

in 2011, the Space Shuttle Atlantis looked pretty similar.

What America saw on Saturday was a glimpse into the future. Astronauts Bob Behnken and Doug Hurley were outfitted in custom-designed and fitted space suits, and they were seated in front of a sleek touchscreen. It looked like the console of a Tesla, to me, but I am sure it was more sophisticated than that.

After the two astronauts arrived at the International Space Station, Behnken referred to the Dragon as a slick vehicle. Yet things don't just look like they were made for the future, for they were designed to work better, last longer, and be safer. The Falcon 9 rocket was made with reusable parts to bring down the cost of human spaceflight. As we return American astronauts to the Moon and eventually to Mars, this commercial launch will have marked a new era of space exploration. It gives us hope and excitement at a time when both of those are desperately needed.

I thank and commend the countless men and women who have made this mission possible, especially my fellow Texans at Johnson Space Center—the center of human spaceflight for NASA—and then, of course, Elon Musk, who founded SpaceX. He said this launch was the result of, roughly, 100,000 people's efforts when you added up all of the suppliers and everybody involved. When you combine that with the work of the brave and brilliant astronauts, physicists, engineers, mathematicians, and scientists of all stripes who have helped us to have met our space exploration goals over the years, it is clear that America's space program's best days are ahead.

When the final NASA space shuttle crew departed the International Space Station in 2011, it left behind a small American flag with instructions that it be brought back to Earth by the next crew to be launched from the United States. Finally, almost a decade later, it has been united with the astronauts who will carry it home.

On behalf of a proud nation, congratulations to astronauts Bob Behnken and Doug Hurley, to everyone at the National Aeronautics and Space Administration, and SpaceX on successfully capturing that flag. We welcome you home in the coming months so we can proudly say alongside of you: Mission finally accomplished.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I ask unanimous consent that my remarks be allowed to be concluded in full before the vote.

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

NOMINATION OF MICHAEL PACK

Mr. MENENDEZ. Mr. President, I rise to oppose the nomination of Michael Pack to be the Chief Executive Officer of the U.S. Agency for Global Media. Yet, before I get into the spe-

cifics of the Pack nomination, I need to say a few words about the moment we are in and how we got here.

We are facing two devastating crises. Over 100,000 Americans have died from COVID-19 in just a matter of months, and that number continues to grow. The scale and the speed of the tragedy is almost impossible to comprehend. We certainly stand with all of our families who have lost loved ones, and we cherish their memories. Unlike COVID-19, the second crisis is one of our own making.

Over centuries of injustice, African Americans and other people of color have not been treated like human beings; they have not been treated like every American deserves to be treated, like every person in the world has the right to be treated. No. All too often, they have been treated like George Floyd, with a knee on the neck as they gasp and choke "I can't breathe." As a result, our country has erupted with protests. In this moment, these grievances have been met with the petty antics and deplorable, violent tactics of notorious dictators around the world.

I am shaking in having to say this. I am shaken to the core that President Trump, with the assistance of his Attorney General, used violence against peaceful protesters—people exercising their First Amendment rights—all for a photo op with a Bible. That is not right. It is not acceptable, and that is not America.

This body has to act. We have to act quickly and effectively to address these twin crises. The moment calls for leadership at every level. We all know this, but we are not doing it. Why not? The answer is that President Trump and the Republican majority of this body are focused elsewhere while our country is suffering—perhaps like never before. They are focused on domestic political errands. Yet, while trivial, these errands are corrosive to this body, to our country, and to the Constitution.

I need to say a few words about what is and what is not happening in the Committee on Foreign Relations, because it bears directly on how and why Michael Pack is getting a vote on the Senate floor today.

The Committee on Foreign Relations has helped to shape our collective response to some of the country's greatest challenges—from Vietnam to September 11, to Afghanistan. We ought to be rising to the challenges of our time and shaping the international response to COVID-19. Yet, tragically, we have not held one public hearing on COVID, and the committee has not debated or voted on a single COVID-related bill or amendment despite our being months into the crisis. I know the Democratic members of the Senate Committee on Foreign Relations came together and offered a bill as part of an effort to be bipartisan so as to begin to address the crisis, because we understand that viruses and diseases know no borders.

