

The Democrats say they want many of the same things. I certainly believe that many of my Democratic colleagues who serve as ranking members want many of the same things and could easily find common ground with our chairmen if the Democratic leader would let them talk. Instead, we have gotten a full week of the Speaker of the House's and the Democratic leader's shutting out all of their own Members and refusing to move an inch off of demands that everyone knows are outlandish.

The Democratic leaders want the entirety of their massive, far-left wish list—all of it. Speaker PELOSI is still agitating for strange, new special interest carve-outs for the marijuana industry—even claiming they are COVID-related. She said that, with respect to this virus, marijuana is “a therapy that has proven successful.” You can't make this up. I hope she shared her breakthrough with Dr. Fauci. In the other corner, Leader SCHUMER is still demanding massive tax cuts for rich people in blue States or he won't let any relief become law.

These are the kinds of nongermane pet projects that our Democratic colleagues are demanding—not a dime for kids, jobs, and healthcare unless the administration let's them check off every leftwing lobbyist's Christmas list 5 months early.

Let's listen to what Speaker PELOSI's own House Democrats said about this bill when they passed it. Here is what House Democrats said about the bill that Speaker PELOSI and the Democratic leader now say is their absolute redline:

One quote: “The partisan nature and wide scope of this bill make it doomed upon arrival in the Senate.”

Another quote: “In response to COVID-19, our relief efforts must be targeted, timely, and transparent. The HEROES Act does not meet those standards.”

Another quote: “This isn't a plan; it's a wish list.”

Another quote: “Partisan gamesmanship.”

Another quote: “Some in my own party . . . have decided to use this package as an opportunity to make political statements and propose a bill that goes far beyond pandemic relief and has no chance at becoming law, further declaring the help so many need.”

Those are quotes from House Democrats' views about the so-called Heroes Act, but now the entire thing is the price of admission for giving hard-hit Americans any more aid.

What worked back in March with the CARES Act were productive and good-faith conversations between chairmen and ranking members—a bipartisan process led by Members.

But this time, the Speaker and the Democratic leader have forbidden their Members from negotiating at all. The ranking member on HELP cannot even discuss testing with Chairman ALEX-

ANDER. The ranking member on Small Business cannot even discuss PPP with Chairman RUBIO and Chairman COLLINS.

No, no; the Speaker and the Democratic leader only want themselves at the table so that behind closed doors they can say that nobody gets another dime of Federal unemployment money; nobody gets extra school funding; and nobody gets more money for testing and PPE unless they burn cash on 1,000 unrelated things.

I am talking about things like stimulus checks for illegal immigrants; a trillion-dollar slush fund for States, even though States and localities have only spent a quarter of the money we sent them in March. Let me say that again—a trillion-dollar slush fund for States, even though States and localities have only spent a quarter of the money we sent them in March. In my State, the State administration only spent 6 percent of the money we sent them—6 percent—diversity and inclusion studies, a soil health program, and on and on and on.

The House bill does all these things while completely forgetting a second round of the Paycheck Protection Program—no second round for PPP—and sending less money for schools than the Senate bill.

This is what they will not budge from. And every day the script is the same, and the script is: We had a pleasant conversation, but we don't feel like making a deal. Maybe tomorrow.

Here is the problem: Every day the Democratic leaders repeat the same act here in the Capitol, they are letting down the struggling people who need our help. Day after day, Americans are trying to stay above water—layoffs, benefit cuts, threats of eviction, the possibility of losing a family business forever, towns wondering if their Main Streets will ever come back, school principals with no idea what to tell communities.

That is the reality in Kentucky and in all 50 States, and none of these people are helped one bit, not one bit, by the Democratic leaders' charade.

What American families need is an outcome, a bipartisan result. Senate Republicans have had a roadmap sitting on the table for more than a week. We didn't put every Republican wish list item in history into an 1,800-page encyclopedia and insist on starting there.

We built a serious starting place based on the bipartisan programs we passed back in March—unanimously, by the way—and what the country needs now.

If our colleagues across the aisle would do the same—frankly, if our colleagues across the aisle were even allowed—allowed to take part in the discussions, we could get this done for our country. We did it in March. We could do it again, but both sides have to actually want it.

## RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

## EXECUTIVE SESSION

### EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session and resume consideration of the following nomination, which the clerk will report.

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

Mr. MCCONNELL. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

### RECOGNITION OF THE MINORITY LEADER

The Democratic leader is recognized.

### CORONAVIRUS

Mr. SCHUMER. Madam President, I just listened to my friend the Republican leader. The Republican leader is so tied in a knot by his own caucus and his President that all he can do is give Alice-in-Wonderland, partisan speeches. All he can do is threaten to force sham votes that will not pass and will not answer the anguished cries for help that are coming from so many of our fellow Americans.

