

RECESS

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

Thereupon, the Senate, at 12:29 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mrs. CAPITO).

EXECUTIVE CALENDAR—Continued

The PRESIDING OFFICER. The Senator from Mississippi.

NOMINATION OF CORY T. WILSON

Mrs. HYDE-SMITH. Madam President, it is an honor to speak on behalf of Judge Cory Wilson of Mississippi and in support of his nomination to the Fifth Circuit Court of Appeals.

I have known Judge Wilson for many years. His experience and legal knowledge make him an excellent choice to serve on the appellate court. Numerous colleagues of Judge Wilson's from different backgrounds and political affiliations have risen in support of his nomination and spoken to his personal qualities.

After his impressive nomination hearing and an outpouring of support from Mississippians, who know him best, there is no question that Judge Wilson will be a fair and impartial judge who follows the rule of law. Judge Cory Wilson will serve on the Fifth Circuit with honor, dedication, and distinction.

I am also pleased a judge from Mississippi will mark a historic day as the 200th Federal judge to be confirmed by the U.S. Senate during the Trump administration. Judge Wilson's confirmation represents a pivotal point in the President's work to ensure there are more smart, conservative jurists in the Federal judiciary. Under the leadership of President Trump and Leader McCONNELL, the Senate has prioritized confirming bright, well-qualified men and women who will serve our country for years to come.

I am proud to support Judge Cory Wilson and urge my colleagues to approve his nomination.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

UNANIMOUS CONSENT REQUEST—S. 4033

Ms. KLOBUCHAR. Madam President, I come to the floor today to urge the Senate to address the threat the coronavirus poses to our elections and to take immediate action to pass my legislation to ensure voters do not have to choose between their right to vote and their own health.

Today is Election Day in Kentucky and in New York and in Virginia. There are runoff elections in North Carolina and in Mississippi, as well. As we speak, voters in the States are experiencing what it is to vote in the middle of a global pandemic. If the past few months are any indication, for many, casting a ballot today will not be safe, and it will not be easy. The coronavirus has caused unprecedented

disruptions in the daily lives of Americans.

In order to protect voters and poll workers, this pandemic has forced us to make changes to how we vote. Sixteen States postponed their Presidential primaries or have transitioned their primaries to almost entirely voting by mail. We have seen Democratic and Republican Governors across the country issue waivers allowing all voters to cast their ballots by mail during the pandemic. This includes States like New Hampshire, with a Republican Governor, and States like Ohio, where they have a Republican Governor who is focused on vote by mail, and States like Maryland, where the Governor has been devoted to vote by mail, and States like Missouri.

While it is important that individual States are taking action to protect voters during this pandemic, we must remember that, in the end, this is a national pandemic. It is not just a pandemic in Vermont or in Utah; it is national.

It is the responsibility of this Nation, of this Nation's government, and of this Congress to ensure that States have the funds they need to make our elections more resilient and to make sure voters don't have to risk their health to cast their ballots.

When we have a national threat or international conflict, we do not expect an individual State to be able to respond. In World War II, when Pearl Harbor was bombed, we didn't say: Oh, Hawaii, you go deal with that yourself.

We, in this Congress, have acknowledged that this pandemic has national consequences in how we responded with the CARES Act and how the House has responded with the Heroes Act, which I hope we will consider very soon in this Congress, and just the fact that, when it comes to voting, this Congress, with bipartisan support—this Senate voted to give over \$400 million originally to the States.

There were some issues with how that money was given out that we are trying to fix, but, nevertheless, it was a downpayment on the fact that even in the beginning of the pandemic, based on what we had seen in Wisconsin, we anticipated that there were going to be problems for voting and that there was going to be a massive change in how our elections were held.

You have States like New York State where only 5 percent of people have voted by mail in the past few Federal elections and States like my own State of Minnesota where, despite having the highest voter turnout in the country, only 25 percent of people on average voted by mail. Now you are seeing switch overs where 50 percent, 60 percent of the people in every single State in the Nation are asking to vote from home or, in the alternative, they are asking for safe voting places by keeping voting places open longer for early voting, by training poll workers so we do not depend on our senior citizens to be staffing the polling locations when

they are the most vulnerable to the coronavirus. This is common sense.

