

little more than an effort to appease the most liberal members of the caucus."

Yet, now, Speaker PELOSI and the Democratic leader have declared that unemployed Americans will not get another cent—not another cent—unless the Senate agrees to pass the entire bill that even the Democrats say is ridiculous. This is their position: Unemployed people, schools, hospitals, and American families will not see another dime unless they get to cut taxes for millionaires in Brooklyn and San Francisco. That is what this is about.

Sure, they will call the Republicans names for wanting to make sure the system doesn't pay people more not to work, but the Democratic leader gave away the game this morning. He said on the floor that he now opposes even continuing the aid at the \$600 level. They want jobless aid to expire tomorrow—period. Lest we forget, just a few days ago, multiple Democratic Senators and the Democratic House majority leader were all saying they were prepared to negotiate and land somewhere south of \$600. Multiple Democrats said they were open to continuing the aid at a level that didn't pay people more to stay home.

Now the Democratic leader hasn't just contradicted his colleagues and refused to talk, he has gone even further and declared he will not even let the aid continue at \$600. The Democratic leader has tried to rule out every option except that of leaving the Capitol today and beginning his weekend with this unemployment benefit set to expire.

These aren't the actions, my friends, that would lead to any agreement. They aren't the actions that will actually make a law.

I am not sure whether my Democratic colleagues really agree that hurting unemployed people is their side's best political strategy, but if that is their position, they will have to vote on it with the entire country to see.

In just a moment, I am going to make the Senate vote on a privileged motion that will be a motion to proceed to legislation which would be used to prevent the unemployment aid from expiring.

We have a number of views on both sides of the best way to accomplish that. The bill would be amendable. Nobody who actually wants to negotiate, nobody who actually wants a bipartisan outcome would be disadvantaged by merely proceeding to the debate.

We have had enough rope-a-dope. We have had enough empty talk. It is time to go on the record. We will see who really wants a bipartisan outcome for the country and who is trying their hardest to block one.

#### LEGISLATIVE SESSION

Mr. MCCONNELL. Mr. President, I move to proceed to legislative session.

Mr. SCHUMER. Mr. President, I ask to be recognized to respond to the leader.

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. SCHUMER. Well, we have had a lot of words from the leader—none of them talk about reality. One picture equals all his words: SCHUMER, PELOSI, Mnuchin, Meadows in a room negotiating, where the Republican leader can't even show up because his caucus is so divided. In his own words, 20 of his Members don't want to vote for anything.

Now, faced with a crisis they created—for 10 weeks we have asked the leader to negotiate, and now, finally, they have woken up to the fact that we are at a cliff. But it is too late—too late because even if we were to pass this measure, all the States—almost every State says people would not get their unemployment for weeks and months, all because of the disunity, dysfunction of this Republican caucus and of the leader, afraid to negotiate because he doesn't have his people behind him.

The bottom line is very simple: This new proposal moves things even backward. Instead of a 30-percent cut from what people are getting, it is a 33-percent cut. And we all know that the proposal that is in existence now has kept millions out of poverty.

Now we hear talk from the other side that this creates the deficit—this increases the deficit. We can't spend money. Well, I would remind them of the \$1.5 trillion tax cut for the rich—tax cut for the rich. No one even thought about the deficit then. But when it comes to average folks, working people, we don't hear a thing.

Unemployment is a crisis. There are many crises. All your constituents, the parents, are saying: Why can't we open our schools safely? They need dollars.

We can't negotiate that proposal. People are being thrown out of their homes. That is a cliff that happened Thursday. Nothing for that.

The bottom line is very simple: This is the worst health crisis in 100 years. This is the worst economic crisis in 75 years. Unfortunately, at this great moment of terrible trouble in our country, our Republican friends are paralyzed, and when they want to do something, it is a stunt, not a real negotiation, that they know won't pass, because their backs are against the wall and the American people—just look at the data—know who is to blame and know who doesn't want to help people.

So the bottom line is very simple: We Democrats know what the problem is, and we are unified. We have a very strong proposal. And to look at the things in that proposal with the callousness that my friend the Republican leader has done; to say that this is all politics when people are being thrown out of their homes and we want to give them shelter; when people are not able to feed their children and we want to give them food; when small businesses—men and women who have struggled—can't keep their businesses going, we hear nothing.

Our proposal—the one to which the Republicans objected—deals with these problems in a serious, significant, and, yes, expensive way. But we know what is going on on the other side of the aisle. It was said by my friend from Indiana: Let the private sector do it. Well, my friends, this is a moment where the private sector can't solve the problem. This is a moment when we do need strong, active, and bold relief—something that this caucus has been running away from, ignoring, for far too long.

