

I have the privilege of serving as the senior Democrat on the Homeland Security Committee with the Presiding Officer, and this committee has the responsibility for vetting individuals who have been nominated to serve at the Office of Management and Budget.

During the confirmation process, I had the pleasure of speaking with Mr. Kan and getting to know him a little better and understanding better his goals for this important position. Mr. Kan clearly showed that he is intimately familiar with the issues that he would be tasked with managing at OMB, and he showed that he is willing to learn and work with others to ensure that he is doing everything he can to work productively on behalf of the American people.

In fact, Mr. Kan committed to work collaboratively with Congress to help us fulfill our oversight role. This is a shared responsibility: oversight. We all need to be interested in oversight. You don't have to serve on a committee that is focused on oversight—the Homeland Security and Governmental Affairs Committee. You don't have to serve on a permanent Senate subcommittee as Senator ROB PORTMAN and I do—the Permanent Subcommittee on Investigations—in order to be interested in oversight. You don't have to be elected to the U.S. Senate or to the House to be interested in oversight. This is something that we all should be interested in and all of us ought to be focused on, and we need to do it in a way that is collaborative so that we sort of marry our fortunes together and end up with the synergistic effect where the sum is greater than the parts thereof.

I was pleased with the words and the commitment he made to work collaboratively with all of us: Democrats and Republicans and our staffs. He also committed to working with the Government Accountability Office, GAO, to help them fulfill their critical oversight responsibilities.

I might add, GAO, which is our watchdog, does great work, as the Presiding Officer knows. They have been faced with an enormous undertaking, enormous challenges, with respect to the COVID-19 legislation we have passed and the need for resources to be able to do a good job in being the watchdog that we need.

I would just call on all of my colleagues to keep that in mind when we fashion the next COVID legislation and figure out how much money we need to provide for GAO to do the enormous job that is in front of them.

It is not often we get a nominee in this administration who is open to working with both sides here in the Congress and is understanding of the needs for the executive branch to be responsive to congressional oversight from this administration. In fact, Mr. Kan committed to responding to all oversight requests from the Homeland Security and Governmental Affairs Committee, including requests from

Democratic Senators. He also committed to ensure that OMB responds to all requests from GAO.

I know these commitments ought to be standard operating procedure in our democracy, which is built on a system of checks and balances, but they certainly have not always been the case in this administration, especially for folks nominated to positions like the one he has been nominated for.

Mr. Kan's willingness to work with Congress and his clear qualifications to serve in this role are a welcome change in a Trump administration nominee that deserves to be recognized. For those reasons, I intend to support Derek Kan, who has been nominated for this important position at OMB. I urge my colleagues—Democrat, Republican, and an Independent or two—to do the same.

I have the privilege of serving as the senior Democrat on the Environment and Public Works Committee. In our oversight role there over the Environmental Protection Agency, we ask a lot of questions. We ask a lot of questions of that agency, the leaders of that agency.

We don't always get the responses that we need. In some cases we get the back of a hand—no response for days, weeks, months. In previous administrations, Democratic administrations where Republican Senators were maybe in the minority, they haven't always gotten the kind of response that they deserved either, but I think they have gotten better than we are getting in many cases right now when we try to get information out of EPA.

I think the sort of spirit that I sense and have observed in Derek Kan, we could use that spirit from some other folks who are serving in this administration and maybe keep him in mind when someday we have a Democratic President and a Democratic majority in the U.S. Senate.

So this is a vote I think we are going to take in a very short while, and I hope, when people come here to vote, they will keep in mind some of the words I have said and some of the words I quoted from other Democratic Senators and find a way to vote yes in this case.

We will hold him up to high standards. I think if he gets confirmed—and I think he will—that it is important that he continues to demonstrate the sort of values that I have found favorable in him today.