This is why you see Republican Governors and Republican secretaries of state joining Democratic Governors and Democratic secretaries of state all across the Nation to ask for help from Washington.

Today, in Kentucky, New York, and Virginia, election officials are putting more than \$36 million of Federal funding to good use—funding to recruit and train new poll workers, to provide those workers with protective equipment and sanitizing supplies; funding to pay for postage for mail-in ballots, purchase additional equipment, and cover the costs of moving poll locations to accommodate more people. I am proud of having fought to secure that funding.

I appreciate Senator BLUNT, my colleague, who I know is going to be here shortly and is the chair of the Rules Committee, for assisting in making sure that funding was designated, as well as Senator SHELBY, Senator LEAHY, Senator COONS, and so many others who have worked on this important issue.

It is a good first step, but let us remember these are still the primaries in a few States. If you talk to election officials across the country, they will tell you that it wasn't enough and that they desperately need more resources for the general election when so many more people vote. Support from the Federal Government is vital because we have seen States struggle when it comes to administering elections during the pandemic. We also know it is not as if they have a reservoir of funding right now to deal with, which is one of the reasons we want to pass the Heroes Act.

Many of our State and local governments are struggling right now. That is why it is so important to designate funding as we move forward—and I hope we will soon discuss the Heroes Act—to be able to help pay for elections.

Support from the Federal Government is vital because we have seen States struggle when it comes to administering elections. With fewer than 6 months left before the general election, Congress must act now to ensure that States have the resources and funding that they need.

A lot of times you hear: Well, it is only 6 months, so why would we do funding now? Look at the fact that we were able to at least assure the States that the money was going to be out there for them a few months ago for the primaries, and they were able either to spend their own money because they knew that money was coming or to spend designated money. That is how this works.

We are no longer in a normal situation. We are in a situation where States are having to rearrange how they do elections all over the country to make it safe and to allow people to vote from home. We have seen the

chaos and disenfranchisement that will happen if we don't act soon.

The Wisconsin primary will forever be etched in the memory of our Nation. Voters stood for hours in the cold and rain, wearing garbage bags and homemade masks, just to be able to exercise their right to vote. In Milwaukee, there were just five polling locations open instead of the usual 180. Almost 600,000 people live in Milwaukee, including one-third of that State's African-American population. The closure of so many polling places made it even harder for people without easy access to transportation to get to a polling location, and it caused unnecessary crowding, with lines to vote wrapping around blocks. As a result, voters were disenfranchised, and some even contracted the coronavirus. According to local health officials, nearly 70 people in Wisconsin who either voted in person or served as poll workers contracted the virus as a result of that election.

Earlier this month in Georgia, thousands of people went to the polls and were also met with long lines and confusion. Reports from Atlanta indicate voters faced malfunctioning machines, and some voters never received the mail-in ballots they requested. Instead of being able to safely vote from home, many were forced to show up in person on election day. I was particularly struck by the words of Anita Heard, an 80-year-old woman from Atlanta who actually marched with Dr. King. She was the first person in line at her polling location at 6 a.m. waiting to vote this year. Anita called the long lines and waits unfair and ridiculous. She is right.

In Fulton County, one voter, who is a mom, sat on a lawn chair holding her infant son in one hand and umbrella in another. She waited more than 3 hours to vote. She wasn't leaving because it was important to her and her son that one day she would be able to tell him she waited to vote for him.

In America, people should not have to wonder if voting machines will be operational or if they are going to be able to receive their ballot on time to make it count.

Jose Andres—the remarkable chef who helps feed people in areas struck by natural disasters—announced a plan to provide food, water, and resources to help people standing for hours in line on election day. He is doing his part to address this issue, as are so many people across this country, including, as I mentioned, Democratic and Republican secretaries of state and Governors.

I appreciate that Senator BLUNT, the chairman of the Rules Committee, is here. As I said, he worked to help us get that initial funding. Experts have warned that today in Kentucky we may see a repeat of the chaos that we have seen in early primaries. Reports indicate fewer than 200 polling places are open in the entire State, down from the 3,700 in a typical election year. We are glad that Kentucky has voted by mail

and a number of people have voted from home.