My fellow Americans, we are in an enormous crisis. We are stepping up to the plate on this side of the aisle. Please let your Senators know on the Republican side of the aisle how deep this crisis is, how painful it is for people, and to step up to the plate, get in the room, and negotiate a real deal and stop doing stunts that simply are political—get it off my back—that you know cannot pass.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

#### UIGHUR INTERVENTION AND GLOBAL HUMANITARIAN UNIFIED RESPONSE ACT OF 2019—MOTION TO PROCEED

Mr. MCCONNELL. Mr. President, I ask that the Chair lay before the Senate the message to accompany S. 178, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

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 North Carolina (Mr. BURR), the Senator from Kansas (Mr. MORAN), the Senator from Georgia (Mr. PERDUE), and the Senator from Alabama (Mr. SHELBY).

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

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. BOOKER), the Senator from California (Ms. HARRIS), the Senator from Massachusetts (Mr. MARKEY), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Arizona (Ms. SINEMA), the Senator from Montana (Mr. TESTER), and the Senator from Rhode Island (Mr. WHITEHOUSE) are necessarily absent.

The PRESIDING OFFICER (Mr. SCOTT of Florida). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 47, nays 42, as follows:

[Rollcall Vote No. 153 Leg.]

#### YEAS—47

Alexander	Boozman	Collins
Barrasso	Braun	Cornyn
Blackburn	Capito	Cotton
Blunt	Cassidy	Cramer

Crapo	Johnson	Rounds
Cruz	Kennedy	Rubio
Daines	Lankford	Sasse
Enzi	Lee	Scott (FL)
Ernst	Loeffler	Scott (SC)
Fischer	McConnell	Sullivan
Graham	McSally	Thune
Grassley	Murkowski	Tillis
Hawley	Portman	Toomey
Hoever	Risch	Wicker
Hyde-Smith	Roberts	Young
Inhofe	Romney	

## NAYS—42

Baldwin	Gillibrand	Peters
Bennet	Hassan	Reed
Blumenthal	Heinrich	Rosen
Brown	Hirono	Sanders
Cantwell	Jones	Schatz
Cardin	Kaine	Schumer
Carper	King	Shaheen
Casey	Klobuchar	Smith
Coons	Leahy	Stabenow
Cortez Masto	Manchin	Udall
Duckworth	Merkley	Van Hollen
Durbin	Murphy	Warner
Feinstein	Murray	Warren
Gardner	Paul	Wyden

## NOT VOTING—11

Booker	Menendez	Sinema
Burr	Moran	Tester
Harris	Perdue	Whitehouse
Markey	Shelby	

The motion was agreed to.

The senior assistant legislative clerk read as follows:

*Resolved*, That the bill from the Senate (S. 178) entitled “An Act to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China.”, do pass, with an amendment.

The PRESIDING OFFICER. The majority leader.

MOTION TO CONCUR WITH AMENDMENT NO. 2499

Mr. MCCONNELL. Mr. President, I move to concur in the House amendment with a further amendment, No. 2499.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. McConnell] moves to concur in the House amendment to the bill, with an amendment numbered 2499.

The amendment is as follows:

(Purpose: In the nature of a substitute)

In lieu of the matter proposed to be inserted, insert the following:

## SECTION 1. SHORT TITLE.

This Act may be cited as the “Coronavirus Relief Fair Unemployment Compensation Act of 2020”.

## SEC. 2. EXTENSION OF THE FEDERAL PANDEMIC UNEMPLOYMENT COMPENSATION PROGRAM.

(a) EXTENSION.—Section 2104(e)(2) of the Relief for Workers Affected by Coronavirus Act (contained in subtitle A of title II of division A of the CARES Act (Public Law 116-136)) is amended by striking “July 31, 2020” and inserting “December 31, 2020”.

(b) IMPROVEMENTS TO ACCURACY OF PAYMENTS.—

(1) IN GENERAL.—Section 2104(b) of the Relief for Workers Affected by Coronavirus Act (contained in subtitle A of title II of division A of the CARES Act (Public Law 116-136)) is amended—

(A) in paragraph (1)(B), by striking “of \$600” and inserting “equal to the amount specified in paragraph (3)”; and

(B) by adding at the end the following new paragraph:

“(3) AMOUNT OF FEDERAL PANDEMIC UNEMPLOYMENT COMPENSATION.—

“(A) IN GENERAL.—The amount specified in this paragraph is the following amount with respect to an individual:

“(i) For weeks of unemployment beginning after the date on which an agreement is entered into under this section and ending on or before July 31, 2020, \$600.

“(ii) For weeks of unemployment beginning after the last week under clause (i) and ending before December 31, 2020, an amount equal to one of the following, as determined by the State for all individuals:

“(I) \$200.

“(II) An amount (not to exceed \$500) equal to—

“(aa) two-thirds of the individual’s average weekly wages; minus

“(bb) the individual’s base amount (determined prior to any reductions or offsets).