I just want to acknowledge that it is not every day a Democrat gets to hold the gavel at a committee hearing, and yesterday Senator GRASSLEY had some other business; he had to come over and vote on the floor and take care of some other business. There was no other Republican to take the gavel and conduct the hearing, and he called on a Senator from Delaware to assume the gavel—take the gavel and pound us all the way to the finish line in yesterday's hearing.

My wife said to me last night: What was the highlight of the day? And I

said that there were many highlights of the day yesterday, but that was probably No. 1.

With that, I yield the floor to my friend from Iowa, Senator CHUCK GRASSLEY.

THE PRESIDING OFFICER. The Senator from Iowa.

#### AMERICANS WITH DISABILITIES ACT

Mr. GRASSLEY. Mr. President, I do thank the Senator from Delaware for bailing me out, as we sometimes say in Iowa.

I have two reasons for speaking this morning. No. 1, very shortly, this week is the 30th year of the Americans with Disabilities Act as the law of the land. There are plenty of reasons to recognize that law for the landmark that it is and how it has helped people advance in our society and get more equality, but also, I do it because a former colleague of mine from Iowa, Senator Tom Harkin, working along with Senator Bob Dole, worked really hard to get this landmark civil rights legislation signed into law. Since that day, America has continued to improve opportunities, inclusion, and access for individuals who live with disabilities.

As my colleagues and I work to defeat the virus, heal the racial divide, lower prescription drug prices, and restore the U.S. economy, let's take a lesson from the passage of the ADA, very much a cooperative relationship between Republicans and Democrats. Let's work together in good faith and work out our differences for the good of the American people—whether it was the Americans with Disabilities Act or, now, efforts to beat the virus and get the economy going.

#### WHISTLEBLOWERS

Mr. President, now I speak about an issue that each day, each year, every year for I don't know how many years I have spoken on this subject, but you will soon find out why this is an important day to me, as an advocate for whistleblowing and the protection of whistleblowers.

Earlier this month, the Senate unanimously declared today National Whistleblower Appreciation Day. Every year, we honor whistleblowers on July 30, and I want to tell you the history of that.

It was on July 30, 1778—I hope you heard that right: July 30, 1778—at the height of the American Revolutionary war that the Continental Congress passed the first whistleblower law.

It did so in support of American soldiers who had decided to blow the whistle on their supervisor. That supervisor was an American naval commander. It seems this commander had not been following the rules of war and had been brutally torturing British soldiers. Knowing his actions were against the Navy's code of ethics, the soldiers decided to blow the whistle to Congress. When they did blow that whistle, they got the full whistleblower treatment, the kind that I hear too often, even today. They were sued for libel and were thrown into jail.

Now, that doesn't happen to maybe a lot of whistleblowers in 2020, but whistleblowers are not treated correctly yet today.

Well, Congress wasn't hearing of how they were being treated by being sued for libel and being thrown into jail. In response to what had happened on July 30, 1778, the Continental Congress passed the first whistleblower law, stating its unequivocal support for the soldiers and affirming that it is the duty of every person in the country—not just government employees but every single person—to report wrongdoing to the proper authorities.

Congress even covered the legal fees of the jailed sailors.

Now, 242 years later, we find ourselves in the midst of another crisis, the COVID-19 pandemic, and today Congress and the American people depend on whistleblowers to tell us about wrongdoing just as much as our Founding Fathers did. In fact, we depend on them more because, as the government gets bigger, the potential for fraud and abuse, at the same time, gets bigger. So does the potential for cruel retaliation against our Nation's brave truth-tellers.

But here is the good news: For every rogue commander or manager, this country is filled with good, honest, hard-working people like those sailors—patriots—who are unafraid to step forward and blow the whistle just for a simple reason—to do the right thing, to get the government to do what the laws require, spend money according to how the law requires the money be spent.

I can think of no better way of remembering and honoring the whistleblowers than doing exactly as the Continental Congress did on that day in 1778: by renewing our resolve and our commitment here and now to pass laws that encourage, support, and protect whistleblowers; by telling whistleblowers through strong legislative action that they are patriots and that Congress and the American people have their backs.