For as long as anyone can remember, until its current chairman, the com-

mittee has operated pursuant to what is known as comity. While that sounds like a fancy word, it simply means that we have found a way to work together to achieve a process that has worked for all members—the majority and minority alike—even if we haven't always agreed on the substance. Had the chairman engaged to our condition of comity, we would have almost certainly had a business meeting that would have focused on COVID, which is the crisis at hand, and not Mr. Pack—a blatantly flawed nominee. I know that "comity" sounds awfully quaint in the polarized times in which we live, but it has worked. It has worked for the members, for the committee, and for the country. It has been the force that has bound us together, the force by which we have found common ground to advance the national interest.

I am sad to report that the Michael Pack nomination was the nail in the coffin for comity. The chairman ignored the requests of every member of the committee's minority—a simple request: Let's not vote on Michael Pack until we have collectively worked through all of the serious background problems that exist. The letter that was sent to the chairman did not even get responded to prior to ramming Pack through the committee. That silence and the actions that have been taken have changed the committee and, I believe, the Senate for the worse.

I don't have the time or the inclination to go through every violation of the rules and norms that marred the committee's process on Michael Pack, but there is one violation that I have to speak to, one that is so serious and so corrosive that it needs to be documented and should never be repeated. I am speaking about the chairman's refusal to allow a video stream live of the committee's debate and vote on Mr. Pack. Yes, the chairman intentionally deprived the public of its opportunity to watch this unfortunate episode unfold as it did. This was shameful. It violated the rules. It sent the wrong message to every American and every person around the world.

This committee is a beacon of light to the world for those who are oppressed, for transparency, for open government, for the rule of law, for a free press. Well, we shut out the Nation and the world for the first time in my years of being on the committee. Since I got to the Senate, I have been on the committee. I am the longest serving member of the committee from either side of the aisle. Never have we done that. This is a message that we are weak, a message that we are ashamed, a message that has no place in our democracy.

Now let me turn to Mr. Pack.

If confirmed, Mr. Pack will oversee the Voice of America, Radio Free Europe/Radio Liberty, Radio Television Marti, Radio Free Asia, and the Middle East Broadcasting Networks. It is absolutely critical that any person in this position maintain a strong firewall

between the work of its networks and grantees and political interference or influence from the White House or any others. People around the world have come to view the products from all of the networks and grantees as being reliable and trustworthy news sources.

As this pandemic has highlighted, people crave reliable, independent, and credible journalism. The networks of the USAGM are sometimes the only independent journalism a country can rely on to bring free and open media to closed societies. In the past, the agency has made some serious missteps and the board and the agency's head have historically worked with Congress to help to address them.

Sadly, the debate over Mr. Pack has not even ripened to a discussion of his substantive qualifications. No. We are stuck dealing with the nominee's serious background problems despite there being multiple efforts to engage Chairman Risch, the White House, and Mr. Pack himself on these matters. The central issue with Mr. Pack is the way that he used—perhaps abused—his nonprofit organization, Public Media Lab, and his refusal to come clean about it.

As you can see from this chart, Mr. Pack is the president of both the Public Media Lab and his for-profit company, Manifold Productions, LLC, which he owns. It is where Gina Pack, his wife, is the vice president and sole other employee. Mr. Pack created and controls both organizations. Since creating Public Media Lab in 2008, Mr. Pack has used it to raise more than \$4 million from private foundations. Some of those grants were earmarked to make specific films while others, like a \$250,000 grant from the Charles Koch Foundation, were simply for “general operating support” for Public Media Lab.

As you can see from this next chart, Mr. Pack transferred 100 percent—100 percent—of the tax-exempt grant money Public Media Lab received to his for-profit company Manifold. No grants were given to any other organization—none. The IRS would probably call that operating a nonprofit for private benefit, but I will get to that in a minute.

Some of that grant money was used to make films, but based on Mr. Pack's financial disclosures, it is possible that up to 75 percent of it—millions of dollars—went straight to Mr. Pack and his wife Gina.

What you see on this chart, as was suggested in the debate the other day, is not normal. It is not normal. This is not the standard. This is not how it is done in the industry. That is why the Office of the Attorney General for the District of Columbia, where Public Media Lab is incorporated, is now investigating Mr. Pack's nonprofit for possibly breaking the law. The question they are asking is whether Mr. Pack used donations to the nonprofit for his own enrichment—to line his own pockets.