“(B) BASE AMOUNT.—For purposes of this paragraph, the term ‘base amount’ means, with respect to an individual, an amount equal to—

“(i) for weeks of unemployment under the pandemic unemployment assistance program under section 2102, the amount determined under subsection (d)(1)(A)(i) or (d)(2) of such section 2102, as applicable; or

“(ii) for all other weeks of unemployment, the amount determined under paragraph (1)(A) of this subsection.

“(C) AVERAGE WEEKLY WAGES.—

“(i) IN GENERAL.—Subject to clause (ii), for purposes of this paragraph, the term ‘average weekly wages’ means, with respect to an individual, the following:

“(I) If the State computes the individual weekly unemployment compensation benefit amount based on an individual’s average weekly wages in a base period, an amount equal to the individual’s average weekly wages used in such computation.

“(II) If the State computes the individual weekly unemployment compensation benefit amount based on high quarter wages or a formula using wages across some but not all quarters in a base period, an amount equal to  $\frac{1}{13}$  of such high quarter wages or average wages of the applicable quarters used in the computation for the individual.

“(III) If the State uses computations other than the computations under subclause (I) or (II) for the individual weekly unemployment compensation benefit amount, or for computations of the weekly benefit amount under the pandemic unemployment assistance program under section 2102, as described in subsection (d)(1)(A)(i) or (d)(2) of such section 2102, for which subclause (I) or (II) do not apply, an amount equal to  $\frac{1}{2}$  of the sum of all base period wages.

“(ii) SPECIAL RULE.—If more than one of the methods of computation under subclauses (I), (II), and (III) of clause (i) are applicable to a State, then such term shall mean the amount determined under the applicable subclause of clause (i) that results in the highest amount of average weekly wages.”.

(2) CONFORMING AMENDMENTS.—

(A) PANDEMIC UNEMPLOYMENT ASSISTANCE.—Section 2102(d) of the Relief for Workers Affected by Coronavirus Act (contained in subtitle A of title II of division A of the CARES Act (Public Law 116-136)) is amended by inserting “with respect to the individual” after “section 2104” in each of paragraphs (1)(A)(i) and (2).

(B) PANDEMIC EMERGENCY UNEMPLOYMENT COMPENSATION.—Section 2107 of the Relief for Workers Affected by Coronavirus Act (contained in subtitle A of title II of division A of the CARES Act (Public Law 116-136)) is amended—

(i) in subsection (a)(4)(A)(ii), by inserting “with respect to the individual” after “section 2104”; and

(ii) in subsection (b)(2), by inserting “with respect to the individual” after “section 2104”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Relief for Workers Affected by Coronavirus Act (contained in subtitle A of title II of division A of the CARES Act (Public Law 116-136)).

(d) EMERGENCY DESIGNATION.—

(1) IN GENERAL.—The amounts provided by this section and the amendments made by this section are designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(g)).

(2) DESIGNATION IN SENATE.—In the Senate, this section and the amendments made by this section are designated as an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018.

The PRESIDING OFFICER. The Senator from Arizona.

## UNANIMOUS CONSENT REQUEST

Ms. MCSALLY. Mr. President, I deployed to Washington to be a pragmatic problem-solver, and for the past 5½ years I have made it my mission in Congress to better the lives of hard-working Arizonans. In a time of toxic partisanship, this is no easy feat. It requires me to go across the aisle to find where the Venn diagram overlaps.

Well, today I am calling on my Senate colleagues to be pragmatic, to meet in the middle on what we should agree on. I am asking Senators to simply extend expanded unemployment benefits for 7 days while Congress comes up with a solution. Who could be against that?

With the 1st of August approaching, Americans out of work are counting on us for cash so they can pay their rent and put food on the table for their families. While some States will get the expanded checks, we understand, for the next week or two, Arizonans have gotten their last expanded check. These Arizonans are in my neighborhood, live on my street, and worked paycheck to paycheck before this once-in-a-century pandemic hit.

Well, I am here to tell them that Washington, DC’s dysfunction and bickering is alive and well. Congress, once again, is using hard-working Americans as pawns in their political games.

For the many Arizonans out of work right now, this is not a game. Americans, Arizonans are calling out for help, and it is time we deliver it.

What I am offering today is a simple 7-day extension of the extra \$600 a week for unemployed Americans while we work through our differences on how to move forward and see Americans through this first-in-a-century crisis. This is a reasonable proposal. Who could possibly be against this?

I understand, as we work to defeat this virus—which we will—and support the economic recovery for our country, we need to incentivize people to return to work safely, when they are able. And there are disagreements in this

Chamber on what that looks like, what the ultimate dollar figure or percentage will be, where we land and for how long.

I know today Congress needs to do their job and to prevent this desperately needed, extra lifeline from fully expiring. In this uncertain time, everyone is doing the best they can to make ends meet, to help each other, to help our neighbors, to stay safe—everyone, that is, except Congress.

Americans who have lost their livelihoods through no fault of their own due to this cruel virus should not be the collateral damage of political maneuvering. I am calling on the Senate: Let's do what we were sent here to do. Let's do our job.

