a reasonable request by his business. Why aren't we doing it? Why hasn't OSHA established standards for the safety of workers?

One of our other witnesses here is this gentleman who is the head of the United Food and Commercial Workers, Marc Perrone. I have a special fondness for this union because when I was a college kid, I spent 12 months working in a slaughterhouse in East St. Louis, IL, and it was this union that I belonged to back in those days.

It was tough, dirty, and dangerous work. I look to it as an important chapter in my life, when I saw how real people go to work every day and many times risk their safety and their health in doing it.

Marc Perrone tells us there are literally thousands of his meat processing workers who have been affected by this virus and 95 of his members who have died as a result of it. What he is looking for—what we are looking for—is for those companies to establish standards of safety for their workers so that they can go back to work in this important business.

Some are doing just that. I commend them. Some are working with the union to find safe ways to test their workers and to bring them back to a job site that is safe for them to work in. But they don't have a national standard to live up to. We haven't established a national standard, as we should. Whether through OSHA or through CDC, we ought to establish standards for businesses across this country to live up to. I believe many—Mr. Smartt with Kwik Chek and Marc Perrone with the United Food and Commercial Workers—would applaud that. They would say: At least we know what social distancing standards are to be used in the workplace. At least we know what protective equipment is required in the workplace to protect our employees. At least we know going into this exactly what the standards are that we need to live up to.

Senator MCCONNELL's approach is immunity from lawsuits; don't establish any standards and don't hold anybody to any standards at all. That is wrong. The net result of that is that more people would be in danger, more people would be infected, and more people would die. That is not the right approach.

What we need to do is to make certain that when this is all said and done, we have a smart approach to this; that a business that is conscientious, cares for its customers, and cares for its workers has standards to

live by and that they can meet reasonable standards that have been thought through from a public health viewpoint.

It is no wonder that there is uncertainty when you look at the situation today. The Centers for Disease Control suggests voluntary standards, suggestions. The White House accepts some, publishes some, scoffs at others, and ignores others. There is just no clear message to businesses and people across America on what the standards of safety will be.

So I would say that this hearing this afternoon is important to hear from Mr. Smartt and his willingness to look for standards that he can live by, and to hear from Marc Perrone about the dangers to his workers across the workplace. And don't believe for a minute that this caravan of lawsuits threat that we hear over and over tells the whole story.

When you take a look at the lawsuits that have been filed, it is not just the so-called caravan of trial lawyers that are coming in and jumping on this. There are businesses suing businesses. There are lots of lawsuits that have little or nothing to do with personal injury. There are also lawsuits involving workers' compensation.

Senator MCCONNELL's suggestion is that we overturn the State laws that give workers the right to recover in the workplace if their injuries and or their health is impaired because of the COVID-19 virus. What a terrible outcome that would be to walk away from decades of established protection for workers in every State in the Union, for Senator MCCONNELL's so-called red-line threat when it comes to the COVID virus No. 4 bill that Speaker PELOSI is proposing.

There is a reasonable answer here. We can say to these businesses across America: Join us in the fight. Let's stand together. You protect your workers, you protect your customers, and we will stand by you. We will establish a reasonable standard of conduct for you, which will protect you from frivolous lawsuits. But to take the approach by Senator MCCONNELL, saying that we just are going to guarantee immunity from lawsuits, is exactly the wrong thing to do. We need a standard of safety that businesses can be proud of, that workers can respect, and that customers can count on so that they can go into places, do their business, buy the products, and know that there is a standard of good health that is being established for everyone.

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. Without objection, it is so ordered.

PAYCHECK PROTECTION PROGRAM

Mr. CORNYN. Madam President, my home State of Texas is a great place to do business. We keep taxes, government spending, and regulations at a rational minimum in order to give people and businesses the freedom to pursue their dreams and prosper. Texas is consistently ranked on the list of the "Best States for Business," the "Best States to Start a Business," and the "Best States for Female Entrepreneurs."

According to the Small Business Administration, there are more than 2.6 million small businesses throughout the State, accounting for 99.8 percent of all Texas businesses. Those businesses employ nearly half of our State's workforce and account for the massive portion of our Texas economy.

To say that the small businesses are an economic force in Texas would only paint half the picture. In big cities and in small towns alike, these businesses play a critical role in our communities—the locally owned restaurants and bars we visit, the gyms that are part of our regular routine, the dry cleaners, the pharmacies and the hardware stores we stop at when we run errands. But our small businesses aren't just employers or generators of sales tax. They are owned by our friends and our neighbors and are part of the very fabric of our community.

