

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 1:01 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mrs. CAPITO).

EXECUTIVE CALENDAR—Continued

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 senior assistant legislative 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 Troy D. Edgar, of California, to be Chief Financial Officer, Department of Homeland Security.

Mitch McConnell, Jerry Moran, James Lankford, John Barrasso, James E. Risch, Steve Daines, David Perdue, Tom Cotton, Kevin Cramer, Cory Gardner, Shelley Moore Capito, Marsha Blackburn, John Cornyn, Tim Scott, Thom Tillis, Roger F. Wicker, Mike Crapo.

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 Troy D. Edgar, of California, to be Chief Financial Officer, Department of Homeland Security, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Nebraska (Mr. SASSE).

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

Mr. DURBIN. I announce that the Senator from Vermont (Mr. LEAHY), the Senator from Massachusetts (Mr. MARKEY), the Senator from Washington (Mrs. MURRAY), the Senator from Vermont (Mr. SANDERS), and the Senator from Rhode Island (Mr. WHITEHOUSE) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote or change their vote?

The yeas and nays resulted—yeas 62, nays 31, as follows:

[Rollcall Vote No. 87 Ex.]

YEAS—62

Barrasso	Burr	Cornyn
Blackburn	Capito	Cotton
Blunt	Carper	Cramer
Boozman	Cassidy	Crapo
Braun	Collins	Cruz

Daines	Kennedy
Duckworth	King
Enzi	Lankford
Ernst	Lee
Fischer	Loeffler
Gardner	Manchin
Graham	McConnell
Grassley	McSally
Hassan	Moran
Hawley	Murkowski
Hoeven	Paul
Hyde-Smith	Perdue
Inhofe	Peters
Johnson	Portman
Jones	Risch
Kaine	Roberts

NAYS—31

Baldwin	Feinstein	Schatz
Bennet	Gillibrand	Schumer
Blumenthal	Harris	Shaheen
Booker	Heinrich	Smith
Brown	Hirono	Stabenow
Cantwell	Klobuchar	Udall
Cardin	Menendez	Van Hollen
Casey	Merkley	Warren
Coons	Murphy	Wyden
Cortez Masto	Reed	
Durbin	Rosen	

NOT VOTING—7

Alexander	Murray	Whitehouse
Leahy	Sanders	
Markey	Sasse	

The PRESIDING OFFICER. The yeas are 62, the nays are 31.

The motion is agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Troy D. Edgar, of California, to be Chief Financial Officer, Department of Homeland Security.

The PRESIDING OFFICER. The Senator from South Dakota.

ORDER OF BUSINESS

Mr. THUNE. Madam President, I ask unanimous consent that notwithstanding the provisions of rule XXII, the postcloture time on the Edgar nomination expire at 4:30 p.m. today. I further ask that if confirmed, the motion to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action.

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

CORONAVIRUS

Mr. THUNE. Madam President, we are back for our second week in the Senate after spending some time working remotely to help flatten the coronavirus curve. We are getting used to the temporary new normal—social distancing during hearings, floor votes, and meetings; masks; a lot of conference calls and Skype calls instead of in-person meetings; lots of hand washing and hand sanitizer; and as many staff working remotely as possible. We are committed to doing the essential work of the American people, and they are depending on us to do it in the safest way possible.

Responding to the coronavirus continues to be at the top of the agenda. Last week, we held a number of coronavirus-related hearings, including a hearing on coronavirus testing and a

hearing on the impact the pandemic has had on the airline industry.

When people think about what the Senate does, they tend to think about voting on bills and debating on the floor, but the truth is, committee work is some of the most important work we do here in Washington. Committees are where we review nominees' qualifications, hear from experts in various fields, develop legislation, and conduct essential oversight of government programs. The work we do in coronavirus-related committee hearings will inform any future coronavirus legislation we might consider.

This week, the Senate Banking Committee will be voting on the nomination of Brian D. Miller to be Inspector General for Pandemic Recovery at the Treasury Department. If he is confirmed by the full Senate, Mr. Miller will be an essential part of ensuring that the trillions we have provided for coronavirus relief are spent properly. The Banking Committee will also be holding an oversight hearing with key Federal financial regulators to learn about the steps they have taken to ensure the safety and soundness of our financial sector during this challenging time.

The Senate Judiciary Committee will be examining the issue of liability during the COVID pandemic and discussing ways to prevent frivolous lawsuits from damaging our economy once we reopen.

The Senate Commerce Committee, of which I am a member, will be holding a hearing looking at efforts to maintain and expand reliable high-speed broadband access during this time when so many Americans are relying on their internet for work, school, and connections with friends and family.

The Senate Health, Education, Labor, and Pensions Committee will be hearing directly from the leaders of our fight against the coronavirus—Drs. Fauci, Redfield, and Hahn, and Admiral Giroir. Senators will be talking to these experts about what we need to do to safely reopen our economy and our schools.

Another big part of our coronavirus response right now is monitoring the implementation of the funds we have already provided. We have delivered a tremendous amount of money to respond to the pandemic—equal to almost 50 percent of the entire Federal budget for 2020—and it is important that any future funding be carefully targeted.

We are facing extraordinary circumstances, and they call for an extraordinary, bold response from Washington, but it is important to remember that every dollar of the trillions we provided for the pandemic is borrowed money, and our children and grandchildren are going to be paying for that borrowing. That doesn't mean we are not going to provide more money if necessary, but it does mean we need to make sure we are spending money wisely and well and only appropriating

what is really needed. That means monitoring the implementation of the funds we have already provided, which haven't been fully spent yet. Once we see how and where those funds are getting spent, we will have a better sense of where we have spent sufficiently and where more money may be necessary.