In the face of the virus, we have asked millions of Americans to go back to work when they can safely, to make hard decisions, to do what they were hired to do. It is time for the Senate to do the same.

This is a reasonable request. It is simply a 7-day extension of the expanded unemployment benefits while we continue to work out our differences. Who could possibly be against this?

Therefore, I ask unanimous consent that the Senate proceed to the immediate consideration of my bill at the desk. I further ask that the bill be considered read a third time and passed and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. SCHUMER. Reserving the right to object.

The PRESIDING OFFICER. The Democratic leader.

Mr. SCHUMER. Mr. President, this UC request is clearly a stunt. A 1-week fix can't be implemented in time, and the Senator knows that. Plus, there are many other problems Arizonans have in addition to this one.

Arizonan parents are worried that schools will not open safely. Arizona renters are worried they will be evicted from their apartments. Arizona parents are worried that they can't feed their kids. Arizona small businesses are worried that they will not have the necessary help.

All of those things are in the Heroes Act, plus not even a 1-week extension—which can't even be implemented—but an extension until January 31.

So I would ask my colleague to tell Arizonans whether she supports the Heroes Act or not, which goes much further and is much stronger on unemployment and many other issues.

I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Arizona.

Ms. MCSALLY. Mr. President, this is disappointing and a political stunt and a game. For all the normal people watching out there who don't understand why Washington is so dysfunctional, we are just looking for a 7-day

extension so they can get another check and pay their rent.

I asked the question: Who could possibly be against this?

Well, we found out. It is the Senator from New York. So you can clip the tape or put his picture on your refrigerator when you open it up because it is the minority leader who is against this, on his path to try and become the majority leader. And that is unfortunate. Arizonans deserve better.

The PRESIDING OFFICER. The Democratic leader.

UNANIMOUS CONSENT REQUEST—H.R. 6800

Mr. SCHUMER. Mr. President, I am going to ask once again that our Republican colleagues support the Heroes Act.

This is a dramatic crisis affecting all of America in many different ways. We Democrats have come up with a bold, strong plan supported by the vast majority of people—average, middle-class people. Our proposal deals with the issue of unemployment all the way through January 31—not a 1-week stunt which can't even be adapted in time.

Our proposal deals with schools and their ability to open. Our proposal deals with small businesses. Our proposal deals with so many of the issues facing America.

Our colleagues on the other side, we know, are tied in a knot. Our colleagues on the other side can't come to an agreement on anything. They did an empty shell bill because the only thing they could support was an empty shell bill with nothing inside of it.

Well, that is not what the American people want. They want action. I would urge the Republican leader to start negotiating in good faith and in seriousness. I would urge the President to do things about testing and tracing, also in the Heroes bill.

I would urge that we rise to the occasion of this enormous crisis. We Democrats are doing that in a bold and strong way. We haven't heard anything from our Republican colleagues.

I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 455, H.R. 6800, the Heroes Act; 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 objection?

The Senator from Ohio.

Mr. PORTMAN. Mr. President, we have already had this debate once today when the Democratic leader chose to offer this motion knowing that, of course, it is not serious. What he is talking about here, just after having rejected a very commonsense proposal, which is a 1-week extension for the unemployment insurance—by the way, at \$600, which is exactly what the Democrats say they want. They want to keep it at \$600 even though, as we know from numerous studies, that means that, for many people—in fact,

for 68 percent of the people on unemployment insurance, based on the University of Chicago study—they are making more on unemployment insurance than they can make at work.

I think all of us here in this Chamber want to be sure that folks are taken care of. In fact, we just voted on legislation to provide the ability to be able to debate this very issue and other issues. But to say that people should be making substantially more for not working rather than working is something I think even a lot of my Democratic colleagues do not find acceptable.

Instead, the minority leader, once again, is offering the Heroes Act, as he has done before. You will recall this is the House-passed legislation that was passed, actually, a while ago during different times. But it is \$3.5 trillion. That is what the CBO says—\$3.5 trillion.

That makes it, of course, the most expensive piece of legislation ever passed by either body anytime in our history, by far. By the way, it has a number of provisions that have nothing to do with COVID-19.

So here we are in the middle of this crisis. In many places it is getting worse, not better. We do need to act, but we need to be sure we are acting in an effective, targeted way and not putting things out there—a \$3.5 trillion bill including many things that have nothing to do with COVID-19.

It has immigration policy changes there. We can debate those separately. Immigration policy issues are very contentious and are tough things for us to resolve in any context, but certainly we shouldn't put it in a COVID-19 bill.

It has unprecedented mandates on the States that say to the States: You have to do the elections the way Congress wants to do them. You have to do mail-in ballots the way we are saying you have to do them. You have to use the kinds of ideas that we say you have to use.