Right now, they are under severe stress and in real jeopardy. The coronavirus has kept Texans at home and put our small businesses into serious financial trouble. When stay-at-home orders were put in place, many were forced to close their doors overnight. Over the last several weeks, like many of my colleagues, I have held innumerable video conferences with chambers of commerce, small business owners, and others who have told me about the difficult decisions they have been forced to make in the wake of this virus.

Without any demand, without an opportunity to sell their services or the food or other material they provide, they had to lay off employees or reduce their pay, and some were more concerned that they couldn't survive more than a few weeks because they still had to pay the rent and their overhead.

Those struggles are familiar for businesses across the country, and that is why we, together—literally, unanimously, in the Senate—created the Paycheck Protection Program. This new loan program was designed to help America's small businesses and their employees manage these uncharted waters by providing 8 weeks of cash flow assistance to cover payroll and other business-related expenses.

As we now know, it was so popular and so needed that the initial \$350 billion we funded ran out in less than 2 weeks. From that batch of funding bill, Texas received more loans than any other State. Nearly 135,000 small businesses benefited from the Paycheck Protection Program—a sum total of

28.5 billion. That is just from the first \$350 billion we appropriated. It became obvious that there was more demand than supply, and so we had to then replenish the program with an initial \$320 billion. So far, \$670 billion has gone into the Paycheck Protection Program. These are astronomical numbers, but, obviously, the need was serious, and this appears to be meeting a very real need to keep these businesses afloat, along with their employees.

Since our small businesses have gotten these funds, there is no shortage of stories about the positive impact they have had in my State, and I am sure each of us can tell similar stories.

One of the recipients of a PPP loan is Sevy's Grill, which has been a favorite in Dallas for more than two decades. Like other restaurants throughout Texas, the stay-at-home order put them in a very tough financial spot, and the restaurant closed in March without an end in sight. Then a lifeline came in the form of the Paycheck Protection Program.

A Facebook post from the restaurant read: "We are blessed to be a part of the Paycheck Protection Program to help fund our comeback."

They reopened at the end of April with a "Valet-to-Go" program, just in time to celebrate their 23rd anniversary last Friday and Mother's Day over the weekend.

There is also another company called JuiceLand, an Austin-based company with locations in Dallas and Houston as well. Matt Shook is the founder and CEO. He says they were preparing for a busy spring, but instead of having their nearly three dozen locations full of customers, he had to close 25 stores and lay off 300 employees. He said: "Every day it's like being at a poker table and getting bad hands every hand."

But Matt was then dealt with a few good cards. JuiceLand received its Paycheck Protection Program loan. He began to reopen the stores and to hire back his employees. He said that this loan is going to be the difference in keeping his company afloat.

The businesses that have received these loans were in danger of drowning until Congress, working together in a bipartisan way, threw them a lifeline. But now they are facing another risk that could bring a second wave of devastation and danger. Across the country, we are starting to see coronavirus-related litigation filed by the hundreds of cases—patients or their families suing doctors, students suing universities, employees and customers suing businesses—and this is just the beginning. As more States begin to restart their economies, we can expect a tidal wave of lawsuits to follow.

And while there is and should absolutely be legal recourse for those with legitimate claims, there are serious concerns about the number of frivolous claims and nuisance lawsuits we are expecting to see.

Imagine you are the owner of a small restaurant. Once stay-at-home orders

were put in place, you did it the way you were asked, and you tried to keep your business going and your employees on payroll. You received a PPP loan, which helped you and your workforce survive until you could reopen your doors. And once that happened, you took every precaution and followed every guideline to protect your employees and your customers.

You did your best to follow all government guidelines and regulations to a T. You stayed in close communication with your employees about their health and required anyone who was not feeling well to stay home. Your employees wore masks and gloves and had their temperatures checked at the start of each shift. You did your best to clean high-touch surfaces, maintained social distancing in the restaurant, and had hand sanitizer available for customers and employees. But then you find out you are being sued because someone claims that they contracted the virus at your place of business and they claimed that it happened because of your negligence and either you knew or you should have known. The legal nightmare you are about to enter could have your business filing for bankruptcy by the end of the year, even if the claim proved to be without merit.

The expense and the time and the effort that we want people putting back into the business to help rebuild our economy—they are going to have to use that to defend a nuisance lawsuit and perhaps pay money just so they don't have to continue to pay a lawyer to defend them in court.