I think we also know, just based on what we have seen in these other States—this is just based on facts, not on partisanship—that 200 polling locations in a State of that size will not be enough in the primary and certainly will not be enough in a general election. In order to protect the right to vote, we have to learn from States that are taking steps to make voting safe and easy.

Primary turnout this year has broken records in many States, especially when it comes to voting by mail. States like Nebraska, Iowa, South Dakota, New Mexico, Idaho, West Virginia, and North Dakota have all held successful elections this year by relying heavily on voting by mail. Again, that is in a primary where some of these States have fewer voters—not all of them—because they are smaller population States, and many of them are not dealing with a general election.

In West Virginia, mail-in ballots increased from just 25,000 in 2018 to over 200,000 this year. In Pennsylvania, the number of mail-in ballots cast increased from 80,000 in 2018 to over 1.5 million this year. Voters and election officials across the country in Red States and Blue States are turning to casting a ballot from home.

In addition to the five States that already hold their elections mostly by mail, which are Utah, Oregon, Colorado, Hawaii, and Washington—and I note that those States are not all Blue States, including, particularly, Utah, and Colorado, which is known as a Purple State—three States, including California, Nevada, New Jersey, and also the District of Columbia have decided to send all voters absentee ballots for elections this year. There are 13 States that have decided to send all voters absentee ballot applications.

These decisions weren't made, as I note, on a partisan basis. Both Republican and Democratic officials in States have decided to implement these policies to protect their voters.

I will also note that none of the five States that held their elections primarily by mail this year have had major voter fraud scandals since transitioning to vote by mail. As the New York Times editorial board announced, States who use vote by mail encountered essentially zero fraud.

Oregon, the pioneer in this area, has sent out more than 100 million mail-in ballots since 2000 and has documented only about a dozen cases of proven fraud. Rounded to the seventh decimal point, that is 0.0000001 percent of all votes cast.

We have all seen the President's tweets on this. We know these tweets are meant to hurt our democracy, and people shouldn't fall for it because I just gave you the facts: 0.000001 percent of all votes cast in the States that have been using this forever involved any fraud.

We must set the record straight. I appreciate that Senator ROMNEY recently

noted that nearly everyone, in what he called his very Republican State of Utah, votes by mail, and, in his words, it works very, very well.

Now is the time to reject efforts to undermine our political system and mostly undermining people's attempts to exercise their fundamental right to vote safely. What are you going to tell a veteran who has a preexisting condition, like the guy who wrote me who served in Vietnam and said what is he supposed to do now? We have to allow them to vote from home.

In the midst of this pandemic, we need to make sure no voter has to choose between their health and exercising their right to vote. That is why I am urging my colleagues to support my legislation with Senator RON WYDEN, which is cosponsored by 35 other Senators, the Natural Disaster and Emergency Ballot Act, to help State election officials meet this pandemic head-on.

Our legislation doesn't require us to reinvent how we vote. Instead, our bill would overcome the challenges posed by the coronavirus by expanding existing election practices like voting by mail and early voting. It starts with guaranteeing every American the option to vote by mail. Sixteen States require voters to provide an excuse if they want to cast a ballot by mail. But during the pandemic, 13 of these States are allowing all voters to cast a ballot by mail without needing to provide an excuse—Democratic and Republican Governors and secretaries of states. That is progress.

I would say, while we still have three States that are still denying all voters the option to vote by mail—forcing them to choose between their health and their constitutional right and go through these hoops to do it—why not put a standard in place on the Federal level? That is what our bill does.

Our legislation would also get help to the States. Again, my friend, Senator BLUNT, is here, and I appreciate—while he hasn't put a dollar amount on it, his interest in looking at funding for this beyond this bill, I think, is very helpful.

Our bill called for \$3.6 billion, which is what is in the Heroes Act, of funding to safely administer elections. It would knock down barriers, this bill, to safely vote, like the requirement to have your ballot signed by a witness or a notary. These are requirements that disproportionately hurt minority voters—people without as much money.

There is one story of a person sitting in a hospital room trying to get someone to notarize a primary ballot through a glass window—someone who has coronavirus. Are we really going to require them to do that? Are we really going to do that? That is what you have to ask yourself, colleagues. The bottom line is, it shouldn't be this hard to vote.