This has always been in the province of the States. Again, a lot of my Democratic colleagues agree it should continue to be in the province of the States to make those kinds of detailed decisions on elections.

It doubles the amount of money in the Heroes Act that goes to States as compared to even what the National Governors Association is asking for. Three and a half trillion dollars begins to add up when you do things like that. You give twice as much to the States as the States are even asking for.

Of course, one of my favorites—and I know, again, the Senator from New York feels strongly about this from a tax policy point of view—included in the COVID-19 bill is a very expensive change in tax policy that actually is a huge tax break for wealthy individuals; that is, repealing the SALT changes that were made. Over 50 percent of the benefit of this goes to the top 1 percent. That is based on the Tax Policy Center.

Based on our own Joint Committee on Taxation, which is a nonpartisan group here in Congress, what they are trying to get through in their legislation, the Heroes Act—40 percent of that benefit or more, according to the Joint Committee on Taxation, goes to those with income over \$1 million. What is that doing in the COVID-19 bill?

The Democratic leader talked about the need for more money for testing. I couldn't agree with him more. By the way, the proposal that was presented by Senator McCONNELL earlier this week has a lot more money for testing. It also has more money for antiviral medications, for vaccines, and for ensuring that workplaces can be safe. It has the same amount of money—maybe even a little bit more; the Senator from Tennessee can tell us—for our schools, to be able to reopen our schools safely.

There is a lot of common ground here. I think we can find it. I really do. I know that today has not been an example of that. We are even rejecting here—a moment ago—a 7-day simple extension of 600 bucks per week.

But when I look at it, I see the school money as being identical, and I see the tax provisions that we have to help encourage people to go back to work and encourage companies and nonprofits to put measures in place to make the workplace safe, like plexiglass shields or more hand sanitizers or PPE. These are all things we can agree on.

Even on the issue of unemployment insurance—and I have talked to many of my colleagues on both sides of the aisle about this—I think there is a way we can get there. I think Democrats realize that \$600 per week does create this disincentive because it is, on average, 134 percent of what people were making in the private sector. We can come up with a way to deal with that. One is a return-to-work bonus, which is an idea that has a lot of bipartisan appeal.

Let's put aside these games. Let's put aside these extreme positions. Let's figure out how we can come together. This evening was not a good example of that, having rejected the 7-day extension of \$600 per week of unemployment insurance, but I think now we have this opportunity, with the legislation that was passed earlier today, to begin to have that debate. We can have the debate on unemployment insurance. We can have it on a whole range of issues—how we deal with schools, how we deal with the healthcare crisis we have, the underlying crisis. We can deal with all these issues in a way that enables us to find common ground, to create real solutions for the people we represent as we face this unprecedented pandemic.

With that, I object.

The PRESIDING OFFICER. Objection is heard.

The Democratic leader.

Mr. SCHUMER. Mr. President, two quick points. One, my friend from Ohio—and I know he has lots of good

ideas and a great deal of sincerity—made my point. The vast majority of Republicans oppose \$600 for any time. That is why they are not calling it up for a vote—it shows what a stunt the Senator from Arizona has done.

Second, I think all the points my colleague made about things that are extraneous—they are not; they are related to COVID. But one thing not in our bill—\$1.7 billion so the President's hotel doesn't get competition. That is an extraneous thing. It is not in our bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I ask through the Chair, does the Senator from Ohio wish to speak further?

Mr. PORTMAN. No.

Mr. ALEXANDER. Mr. President, I thought the Senator from Arizona made a very commonsense proposal. We are in a position here in the Congress that we often find ourselves in: We have different opinions—dramatically different opinions in some cases. What she said was, while we are working those things out, let's extend the \$600 unemployment benefit for 7 days so people aren't hurt. That is a commonsense proposal. I regret that wasn't adopted.

I like what the Senator from Ohio said. Instead of starting—when you have a disagreement over several items, my experience is that you don't start with the things that you disagree on the most; you start with the things you agree on the most.

There are a number of things in the House-passed bill and in the Senate Republican bill that was introduced on Monday, which the President supports—let me repeat that. The House of Representatives passed a bill. They have a Democratic majority. The Senate has a Republican majority, and we have a Republican President. We have a Republican President and a Republican bill, and we have a House-passed bill, and it is time to see if we can put the two together. That is why we have two bodies. But that requires Senators and Members of the House who are willing to sit down and come to some compromise or some resolution of the issues.

There are some things about which we have big differences. One is the dollar figure. As the Senator from Ohio said, we have already spent \$3.5 trillion. That is a number so big, most of us couldn't even speak it before we got to this era of the sneaky, dangerous COVID virus.

Let's look at the other side. On what might we agree or many of us agree? We don't have 100 percent on either side who are going to agree on most anything.

We might start with schools. Schools are starting up in the southern part of the United States, where the Presiding Officer is from—Florida—and I am from Tennessee. Schools are getting ready to go back, and so are colleges.