I myself have several critical whistleblower bills pending before this session of Congress that are especially crucial in light of the COVID-19 pandemic. First and foremost, there is the legislation I have been working on to strengthen the False Claims Act. As we all know, the False Claims Act allows whistleblowers to file lawsuits and sue fraudsters on behalf of the Federal Government.

The Federal Government should be doing that, but the Federal Government may not know about it. Or if the Federal Government does know about it, they may have so many cases they can't deal with. So we allow the citizens, through qui tam-type lawsuits, to act in the place of the government. This is what my amendments in 1986 to the False Claims Act did.

Those cases, since 1996, have brought \$62 billion back into the Federal Treasury. The False Claims Act has never

been more important than it is right now this very year—34 years after I got it passed. That is because the massive increase on government funding to address the COVID-19 crisis has created new opportunities for fraudsters trying to cheat the government and steal hard-earned taxpayers' dollars. I heard some of this on Tuesday in my committee from people in Homeland Security who have been running down, either costing the taxpayers money or just receiving bad quality products to protect our healthcare people.

It is especially ironic, considering all of this, that the Department of Justice has been continuing its recent practice of dismissing charges in many of the false claims cases brought by whistleblowers without the Department of Justice even stating its reasons. This is definitely not the right approach.

If there are serious allegations of fraud against the government, the Attorney General should have to state the legitimate reasons for deciding not to pursue them in court. That is just common sense.

My legislation clarifies the ambiguities created by the courts and reins in this practice that undermines the purpose of my 1996 amendments to the False Claims Act, which was to empower whistleblowers. And remember, you shouldn't weaken a piece of legislation that has brought \$62 billion of fraudulently taken money back into the Federal Treasury. This legislation requires the Justice Department to state its reasons.

What is wrong with telling people why you are dropping the case and provide whistleblowers who bring the cases an opportunity to be heard whenever it decides to drop a false claims case?

These problems I am bringing up with the Department of Justice remind me of the initial carrying out of the false claims amendments that I got passed in 1986. The Department of Justice resented some citizen coming in and being able to go to court and get justice for the taxpayers because it made it look like the Department of Justice wasn't doing its job. So what? We are helping the taxpayers. We are enforcing the law.

I thought around 1992 or 1993 that they got over it and moved ahead with it. But even yet in 1992, Attorney General Barr, then—and I don't know whether he was Attorney General then or just a citizen—even claimed that the False Claims Act's amendments I got passed were unconstitutional.

By the time he got 30 years later, coming back into government—and my questioning him about it—he did say that he felt that the False Claims Act was constitutional. That is big progress from 1992, when you thought it was unconstitutional.

We still seem to have some problems with the Justice Department, but this bill should not be necessary, but I have to pursue it anyway at the present time.

Mr. President, on another matter, during the pandemic, there has also been a dramatic increase in whistleblower complaints filed with the SEC. Whistleblowers have been calling attention to scam artists peddling counterfeit and substandard medical goods and phony cures to the consumers.

The Whistleblower Programs Improvement Act, which I introduced last year, strengthens protections for SEC and the Commodity Futures Trading Commission whistleblowers. It requires the SEC and CFTC to make timely decisions regarding whistleblower rewards.

We are now waiting for the Senate Banking Committee to sign off on the SEC portions of the bill, which the SEC supports. I just had a conversation with the chairman of the SEC on this very point within the last hour.

I am also working on legislation that will provide timely, critical protection to whistleblowers working in our nation's law enforcement agencies. Of course, I have been having a national conversation—we all have been having a national conversation lately—about the role of law enforcement in our country. I firmly believe that law enforcement officers play a critical role in maintaining our system of justice. They are there to protect the constitutional rights of our citizens and never, of course, to do harm or infringe upon those constitutional rights.