It is also important that we make sure those funds are being spent in the most effective and efficient way possible. Again, these are all dollars that our children and grandchildren will have to pay for. We want to make sure we are not wasting any of that money.

Finally, while coronavirus will, of course, continue to be at the top of our agenda, there are other important things we have to do to keep the government running and to protect the Nation.

This week, we will take up legislation to renew and reform several key provisions of the Foreign Intelligence Surveillance Act, which the Democratic-controlled House allowed to lapse despite unanimous support for an extension here in the Senate.

Our law enforcement officers are working every day to protect Americans from terrorist threats. It is essential that we make sure they have the tools they need to do their jobs, while also providing critical protections for civil liberties.

We are also taking up two nominations this week for senior administration posts: Brian D. Montgomery to be Deputy Secretary of Housing and Urban Development and Troy Edgar to be the Chief Financial Officer of the Department of Homeland Security.

The American people are relying on us right now, and we have a responsibility to deliver for them. We will continue to do everything we can to support our Nation's families and businesses as the country fights its way through this crisis and emerges on the other side.

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

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

FISA

Mr. LEE. Mr. President, the Constitution of the United States contains a number of constitutional protections for the citizens of our great Republic. Among the many provisions that it contains, in addition to the structural safeguards of federalism and the separation of powers, separating out power along two axes—one vertical, which we call federalism, and the other horizontal, which we call the separation of powers—the Constitution also includes a number of substantive restrictions. These are things that the government may not do, and there are penalties at-

tached to the government's doing those things.

Among those many protections can be found the provisions of the Bill of Rights, including the Fourth Amendment of the U.S. Constitution. The Fourth Amendment reminds us that it is our right—a fundamental, inalienable right—as citizens in a free republic, to be free from unreasonable searches and seizures, and that any warrants issued under government authority have to be backed by probable cause, and any probable cause-based warrant has to include with particularity a description of the places and persons to be searched and to be seized.

This is a tradition that reaches not just back a couple of centuries, but it reaches back much farther than that and has its origins not only in our own country but in our mother country, in the United Kingdom. By the time John Wilkes was serving in Parliament in the 1760s, there had been a long-established tradition and understanding. In fact, there had been a series of laws enacted to make sure that warrants were not abused and to make sure the rights of the English subjects would not be infringed. Among other things, there was an understanding and a set of laws in place that would make clear that those conducting searches and seizures would be subject to a warrant requirement. In other words, they would lose any immunity that they would otherwise have as government officials if they didn't obtain a warrant and if that warrant were not valid.

In 1763, the home of John Wilkes was searched aggressively. John Wilkes, while serving as a Member of Parliament, had become critical of the administration of King George, and he had participated in the publication of a weekly circular known as the North Briton. Although the North Briton was not one likely to engage in excessive, fawning praise of the reigning monarch, it wasn't until the publication of North Briton No. 45 in 1763 that the administration of King George decided to go after John Wilkes. His home was searched, and it was searched pursuant to a general warrant.

A general warrant was something that basically said, in that instance: Find out who had anything to do with the authorship and publication of North Briton No. 45. You see, North Briton No. 45 accused, among other things, King George and those who served in his government of laying aggressive taxes on the people—taxes that they knew couldn't adequately be enforced or collected without intrusive measures that would involve kicking open people's doors, rummaging through their drawers, and doing things that couldn't be justified for the use of a warrant laid out with particularity.

John Wilkes, in that circumstance, was arrested within a matter of a few weeks. He won his freedom, albeit on something of a technicality at the moment. He asserted parliamentary privi-

lege and was released. Eventually, after becoming subjected to multiple searches using general warrants, Wilkes sued Lord Halifax and those who participated in the searches and seizures in question. He was able to obtain a large award, a large judgment consisting of money damages.

John Wilkes, at the time, became famous, really, on both sides of the Atlantic. The name of John Wilkes was celebrated in taverns, saloons, and other public places in England and in the nascent United States of America, the colonies in North America that would later become the world's greatest Republic. John Wilkes' example was something that helped to solidify a long-standing legal tradition, one that would in time make its way into our Constitution through the Fourth Amendment.

We have to remember that government is simply force. It is the organized collective official use of force. When John Wilkes and those who worked with him on the North Briton, culminating in North Briton No. 45, criticized the King too much, questioned excessively, in their judgment, the collection and imposition of taxes, the administration of King George decided they had gone too far and that it was time for John Wilkes to pay a price.

Fortunately for John Wilkes and for people on both sides of the Atlantic, John Wilkes emerged victoriously. Today, we don't have general warrants, at least nothing masquerading under that title in the United States. The fact that we have a First Amendment is a test to his vigorous defense of the rights of English subjects.

What we do have is something that ought to concern every American. We have the Foreign Intelligence Surveillance Act, which we know has been abused, and we have known for a long time is ripe for opportunities for abuse among government officials.

In fact, what we have seen is that the current President of the United States has, himself, become the target of abuse under FISA. Back in 2016 when this started being abused and when we saw the emergence of things like Operation Crossfire Hurricane, you had the campaign of a man who would become the 45th President of the United States targeted and singled out, quite unfairly, using these practices—these procedures that were designed originally for use in detecting and thwarting the efforts of agents of foreign powers.

As the name of the law implies, the Foreign Intelligence Surveillance Act is not something that is intended to go after American citizens. It is certainly not something that is intended to be used as a tool for bullying a Presidential candidate. Now that it has been used to bully and incorrectly surveil the 45th President of the United States, we need to do something about it. That is what the Lee-Leahy amendment does.