From my understanding, this kind of behavior would normally raise some

yellow flags at the IRS as well and they would be curious as to why a nonprofit seemed to be operating for the sole benefit of its creator, but the yellow flag never went up at the IRS because, for many years after he created Public Media Lab, Mr. Pack never disclosed that it was doing business with his company—with himself.

The IRS asks nonprofits two key questions to determine whether a situation of private benefit might exist, and for many, many years, Mr. Pack falsely told the IRS there was no relationship. When the IRS asked Mr. Pack, under penalty of perjury, whether Public Media Lab provided grants to any entity controlled by an officer of the nonprofit, he said no, year after year. But the true answer was yes. The IRS also asked Mr. Pack, again, under penalty of perjury, whether Public Media Lab conducted business with any entity that it shared officers or directors with. Again and again, year after year, Mr. Pack said no, but the true answer was yes.

Had Mr. Pack told the IRS the truth, he would have had to make additional disclosures that might have raised that yellow flag, but the IRS was left in the dark by Mr. Pack's false statements.

When the committee confronted Mr. Pack last year with these false statements, he claimed they were “oversights” and that he did not need to amend his filings because his false statements were unintentional, but then he turned around and made false statements to the committee about his taxes.

Unfortunately, given the false statements to the IRS year after year and then to the committee, we have to be concerned that Mr. Pack has a problem with the truth. Mr. Pack needs to come clean with the Senate, and he needs to come clean with the IRS. He needs to tell the IRS what is on this chart, how much grant money he transferred from Public Media Lab to Manifold, and that he sent it from himself to himself.

So let's review what we have learned from these charts. First, Mr. Pack may have conducted unlawful expenditures with his nonprofit and operated it for private gain. Second, the IRS and the Senate don't know the full truth because Mr. Pack has made false statements and refused to provide documentation. Third, Mr. Pack's nonprofit is now under investigation by the Office of the Attorney General for the District of Columbia for the very issues that I have been seeking answers from him for 9 months—9 months.

As my friend Senator MURPHY solemnly noted yesterday, nominees need to tell the truth to Congress and the executive branch, and if there has been a mistake, the nominee needs to fix it. These are the basic requirements for all nominees who come before the Senate and the absolute minimum standard we used to ask them to meet.

We live in an era where the extraordinary quickly becomes routine, but even by that metric, Mr. Pack's path

to this floor has been a disgrace. If advice and consent means anything, at rock bottom, it means ensuring that the people we confirm are suitable for public service; and if they are not, we should not move forward.

I am aware of the pressure that some of my colleagues face as a result of this nomination. I know that the President has publicly trashed Voice of America, calling it “the voice of the Soviet Union,” which I hasten to say is dangerous nonsense. And I know that the President has spoken both publicly and privately of his intense desire to confirm Mr. Pack, come what may. But the objections I have raised today and have been raising for months are not political or partisan in nature. They go to the most basic and critical question: Is Michael Pack fit to serve? Should he be confirmed while he is under investigation and after having been dishonest with the Senate and the IRS? Given his alleged use of a small nonprofit for self-enrichment, can we trust that he will not use the massive resources of the U.S. Government to line his own pockets?

Colleagues, I implore you to consider these questions. Please put aside whatever pressure, whatever threats the President has made, and consider the dangerous precedent we are setting here today. If Mr. Pack is confirmed, the new bar for advice and consent is set below that of a nominee who is under open investigation by law enforcement and who blatantly provided Congress and the executive branch false information.

This institution has been called the world's greatest deliberative body. The history of this body guides us, and we make our decisions not just based on the immediate needs of the President but on the example we will set for the future. I ask my colleagues who may be inclined to support Mr. Pack's nomination today, are you comfortable with this precedent? The answer should be obvious, and I pray that this body has the courage to get there. Let us turn away from Michael Pack, and let us focus on healing the wounds of our Nation and our democracy.

With that, 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 Michael Pack, of Maryland, to be Chief Executive Officer of the Broadcasting Board of Governors for the term of three years. (New Position)

Mitch McConnell, Cindy Hyde-Smith, John Boozman, Tim Scott, Marsha Blackburn, Chuck Grassley, Steve Daines, Mike Crapo, Richard Burr, John Cornyn, David Perdue, Martha McSally, John Thune, James M. Inhofe, Kevin Cramer, Ted Cruz.