For decades, it has been unlawful for law enforcement officers to work on any level to infringe on the constitutional rights of Americans. And whenever the Attorney General has cause to believe law enforcement is overstepping its bounds and infringing on those rights, he has the legal authority to intervene and pursue action on behalf of the United States to stop the practice and hold those responsible accountable. Of course, the Attorney General can't prosecute what he doesn't know about. It is law enforcement officers themselves who are out there on the frontlines protecting all of us.

Congress and the American people depend on them to be vigilant and to speak up if they see something happening that they know is wrong. Those who do choose to step forward and report violations in accordance with our Federal laws deserve Federal whistleblower protections. That is why I am working to ensure that law enforcement whistleblowers who report violations of the constitutional rights of American citizens to Congress and the Justice Department are guaranteed simple whistleblower protections, which we give to a lot of other people.

Another whistleblower bill currently awaiting passage is my Criminal Antitrust Anti-Retaliation Act. This legislation strengthens protections for private sector whistleblowers who report violations of antitrust laws. The bill was passed by the Senate last October and has been pending before the House of Representatives ever since.

The House tries to argue that the Senate is the legislative graveyard. We

hear that from people across the Roundtable on almost anything and any day. But here is a case where its delayed action on this bill suggests that it isn't always the Senate that isn't considering this legislation.

Each of these bills fills a critical void in our current whistleblower laws, and each one ought to receive consideration and an up-or-down vote before the end of this Congress. Of course, if that is going to happen, Congress needs to pick up its pace. It needs to take a cue from those strong actions taken by the Congress—the Continental Congress, let me emphasize, during the American Revolution, a body that saw the need, took the time, and devoted necessary resources to stand up for whistleblowers in the midst of a war for the very existence of our country.

Today, let's all take a moment to reflect on the high standards that those early Americans set for us back on July 30, 1778, and let's remember never to let excuses or partisan differences keep us from pursuing our common interests in passing strong, meaningful whistleblower laws.

I yield the floor.

The PRESIDING OFFICER (Mrs. FISCHER). The Senator from Wisconsin.

UNANIMOUS CONSENT REQUEST

Mr. JOHNSON. Madam President, back in February 2020, before the COVID recession, there were 158.8 million Americans employed. We have gone through a lot. COVID is probably the most significant event—certainly in my lifetime—affecting people's lives, the tragedies we have seen, affecting our economy, affecting the Federal budget.

At the end of June, there were 142 million Americans employed. That is a reduction of 16.6 million Americans or 10.5 percent. I want people to remember that 10.5 percent.

Over the last month or so, there have been a number of respected economists who made forecasts of how much our economy is going to shrink. These are folks from the IMF and CBO and the Federal Reserve Board of Governors, economists at Morgan Stanley and Goldman Sachs. The range of what they are predicting our economy will shrink to is somewhere between 4.6 percent and 8 percent. This is causing economic devastation—a real human toll on real people.

As a result of that, Congress acted. We acted fast. We acted swiftly. We acted massively. We wanted to provide financial help to individuals who were unemployed all of a sudden through no fault of their own. We wanted to help provide financial need to businesses that were viable, that can hopefully survive and rehire and help us recover from this COVID recession. We also wanted to make sure we provided enough liquidity in the market so we wouldn't see any kind of seizing up and see real financial devastation.

The result of all that was that within a very short period of time, by the end of April, we had already passed four

different financial relief packages totaling \$2.9 trillion. We just held an oversight hearing in my committee 2 days ago. There is even dispute on that number. Some witnesses said it is close to \$3.6 trillion. I am going to use \$2.9 trillion as a minimum.

To relate that to what I just talked about, that represents about 13.5 percent of our economy. Again, employment is down 10.5 percent. Economists are predicting our economy will shrink somewhere between 4.6 percent and 8 percent. But we acted swiftly and massively. We knew what we were going to enact was far from perfect. We all understood that. It was far from perfect, but it worked, and we had to do it.