Without action in this Congress, this is going to be a familiar story for small business owners, doctors, nurses, first responders—anyone and everyone who could potentially be blamed for another person contracting the virus.

We are all familiar with those who are ready to jump at the opportunity to file a suit over this and similar matters, whether or not their case has legs. You can imagine the TV ads and the highway billboards we will see encouraging you to call some 1-800 number if you have been impacted by the coronavirus, only to be connected with a lawyer to file a lawsuit—again, regardless of merit.

Let me be clear. As a recovering lawyer myself, I don't think all lawyers are bad, but we do know there are venal people who will take advantage of the opportunity.

Again, let me just say I have no doubt there have been and will be legitimate lawsuits targeting bad actors. If there is willful or reckless disregard for the person affected, they should have every right to sue and be made whole. But we need to take action against these frivolous lawsuits tying up our courts, bankrupting our businesses, and discouraging our economy from reopening.

This is not without some precedent. In the past, Congress has provided similar protections for businesses and workers who followed guidelines and

acted in good faith. For example, there was the Volunteer Protection Act of 1997, which provided legal protection for volunteers who worked at nonprofits. There was the Y2K Act of 1999, which gave protections to businesses if they followed government guidelines in good faith with regard to Y2K computer glitches. There was the Coverdell Teacher Protection Act of 2001, which gave protection to teachers and educators.

It is simply time for Congress to once again exercise our constitutional authority to provide reasonable liability protections for employers and workers who are operating in good faith and following government and public health guidelines.

There is no effort to allow bad behavior or protect those who are grossly negligent, period. In fact, if you think about it, providing a safe harbor for those businesses that follow public health and government guidelines will actually encourage them to do so, which will actually further protect the public and their employees.

The types of liability limitations my colleagues and I are interested in providing would simply prevent frivolous and nuisance lawsuits from harassing our frontline healthcare workers and small businesses which were acting reasonably and complying in good faith with health guidelines.

If you are a business owner debating whether to reopen once you are able, this lawsuit frenzy could be the deciding factor. You may just decide to throw in the towel, and we all would be losers, not the least of whom would be the employees who get their jobs from that employer.

Would you risk a potential lawsuit that would tie you up in courts for months, if not years, on end and bankrupt your business even though you are prepared to follow health guidance? Well, I think many will not be inclined to open up under those circumstances.

Without limiting liability for our small business owners and workers, our economic recovery will be stunted as a result of the fear of the negative impact of these frivolous lawsuits. That is the situation we need to address and prevent.

Congress has taken unprecedented steps to strengthen our Nation's response to the coronavirus and minimize the economic fallout, and we have done that together. The tidal wave of lawsuits that could come and will come unless we act to limit that liability will undo every bit of progress we tried to make. We can't allow our doctors and nurses and first responders and small businesses to survive the pandemic, only to find themselves battling a second crisis in the courtroom, an existential crisis.

In order to strengthen our response to this pandemic, we must protect those who are doing everything in their power to keep us safe while following the guidelines their government provides them, and we need to keep them

from having to suffer and perhaps not survive this second pandemic that will be caused by opportunistic litigation.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. LOEFFLER). The clerk will call the roll. The legislative clerk proceeded to call the roll.

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

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

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 Brian D. Montgomery, of Texas, to be Deputy Secretary of Housing and Urban Development.

The PRESIDING OFFICER. The Senator from Nebraska.

CORONAVIRUS

Mrs. FISCHER. Madam President, I rise today to speak about the unprecedented crisis our Nation is facing. In a matter of just a few months, COVID-19 has completely changed our daily lives. This virus has forced us to close schools, shut down restaurants, cancel major events, and temporarily shutter businesses across our economy.

The sacrifices have been necessary for the sake of public health, to help "flatten the curve" so our medical facilities don't become overwhelmed, but they have also been disruptive, frustrating, and in some cases, scary.

Despite the emotional and economic toll this crisis has taken, we have seen countless acts of compassion, generosity, and selflessness all across the country. Americans have stepped up to help each other to fight this new threat.

I want to make sure the American people know that since the very beginning of this crisis, Nebraskans have been on the frontlines.

When 13 Americans were evacuated from a cruise ship in Japan in late February, they were taken to the National Quarantine Unit at the University of Nebraska Medical Center in Omaha. As the Nation's only Federal quarantine unit, they were also trusted to care for Americans recovering from Ebola in 2014.