I am proud that this bill has been endorsed by more than a dozen organizations, including the group founded by

former First Lady Michelle Obama, including Voto Latino, including the Lawyers' Committee for Civil Rights, the National Urban League, Common Cause, the Leadership Conference for Civil and Human Rights.

As I noted, the CARES Act included funding. It didn't include the standards that I think are necessary but included the funding. That is just the beginning. That was a downpayment—negotiating in the middle of the night. I know that because I was talking to my colleagues back then.

This is the real deal, to be able to help States in the general election. This money was included in the Heroes Act. Public health experts have warned over and over again of the possibility of a new wave of this virus in the fall. We have to be ready. States are having this happen anyway, and we should make sure that they have the funding to do it.

I know we are going to be discussing the National Defense Authorization Act in the next few weeks, at some point. I think about that. Our defense is important, but, remember, this is about the defense of our democracy. The simple idea that this was a democracy; that it is not a dictatorship; that people should be able to go out there and exercise their right to vote no matter how they are going to vote, no matter what party they are going to vote for, and this is the moment—and because of this pandemic, we need to do it.

The last thing I will mention, three polls released in the last couple of months show an overwhelming majority of voters—over 80 percent favor measures to make voting safe and easy. One of the polls conducted in six battleground States showed that 74 percent of voters wanted their Senators to support legislation in Congress to implement voting reforms, including a majority of Republican voters. Think about that. Voters across party lines want Congress to pass legislation that would guarantee the right to vote by mail and provide funding to States and make sure it is safe to vote. That is what this is about.

Again, I thank my colleague, Senator BLUNT, for all he has done and the fact that he was able to work with us when we did negotiate the CARES Act to make sure there was some funding included, as well as I mentioned Senator SHELBY, Senator COONS, Senator LEAHY, and others. Now is the time to prepare for what we have ahead; that is, making sure everyone can vote safely.

Madam President, as in legislative session, I ask unanimous consent that the Rules Committee be discharged from further consideration of S. 4033, the Natural Disaster and Emergency Ballot Act of 2020, and the Senate proceed to its immediate consideration. I further ask that the bill be considered read a third time and passed and the motion to reconsider be considered made and laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Is there an objection?

The Senator from Missouri.

Mr. BLUNT. Madam President, reserving the right to object and with great consideration for Senator KLOBUCHAR's dedication on these issues, many of which, as she has pointed out, we have worked together on, and I think we will continue to, I just don't think this is the time to make this kind of fundamental change.

I will admit that at its very first legislation after the 2018 elections, the House passed a bill, but, again, it was a bill that would provide the Federal Government with unprecedented control over elections in this country, despite the fact that for almost 250 years now, the States have been responsible for this particular government responsibility. To quote yet another time, Senator and then-President Obama, in October of 2016, pointed out that the very strength of our system was the diversity of the system. I think one of the strengths of the system is the amount of local responsibility and local answerability, frankly, for how the system works on election day.

Senator KLOBUCHAR pointed out that we are fewer than 6 months until the election. As a matter of fact, in our committee, I intend to hold a hearing next month on the problems we have seen develop with this move toward more people wanting to vote not at the polling place on election day and how some States have dealt with those problems effectively and how others haven't.

I will also say, to follow up on one of Senator KLOBUCHAR's points, I think funding is one thing. Helping the States help themselves is something I think we can still do. We have done a considerable amount of that up until now, since the 2016 elections, with a big commitment in the CARES Act to make money available for States to regulate their elections and be able to afford to do that. I think we can, will, and should take another look at that, but 6 months before an election is a dangerous time to change responsibility.

I think, to be absolutely clear, that at any time, this is a responsibility that is better done at the local level. But when you implement a new voting system with a big first election, that is a problem.

We saw that in Georgia recently. Georgia was complying with the request that both Senator KLOBUCHAR and I and others had made to get a system in place that has an auditable ballot trail—an absolutely worthy goal. Georgia followed up, but even then, it might have been better if they could have followed up on an election that wasn't quite the same high-profile, high-turnout election that their first experience had.