That means there are 70 million students who would like to go back to school or college—100,000 public schools, 35,000 private schools, and 6,000 colleges.

What help do they need? They need help reopening safely so that they can go back with students physically present as consistent with safety as is possible.

I talked with the Governor of Tennessee, Bill Lee, yesterday. He said 93 of the 95 counties in Tennessee had schools that were going to reopen in person. Maybe not every student, maybe not every class, but in 93 of the 95 counties, the Governor said they know that children need to be in school and their parents need for them to be in school. Two-thirds of married parents work outside the home.

This is a bill for the children, though. I mean, every teacher, every pediatrician, and almost every parent knows that, especially with young children, if they are left out of school for such a lengthy period of time, it damages them; it hurts them. There is a health risk in going back, yes—not very much for young children—but there is a bigger emotional, intellectual, and physical risk if they stay out of school.

What have we proposed to do? We proposed to help pay for the schools to open safely and to help pay for the colleges to open safely, which most are doing.

The Chronicle of Higher Education said yesterday that 50 percent of our colleges plan to open this fall with students physically present. Thirty-five percent have a mix, with students physically present and online instruction. That means only 13 percent will be all virtual—at least that is their plan.

If we could agree on that, why shouldn't we help them? Well, we can agree on it because the House of Representatives bill and the Senate Republican bill have almost exactly the same amount of money in them—about \$1,250 for K-12 schools—that is a lot of money per student; \$1,250 per student—and about \$1,500 per student for colleges to help them open safely. We could agree on that.

I think we can agree on childcare. We ought to be talking about back to school, back to childcare, back to work. It is hard to go back to work if you don't have childcare. There are provisions in the House bill and the Republican bill that aren't so different.

Testing. We all believe, I think, that we need maximum advance on testing, especially point-of-care testing—quick, reliable tests. There is money in the Republican bill and in the Democratic bill to advance that effort.

Then there are the small business loans, called PPP. That probably was the most successful part of the early CARES bill, but a bipartisan group of Senators has worked on getting rid of some of the problems with it and come up with a proposal to extend that.

Those are several major points of which we agree. And I think the Senator from Arizona's suggestion that we pass the unemployment benefit for another week while we work together to get an agreement was a commonsense one.

(The remarks of Mr. ALEXANDER pertaining to the introduction of S. 4375 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. ALEXANDER. I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

#### SUPREME COURT

Mr. HAWLEY. Mr. President, I came to this floor 3 weeks ago to talk about the U.S. Supreme Court. I come today to revise and extend my remarks.

There are now five Republican-appointed Justices on the Court. Actually, Republicans have appointed 11 out of the last 15 Justices to the bench, but is this the conservative Court we have worked for? More to the point, is this a constitutionalist Court?

The only thing I can say for certain when looking at the results of this last term, that in the words of the late Justice Scalia: "The Imperial Judiciary lives."

This is a Court that freely rewrites congressional statutes, that has protected the worst leftwing Presidents of earlier years, that in the final week of its term, gave away half of the State of Oklahoma.

For those who consider themselves constitutional conservatives, these decisions are a clarion call to wake up and to acknowledge what is staring us in the face: Judicial imperialism is alive and well. It is marching on undaunted.

For religious conservatives, these decisions are a call to action. Now is the time for us to be heard, and we can begin with what we expect of our nominees to the High Court, what we expect them to understand, what we expect them to affirm.

That brings me to the case that propelled religious conservatives into activism and politics in a new way over four decades ago—the case that, for religious conservatives, made the Supreme Court the great issue of the day: *Roe v. Wade*. I know that when it comes to the Supreme Court, we are not supposed to talk about *Roe*. That is the open secret on the right. It is certainly what religious conservatives have been told for years: Don't mess up the Supreme Court nomination process by raising *Roe*. It is imprudent. It is in poor taste. It will divide our coalition.

No, we are supposed to stick to talking about process, about methods, maybe throw in some talk about umpires, but do not talk about *Roe*.

Well, the truth is, *Roe* is the reason we have a legal conservative movement to begin with. *Roe* is what propelled generations of religious conservatives to vote for Republican Presidents and Republican Senators and Republican politicians of every rank and station—

all on the promise to reverse this travesty of a decision, this moral and social injustice that in 47 years has taken the lives of 61 million unborn—61 million.

Republicans have said: Vote for us. Vote for us, and we will undo this wrong. We will return this issue to the people. Yet all these years later—11 Republican-appointed Justices later—here we are. The Nation is apparently no closer to the day when the Supreme Court will renounce this outrage, renounce its imperial pretensions, and allow the good and decent people of this Nation to debate and decide this matter for ourselves.

So I say to my Republican colleagues: How long must this go on? How many more elections must there be? How many more promises must be made? How many more Justices must be appointed before we will expect of our nominees what the voters already expect of us? How long before we ask our nominees to the Supreme Court of the United States to recognize *Roe* as the outrage that it is?