We passed an amount equal to 13.5 percent of last year's GDP. Less than a month later, Speaker PELOSI and her House Democrats passed a fifth package out of the House worth \$3 trillion—\$3 trillion. I am sorry. That is not a serious attempt at financial relief. If we add that to the \$2.9 trillion, that would represent 27.5 percent of last year's economy.

Again, employment is down 10.5 percent. Our economy will probably shrink by no more than 8 percent. Yet Speaker PELOSI and House Democrats wanted to increase the amount of debt burden on our children by passing a package that would bring the total relief package up to 27.5 percent of our GDP. It is not serious.

It should surprise no one when Leader MCCONNELL and Chief of Staff Meadows and Treasury Secretary Mnuchin, as they tried to forge a deal with Speaker of the House PELOSI and Minority Leader SCHUMER, that they couldn't reach a deal; that there was probably no goalpost that they will not move to make sure that doesn't happen.

But the problem with that approach—and I would call it a very cynical, political approach, really playing with people's lives and livelihood—is that tomorrow the Federal unemployment extension that we passed as part of the CARES Act—because we realized we wanted to try to help everybody who was unemployed because of the COVID recession—expires.

As I said, the CARES Act was far from perfect. I certainly did not want one of the provisions. I voted against it. I actually supported the amendment of the Senator from Florida to reduce the \$600 flat payment. That is a real problem because it represents something like 134 percent of average wages, and we are creating a very perverse incentive for people to remain unemployed when our economy is calling for more workers.

I want to quote an economic adviser to both Presidents Clinton and President Obama, Larry Summers. He once stated:

The second way government assistance programs contribute to long-term unemployment is by providing an incentive, and the means, not to work. Each unemployed person has a "reservation wage"—the minimum

wage he or she insists on getting before accepting a job. Unemployment insurance and other social assistance programs increase the reservation wage, causing an unemployed person to remain unemployed longer.

We want to avoid that situation. We want to help workers, but we want to avoid the situation where we prolong unemployment or create a sense for people to stay on unemployment insurance. The fact is that, according to a University of Chicago study, 68 percent of people collecting unemployment are making more on unemployment than they made when they were working. CBO estimates something between five out of six people currently collecting unemployment are making more not working than working. The Bureau of Labor statistics at the end of May said there were 5.4 million jobs open—not being filled.

We have a problem. We have two problems. We can't do a deal because I don't believe our friends on the other side of the aisle are serious about doing a deal. But we have unemployment expiring, and the current provision was too generous to create a perverse incentive.

I have introduced a piece of legislation that I have cosponsored with the Senator from Indiana and the Senator from Florida, who would also like to speak to this. It is called the Coronavirus Relief Fair Unemployment Compensation Act. There is no fancy acronym. It describes what the bill does. It extends Federal plus-up for unemployment to the end of the year.

The COVID recession is not ending any time soon. Rather than having to come back and do this over and over again and increase the anxiety on Americans who are unemployed, let's extend this to the end of December. Our bill gives States the option of either a \$200 flat plus-up or a plus-up equal to no more than two-thirds of an individual's average wage, not to exceed \$500. The States have the option. If they can't handle the two-thirds plus-up, they can accept the \$200 flat plus-up.

In case our Democratic colleagues are going to complain about that as not being generous enough, two-thirds of weekly wages is exactly what the House passed in phase 2 of the COVID relief package. Two-thirds of average wages is what they set as the amount of money for paid sick and family leave.

I also want to point out that \$200 a week is eight times the amount the Democrats, back in 2008 and 2009—I think 2009—passed as part of the great recession relief package. They passed \$25 per week plus-up, so \$200 per week plus-up is eight times that.

Again, we, as Republicans, are trying to meet them already more than halfway to do a deal on unemployment. Again, those individuals who are without a job through no fault of their own have the comfort and relief that they will have assistance from the Federal Government.