The responsibility for changing the system is hard enough in the best of times. I think the States have had lots of time. My State and other States

have changed their law to allow more access to absentee ballots in some States—and as a matter of fact, not even absentee ballots. I got corrected by that with one of our election officials the other day. Really, now we call them mail-in ballots. In Missouri, up until now, we always called them absentee ballots. Though, one of the absentee excuses had always been “unable to get to the polls because of health.” But in the mail-in ballot ability, in our State, to eliminate, for some ballots because of COVID-19 or health—eliminate the notary requirement, States have done this. They had a lot of time. They had a lot of notice. Most of them dealt with this. More importantly, if it works, they get the credit. If it doesn't work, they don't have anybody else to blame. They are working really hard because of that to make it work.

The House bill was offered the first time in this body not long after it passed. In March of 2000, I objected, again, to the federalization of the election process—not the assistance, not the help but the federalization of the process.

In May of 2020, the House passed yet another bill. I think that is the bill we are talking about today or something like it. This time, it was a bill that Democrats said would assist States with the pandemic. First, we were going to assist States because of ballot security. Now we are going to assist States because of the pandemic.

There has been a real desire at the Federal level to take over the election process again. I don't think that is a good idea. If it was a good idea, it wouldn't be a good idea 6 months before the election.

The provisions in the new bill are about the same as the provisions in the old bill. They would provide the Federal Government with unprecedented control over elections in this country. This bill represents a one-size-fits-all Federal answer to a problem that I think the Federal Government is not the best place to answer.

The estimated money needs of the States are something I am willing to, and think we should, continue to talk about. But funding to accept the new situation they find themselves in is different than centralizing the process.

Instead of providing States with flexibility to deal with emergency situations, for instance, this bill does just the opposite. This bill tells States how to run virtually every aspect of their election. It takes away authority to the States to determine their own process for voter registration. In fact, it requires all States to institute online voter registration at a time when we are more concerned than we used to be about what can happen to elections online.

This bill tells States how many days of early voting they must have and where the early voting locations need to be. It requires that all States accept online absentee ballot requests. You

have online voter registration. Then you have online absentee ballot requests and offers the requirement for no-excuse absentee ballots, which I guess, according to my friend, the election administrator, would be mail ballots. I am going to get better at explaining that phrase. It tells States how and when their ballots must be delivered. It tells them when they have to be counted. It requires States to permit ballot harvesting.

Ballot harvesting is the only thing, I think in a decade, that a candidate elected to the House of Representatives was not seated because the House—this House, the current House of Representatives—decided that ballot harvesting was the reason that person shouldn't be seated; that people went around, collected ballots, apparently decided which ballots they were going to mail in and which ballots they were not going to mail in—if you look at the House determination that this person wasn't lawfully elected. But this bill actually requires States to allow individuals to go and collect ballots and turn them in, in groups rather than some other way.

If States want to do that, they can do that. But apparently, it was not good enough to seat a Member of the House of Representatives from my party. It tells States how they must authenticate their ballots. It prohibits them, however, from using any form of voter identification to authenticate who the person is. It tells States what kind of envelopes they have to use to put their ballots in.

What doesn't it do? It doesn't recognize, again, that for almost 250 years, States have successfully run elections in this country. If the returns were in question, the people who were the local election officials and the State election officials were the people who were questioned. There was no ability to say "Well, that is out of our hands" or "Well, we don't really have anything to say about that. Some person in Washington tells us what we have to do about that."

States have successfully run elections during national disasters. States have successfully run elections during pandemics. States have successfully run elections during wartime.

On March 3, 2020, on Super Tuesday, early that morning, a tornado struck three counties in Tennessee. Election officials were able to use the flexibility they had as State officials to, No. 1, adjust the polling location and, No. 2, move election equipment and carry out the primary election successfully and without challenge. None of that, in my view would have been allowed if this bill had been in effect.

Similarly, in response to the pandemic, many States, as I suggested Missouri has, have changed their law and looked for ways to make this process work. They have had a chance to try—in most cases already in the primary or in some other elections, States have changed their primary dates; they

have expanded absentee balloting; they have expanded early voting; they have altered polling place procedures to ensure cleaning and sanitizing; and they have worked to recruit more workers.

