

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.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that the nomination of Michael Pack, of Maryland, to be Chief Executive Officer of the Broadcasting Board of Governors (New Position), shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from North Carolina (Mr. BURR).

Mr. DURBIN. I announce that the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Massachusetts (Mr. MARKEY), the Senator from Vermont (Mr. SANDERS), the Senator from Hawaii (Mr. SCHATZ), the Senator from Arizona (Ms. SINEMA), the Senator from Minnesota (Ms. SMITH), and the Senator from Montana (Mr. TESTER) are necessarily absent.

The PRESIDING OFFICER (Mrs. FISCHER). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 53, nays 39, as follows:

[Rollcall Vote No. 112 Ex.]

#### YEAS—53

Alexander	Gardner	Perdue
Barrasso	Graham	Portman
Blackburn	Grassley	Risch
Blunt	Hawley	Roberts
Boozman	Hoeven	Romney
Braun	Hyde-Smith	Rounds
Capito	Inhofe	Rubio
Cassidy	Johnson	Sasse
Collins	Kennedy	Scott (FL)
Cornyn	Lankford	Scott (SC)
Cotton	Lee	Shelby
Cramer	Loeffler	Sullivan
Crapo	Manchin	Thune
Cruz	McConnell	Tillis
Daines	McSally	Toomey
Enzi	Moran	Wicker
Ernst	Murkowski	Young
Fischer	Paul	

#### NAYS—39

Baldwin	Feinstein	Murray
Bennet	Gillibrand	Peters
Blumenthal	Harris	Reed
Booker	Hassan	Rosen
Brown	Heinrich	Schumer
Cantwell	Hirono	Shaheen
Cardin	Jones	Stabenow
Carper	Kaine	Udall
Casey	King	Van Hollen
Coons	Leahy	Warner
Cortez Masto	Menendez	Warren
Duckworth	Merkley	Whitehouse
Durbin	Murphy	Wyden

#### NOT VOTING—8

Burr	Sanders	Smith
Klobuchar	Schatz	Tester
Markey	Sinema	

The PRESIDING OFFICER. On this vote, the yeas are 53, the nays are 39.

The motion is agreed to.

The Senator from Arkansas.

#### TIANANMEN SQUARE

Mr. COTTON. Madam President, today is the 31st anniversary of the Tiananmen Square massacre, when thousands of peaceful students asking for their freedom were gunned down by Chinese Communist tanks and troops. Because of Beijing's relentless censorship and control over information, we never learned the true death toll of

that dark day, but it is certain that thousands of peaceful protesters were murdered in the streets.

Beijing's savagery was exposed during that massacre, reminding the West that this was the same, unreconstructed Communist Party that killed millions—tens of millions—of its own people without batting an eye in Mao's Cultural Revolution and Great Leap Forward. A tiger never changes its stripes.

Now the Chinese Communist Party is threatening another atrocity in Hong Kong, a city whose traditions and freedoms it once promised to respect—but that it, secretly and increasingly openly, loathes as a gleaming repudiation of Chinese Communism.

Last year, an extradition bill that could have allowed Hong Kong residents to be “disappeared” to mainland China sparked mass protests. Hong Kong residents flooded the streets to display their disapproval and protect their freedoms.

These are not anarchists trying to tear down the law—as the Chinese Communist Party's shrill organs falsely claim—but they were free citizens fighting to preserve the rule of law they love so much, against a Communist power that knows no law above itself. They are fighting for the very same freedoms we enjoy in the United States: the freedom of religion, speech, and assembly; private property; the rule of law.

The Hong Kong protesters won the battle over the extradition bill, but the war for Hongkongers' freedom isn't over. While the world has been distracted by the coronavirus pandemic and other upheavals, the Chinese Communist Party has seized the opportunity to finally enact what it euphemistically calls a national security law but what is, in reality, an attempt to extinguish Hong Kong freedom—a law that will allow Beijing's agents to take broad action against Hong Kong residents, including those who protested against the extradition bill last year.

Seven million residents of Hong Kong now face the very real possibility of losing their freedom and possibly their lives. Political dissidents risk being jailed arbitrarily—or worse. Hundreds of thousands of Christians, Muslims, Buddhists, Sikhs, and other religious minorities risk being driven underground like their brethren on the Chinese mainland—or perhaps put in a gulag of concentration camps like the Uighurs in China's Xinjiang Province.

The free world cannot stand by while the Chinese Communist Party sets fire to the venerable laws and freedoms of Hong Kong. Already the administration is moving to revoke Hong Kong's special trade status, which has allowed Chinese Communist Mandarins to get rich off a free economic system while denying those very freedoms for more than 1 billion of their subjects on the mainland.

And our great ally, the United Kingdom, has announced it will extend

visas to 3 million Hongkongers—many of whom took part in last year's pro-democracy protests so that they can escape the Chinese Communist Party. I highly commend Prime Minister Boris Johnson for striking this bold blow for freedom, but the United States can also do more.

Today, I call upon the administration to prioritize the admission of persecuted Hongkongers to the United States through the U.S. Refugee Admissions Program. In coordination with our allies, this action could save these brave Hongkongers from a horrific fate under authoritarian Communist rule.

While this refugee program has been abused in recent years, it has always served the noble purpose of allowing those who are truly oppressed by their governments to immigrate safely to the free world. Now it can be used again in this worthy cause to help noble Hongkongers flee the grasp of the Chinese Communist Party before it is too late.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

#### REMEMBERING CODY HOLTE

Mr. HOEVEN. Madam President, I rise today to honor Grand Forks Police Officer Cody Holte, who died in the line of duty last Wednesday. Both Senator CRAMER and myself are here. We attended the funeral. It was truly a moving event. Today, we are here to honor him on the Senate floor as well and honor his service and honor his life.

Officer Holte is a Hendrum, MN, native, a 2010 graduate of Norman County West High School, and a 2015 graduate of Minnesota State University Moorhead, with a degree in criminal justice and minors in Sociology and military science.

Officer Holte led a life of service, dedicating himself to serving his community, State, and nation by always putting the people he served first. Not only was Officer Holte an exceptional police officer, he also served as a first lieutenant in the North Dakota Army National Guard. For 10 years, I was Governor in North Dakota, and I can't tell you how much we relied then and, of course, how much we rely now on our National Guard. As you can see, Cody was a first lieutenant in the National Guard, and he did a fabulous job. Here he is in his guard uniform and, of course, his incredible service as a police officer in Grand Forks.

Lieutenant Holte enlisted in the Army Reserve in 2010, and in 2015 he was commissioned into the North Dakota Army National Guard. He was last assigned to the 815th Engineer Company out of Lisbon, ND, where he served as a detachment commander, preparing his unit for upcoming missions.

As an officer in Grand Forks and a first lieutenant in the North Dakota National Guard, Officer Holte served our Nation on multiple fronts. Through his leadership, courage, and work