Beyond treating those exposed to or infected with coronavirus, UNMC is also working to test new treatments for this virus. In late February, the Na-

tional Institutes of Health announced that the country's first clinical trial for coronavirus therapy had begun at UNMC.

Our world-class medical center has been active from the very beginning of this crisis.

The Nebraska National Guard—our citizen soldiers—has also played an important role in our response. They have been deployed as distributors at food banks, as healthcare workers assisting with testing, and as drivers bringing ventilators to where they are most needed.

One of the first State Department evacuation flights out of China brought 57 Americans to Nebraska, where they were quarantined at Camp Ashland, a Nebraska National Guard training site.

It is easy to forget that these first evacuations happened just back in February. Since that time, we have relied on our amazing healthcare workers and first responders. These heroes have been working around the clock to keep all of us safe. They get up every day to fight this virus in hospitals and in clinics across this country. I can't imagine how hard it must be for them to see the effects of this new sickness day in and day out. Yet I know we are in good hands.

We have also relied on our food heroes, many from my home State, where one in four jobs is tied to production agriculture. If you raise cattle or grow soybeans, you can't stay inside and work from your couch. If you package beef or pork, you can't work from a laptop. Americans should be incredibly grateful for our essential workers throughout the food supply chain. They are working so that we can continue to put healthy, safe food on our tables.

Nebraskans and all Americans are making daily sacrifices to slow the spread of this virus. We have drastically reduced our contact with others, knowing that short-term sacrifice will lead to long-term public health. But despite our best efforts, over 8,000 Nebraskans have contracted the virus, and 96 have died since COVID-19 arrived in the United States. These people were loved by their families and by their communities. I grieve for their loved ones. These tragic losses underscore the seriousness of this virus. They demonstrate to all of us that we need to keep up the fight.

The changes we have made in our national life, while necessary, have been difficult. They have come at the cost of the economic security of many people in the heartland of this Nation. We are seeing record numbers of unemployment claims, and many people who have never faced unemployment before now find themselves out of work. More Nebraskans are now dealing with food insecurity due to unemployment and the effects of COVID-19.

I have been inspired by the work nonprofits across my State are doing to address this.

The local chapter of the Salvation Army in Hastings has started a mobile

food unit, which they drive from neighborhood to neighborhood, and they serve hot meals.

The Central Nebraska Community Action Partnership has begun to box up food and leave it on people's doorsteps. This has allowed them to reduce person-to-person contact while helping those who are in need.

The Food Bank of Lincoln, which serves Southeast Nebraska by acting as a distribution center for food pantries in 16 counties, has seen a huge surge in demand. They have been able to keep up with this demand in large part thanks to the innovation of a partnership of Lincoln business, philanthropy, and government leaders, who together formed the Lincoln COVID-19 Response Fund.

These are major problems, and there is no easy fix. Even so, it is our job in Congress to respond to this national crisis and do what we can to provide relief. That is why I was proud to support the CARES Act, the relief package this body passed unanimously at the end of March.

A big part of this legislation was the Paycheck Protection Program, which was designed to help America's small businesses keep their employees on payroll by offering forgivable loans.

Upon the creation of this program to provide relief, Nebraskans hit the ground running. By mid-April, the Paycheck Protection Program had provided nearly 25,000 loans worth just under \$3 billion to Nebraska's small businesses. This funding was enough to cover more than three-fourths of Nebraska's eligible payrolls—the highest percentage in the Nation.

I think it is important to note that none of this would have been possible without Nebraska's community banks and our credit unions. While some national banks hesitated, Nebraska's local institutions stepped up to provide these loans and make sure small businesses in their communities received assistance.

To our community banks and credit unions, Nebraskans applying for these loans are not just statistics halfway around the country. The people hurting are their friends, their families, and their neighbors. The people who need their help live just down the street.

One of these banks is Union Bank & Trust in Lincoln. This family-owned bank is not in the top 200 banks by assets nationally, but after the first 72 hours of the Paycheck Protection Program, they ranked second in the Nation for the number of loans approved. Like many other lending institutions, Union Bank & Trust accomplished this while adjusting to working from home for the first time. Their remarkable efforts and those of another Nebraska institution, Pinnacle Bank, were covered in a recent Washington Post story for leading the way nationally with this program.

It is good to see the Paycheck Protection Program working well in my State. I am pleased that Congress came