This bill, in my view, doesn't acknowledge the important responsibility and answerability that local and State officials have on election day. That was a job I had for about 20 years, part of that as the chief election official in the State. I will just state that on election day nothing is more important than voters feeling like their vote was cast in the right way and counted in the right way, and there was nobody but me to blame at the county level and then again at the State level if that didn't happen.

So I think my friend Senator KLOBUCHAR's comments are well-intended and well-motivated. I just think we have a fundamental difference on who makes these decisions. I would recommend to all of my colleagues that if we ever make these kinds of changes, we should make them long before 6 months before a Presidential election. If this bill were law, State and local officials would not only lose the flexibility they now have, but they would have a new place to pass the buck.

This is one of the desks that Harry Truman used on the Senate floor, and he didn't have a "pass the buck" symbol yet, but he famously had behind his desk, as President, a sign that said "The buck stops here." On these issues, the buck stops with the person you have chosen locally and statewide to run your elections. I think that continues to be the best course for us to follow.

Madam President, I object.

The PRESIDING OFFICER (Mrs. HYDE-SMITH). Objection is heard.

The Senator from Minnesota.

Ms. KLOBUCHAR. Madam President, I want to thank my colleague for his work and his friendship. We obviously don't agree on every aspect of this. I did enjoy hearing his desk story. I didn't know he had Harry Truman's desk. When I got to the Senate, I asked for the desk of Hubert Humphrey, the "happy warrior," and about 8 months later, the desk arrived, and they had accidentally given me the desk of Gordon Humphrey, the former Senator from New Hampshire, and I had it for quite a while. In a new Senate, I one day opened up the desktop and saw that they had replaced it with the desk of Hubert Humphrey. So I would give these comments in the spirit of the "happy warrior"; that is, while you and I disagree on setting these standards, at this moment I think we should; I think if not now, when?

When it comes to things such as not having notaries for getting a ballot and things like that, I am heartened by the fact that, No. 1, we have a hearing, which has been asked for—I think it is really important, and I appreciate that—on this upcoming election.

No. 2, you continue to be open to discussing with me and with the Appro-

priations Committee the funding as we go into November. I think that is really going to be important for all voters, whether in red, blue, or purple States. We know that so many people vote by mail, including the President of the United States with a ballot from Palm Beach, FL. We all want to have that ability and make sure people in our States have an ability to either vote by mail or vote safely at the polling places this fall.

Thank you very much.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

THE JUSTICE ACT

Mr. BARRASSO. Madam President, I come to the floor today on the eve of what should be a routine vote in the U.S. Senate. Tomorrow the Senate is scheduled to vote on a motion to proceed to the justice reform legislation that we ought to be considering in the U.S. Senate.

It is important to point out to the American people what that means. This isn't a vote yet on passage of the bill. It is not a vote to end debate. It is not a vote to amend the debate. Any Senator can amend, vote no, or offer different substitutes for the bill. This isn't any of those things. The motion to proceed is a simple and rather routine agreement to begin debate on a bill. Yet, here we are. It has turned out to be anything but routine.

Senators on the other side of the aisle in this very Chamber are threatening to filibuster the motion to proceed—filibuster even allowing us to debate a bill of great importance to the Nation.

In terms the American public might better recognize, the Democrats are threatening to filibuster the very issue—the very issue—that they claim to care about. If you listen to them on television, if you see them in the streets, talking to groups, they claim to care about it. Welcome to the bizarre world of partisan politics and bankrupt leadership on that side of the aisle.

On the same day that the minority leader will come to the floor to urge the Senate to pass justice reform legislation, he will also attempt to rally his Democratic caucus to block even starting a debate, and they seem to be following him, refusing to even debate an issue which is so key in the minds of the American people. He is telling his Members to filibuster the bill.

Madam President, the JUSTICE Act deserves a debate. It deserves a debate for the American people to see and to hear and to watch on television. The American people deserve that. What they don't deserve is partisan obstruction. What they don't deserve is a filibuster. They need a debate. Amend the bill if necessary and then pass it. We want to try to stop what happened to George Floyd—a murder that we all witnessed—from ever happening again in America.

The American people know that. They took to the streets, and now they