Let's just be frank. *Roe* is an illegitimate decision. It has no basis in the Constitution—none. It has no basis in the law. None of the Constitution's specific and enumerated guarantees of privacy even begin to legitimize the taking of innocent human life; none are remotely on point.

Even liberal scholars recognize this. Whole books are written about what *Roe v. Wade* should have said. *Roe* marks the point at which the modern Supreme Court decided that they would just impose their own views—their own social and moral and legal views—on the Nation, despite what the people want, despite what the Constitution says, no matter how the laws are written.

In the words of the late constitutional scholar, John Hart Ely—who was, I would point out, a political liberal—"Roe is not constitutional law and it gives almost no sense of an obligation to try to be."

*Roe* is the very essence of judicial imperialism. It is a brazen power grab by unelected Justices imposing their moral and social views on the Nation, just like another group of Justices did in a case called *Plessy v. Ferguson*, just like another group of Justices did before that in a case called *Dred Scott*.

Yes, I do mean to compare *Roe* to those earlier cases because *Dred Scott* and *Plessy* and *Roe* belong together. They are the worst miscarriages of justice in our history—the worst judicial opinions of all time. *Dred Scott* and *Plessy* and *Roe* are abusive, morally repugnant decisions that wounded the soul of this Nation. They dishonored this Nation's fundamental face in the dignity and worth of every person.

For these reasons, *Roe* is no secondary issue, something to be pushed to the side in the nomination process. *Roe* is central. *Roe* is a window into the constitutional world view of a would-be Justice. It is a measure of their sense of what a Justice should be.

Because if you believe that *Roe* was rightly decided, then there just is no two ways about it, you are a judicial imperialist. If you believe *Roe* was rightly decided, you believe that unelected judges should have the power to enact their social views, to promote their own social agenda, regardless of what the Constitution says or what we the people have expressed preference for, voted for, and enacted into law.

I would just add that it seems to be the case, inevitably, that when Justices enact their views, they enact the views of a certain social class. Oh, yes. The highly educated, managerial front row of American society, the class of the faculty lounge and the C-suite, that is what you get when judges govern America. That is not what the Constitution calls for. That is not what the Constitution specifies. The Constitution says that sovereignty rests with "We the People"; that it should be the people who are in charge. It is what the American people want and have written in their fundamental law and in their statutes that should carry the day.

The people have a right to run their own government. They have a right to expect their views to prevail, to have their Constitution be obeyed, and to expect that the Justices appointed to their Supreme Court will abide by the Constitution's terms as we the people wrote them.

That is why I say today: I will vote only for those Supreme Court nominees who have explicitly acknowledged that *Roe v. Wade* was wrongly decided the day it was decided. I say again: I will vote for those nominees only and for those nominees alone. When I say "explicitly acknowledge," I mean on the record before they are nominated. I do not want private assurances; I do not seek them. I do not want forecasts about future votes or future behavior because, frankly, I wouldn't believe them. I don't want promises of any sort. I want evidence that Supreme Court nominees will obey the Constitution and the law. I want to see in the record clear acknowledgement that any nominee understands *Roe* to be the travesty that it is. If that record is not there, then I will not support the nomination. I don't care who does the nominating.

Some will say that this is yesterday's battle; that we should just accept *Roe* and move on; that today's Supreme Court is the best we could possibly hope for, to which I say that every single life is worth fighting for. I will not accept failure, and I will not accept defeat. I take this stand because I believe it is what justice and fidelity to the law requires in our time of me and of those who would exercise the awesome power of judicial review entrusted to Justices in article III of our Constitution.

I also believe it is what the Republican Party owes the millions of Americans who have made this cause the reason for their vote for many years—

these men and women of good will and faith who labor still day in and day out, rejoicing in hope, patient in tribulation, working for that time when justice will be done.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Ms. HIRONO. Mr. President, I would say that the views expressed by the good Senator from Missouri are not views widely shared by people in this country. And to compare the decisions in *Plessy v. Ferguson* and the *Dred Scott* decisions with the *Roe* decision dishonors the memory of Congressman John Lewis, who only today was buried, put to rest in Georgia.

#### CORONAVIRUS

Mr. President, the COVID-19 pandemic has laid bare the systemic racial inequities, inequalities in our healthcare system.

While the virus has touched Americans of every race and nationality, it disproportionately impacts people of color. We all know that. People of color make up just 40 percent of our country's population but account for over 60 percent of all coronavirus cases and 50 percent of deaths from coronavirus.

These inequities manifest themselves differently in each of our States. In Hawaii, for example, we are seeing pronounced disparities among our Pacific Islander community and particularly among citizens of the Freely Associated States of Micronesia, the Marshall Islands, and Palau. I am focusing my remarks on this vibrant community today because our country has rarely done right by them. Let me give you some background.

After liberating their territory in World War II, the United States administered the Trust Territory of the Pacific—which includes what are now the Freely Associated States—for nearly 40 years. Even in the most generous characterization, the United States failed to live up to its trust obligations to promote the political, social, and economic development of the region.

In addition to chronically underfunding social programs like healthcare and education, the United States used the Marshall Islands as a base for dozens of nuclear tests over a 12-year period, from 1946 to 1958, including the 15-megaton Castle Bravo—the largest thermonuclear device ever detonated by the United States. Decades later, the citizens of Micronesia and the Marshall Islands continued to suffer generational health consequences with substantially increased rates of cancer, birth defects, and miscarriages.

In 1986, the Federated States of Micronesia and the Republic of the Marshall Islands achieved independence and formally entered into Compacts of Free Association, COFA, with the United States. Palau followed in 1994. Under the terms of these compacts, these three countries provide the U.S. military with exclusive access to their strategically situated lands in ex-

change for security guarantees, economic and financial assistance, and the right of their citizens to travel, work, and live in the United States without having visas.

It is difficult to overstate the importance of the compacts to our strategic interests in the Indo-Pacific region. In a Senate Armed Services Committee hearing last year, U.S. INDOPACOM Commander ADM Philip Davidson succinctly noted how the compact nations “contribute way out of proportion to their population in our defense.” This is particularly true with respect to China, wherein our compacts with these island nations enable us to literally hold the line against aggressive Chinese economic and military expansion throughout Oceania.

If we are to ensure a free and open Indo-Pacific, we must treat the compact nations with the respect they deserve. First and foremost, this means keeping the promises we have made to these partners, especially on healthcare. Our initial compact agreements stipulated that COFA citizens were eligible for a range of Federal programs as “permanently residing under color of law,” including Medicaid coverage. The so-called welfare reform law of 1996, however, resulted in COFA citizens’ suddenly becoming ineligible for Medicaid and other Federal programs even as they may live in the United States legally and indefinitely.

I have done some research as to what happened in the welfare reform law, and there is absolutely nothing in the legislative history of that law to indicate why, suddenly, COFA citizens were not eligible for Medicaid coverage. According to a report from the University of Hawaii Economic Research Organization, the exclusion of COFA citizens from Medicaid increased the mortality rate of COFA citizens by 20 percent and contributed to significant public health issues in my home State of Hawaii.

I have led the fight to pass bipartisan legislation to restore Medicaid eligibility for COFA citizens throughout my time in the Senate, and we have come close to righting this wrong on several occasions, including in the bipartisan comprehensive immigration bill that the Senate passed in 2013.

The COVID-19 pandemic injects a new urgency into this effort. All across the country, COFA citizens work in essential industries like meat processing, food service, and custodial services. These jobs put COFA citizens at an increased risk, and they are suffering disproportionately from COVID-19 as a result.

In Hawaii, Pacific Islanders make up about 4 percent of our population but account for nearly a quarter of our COVID-19 cases. In northwest Arkansas, the Marshallese make up no more than 3 percent of the population but have suffered half the deaths. In DuBuque, IA, the Marshallese community accounts for more than a third of the city's COVID-19 deaths despite their

making up only about 1 percent of the city's population.

A number of factors drives these disparities, but reduced access to healthcare certainly isn't helping. In fact, it is hurting a lot. The Government Accountability Office estimates that 14 percent of COFA citizens in Hawaii lack health insurance—nearly three times the State's average. Nationwide, 22 percent of COFA citizens are uninsured.

In the absence of restored Medicaid eligibility, which would certainly lower the number of uninsured COFA citizens, our community health centers are, once again, stepping up. My conversations earlier this month with representatives from Kokua Kalihi Valley Comprehensive Family Services and West Hawaii Community Health Center reinforced the crucial role these community health centers play in building reciprocal trust with the communities they serve. Both community health centers have been working closely with COFA citizens to combat stigma and fear by reaching out directly to the community to encourage them to seek care. This includes providing testing and outreach services in multiple languages. They have also been coordinating food deliveries to families, including to COFA citizens who are quarantining at home, and assisting some families with alternate housing arrangements so they can isolate away from healthy family members.

Our health centers are doing exceptional work with COFA citizens, and I strongly support providing them robust funding in the next COVID-19 relief bill.

Most importantly, we need to uphold our commitment to the compact nations and restore Medicaid eligibility for COFA citizens who are legally in our country. We can do that by including my Covering our FAS Allies Act to restore Medicaid eligibility for COFA citizens in the next COVID relief bill. In the Heroes Act, the House has already restored eligibility to this population, and it is time for the Senate to join them in righting an historic wrong.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. McCONNELL. Mr. President, I move to proceed to executive session to consider Calendar No. 711.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Mark Wesley Menezes, of Virginia, to be Deputy Secretary of Energy.

#### CLOTURE MOTION

Mr. McCONNELL. Mr. President, I send a cloture motion to the desk.