On the other hand, over the weekend and yesterday, Speaker PELOSI and I continued our negotiations with the White House on the next phase of COVID-relief legislation. After a week of stalled talks because Republicans could not articulate a position on hardly anything, I believe we are making progress. We came closer together on several issues; however, we remain far apart on a number of issues, but we are finally moving in the right direction.

At the moment, the gap between our two parties in the negotiations is about priorities and about scale. As this huge crisis engulfs our Nation, Democrats believe we need a bold, strong, and vigorous response from the Federal Government. It will take a lot of resources, but if we don't commit those resources now, for sure the costs will only grow in the months to come.

Democrats are fighting to meet the needs of a desperate nation. Our Republican friends, however—President Trump, his aides, and the Republicans in the Senate—do not seem to appreciate the gravity of the situation. They do not understand the needs of the country that are so great, and they are not stepping up to meet those needs. This disease has washed over our country like a great flood, and Republicans

are acting as if we need to fix a leaky faucet.

Some of our Republican friends seem to be going through the motions, content to pass a bill—any bill so they can check a box and go home—but a bill that doesn't come close to meeting the needs of America. We cannot do that. We cannot pass an inadequate bill and then go home while the virus continues to spread, the economy continues to deteriorate, and the country gets worse. No box checking will work. We need real action.

We need a relief package that actually rescues American families, American schools, and American businesses; that helps defeat this evil virus and prevents our economy from sliding into a depression. Democrats are going to keep fighting until we get there.

Republicans on both ends of Pennsylvania Avenue are not yet awake to the enormity of the challenge, and we see it across a whole range of issues.

For example, Democrats believe we have an obligation to help every American put food on the table. Our Republican friends start negotiating by saying they don't think we need to do anything to help hungry families and children, but maybe they can compromise and help feed a small percentage. That is not going to cut it. Let's say 1 million families can't feed their kids. The Republican bill has zero, and we cover all 1 million. To say "Let's compromise and only cover half of them" is cruel and not going to solve the problem.

We want to see all our schools reopen in the fall, but they need the resources and guidance to do it safely—not 25 percent of the resources, not half. Schools need funding for masks and PPE, for converting space into more socially distant classrooms, for updating their ventilating systems. Some need to double the number of buses to keep from packing kids together on the morning route to school. It is going to cost money, and the Republicans have to understand that. Parents must have confidence that if their school is going to reopen, it has the protocols and infrastructure in place to keep their children safe.

It is the same with unemployment. Over 50 million Americans have filed for unemployment with millions more filing new claims each week. We proposed extending the enhanced unemployment benefits that Democrats secured in the CARES Act through the end of the year. The policy has kept as many as 12 million Americans out of poverty and boosted consumer spending—one of the few bright spots in our economy. But Republicans are intent on slashing those benefits or letting them expire long before the crisis is over. One Republican proposal would give newly out-of-work Americans a 30-percent pay cut; another would give them a 33-percent pay cut.

The Trump administration's own Department of Labor warned us that these proposals, which would pay a percentage of a worker's former wage, are

patently unworkable. It will take weeks and months if we adopt the Republican proposal before any checks wind up in the hands of millions of Americans, and our State unemployment offices that administer this program agree.

So Republicans need to step up to the plate and work with us to find a solution that shields millions of jobless Americans from further economic hardship. State, local, and Tribal governments have fought this evil virus on their frontlines with budgets strained. They are at risk of shedding teachers, firefighters, bus drivers, sanitation workers, slashing public services.

My good friend Senator CARPER is leading a group of Democratic Senators to talk about these issues today because Senate Republicans and the White House do not believe in giving support to our State and local governments. That is not an abstract concept. Again, these are firefighters and teachers and bus drivers and healthcare workers. We don't care if they are a blue State or red State; they need the help.

We must also address our elections and make sure that Americans can vote safely and confidently with the new challenges of coronavirus for the first time in a national election. That means they need to be able to vote in-person and by mail, whichever they choose. Adequate funding for State election systems in the post office shouldn't be a partisan issue. This is about preserving elections, making them fair, making every ballot count. That is the wellspring of our democracy, and it is COVID-related, and our Republican friends are resisting.

We are still fighting to get enough funding for testing and contact tracing. It is extraordinarily frustrating that 7 months into this crisis Democrats still have to argue with our Republican colleagues about delivering enough support for testing, contact tracing, Medicaid, and our healthcare system.

These are just some of the many issues we need to work through. When people ask "What is holding things up?" it is our view that not only are our Republican friends disorganized and all over the lot, not only is President Trump tweeting about so many different things but not taking any leadership in this crisis but, most of all, that we must meet the needs of this enormous crisis and really help the American people. We need a strong, robust bill. We are working hard for that. Our Republican colleagues, inch by inch, are beginning to see the light. I hope more of them will.

There are so many issues we must work through. Democrats want to get a deal done, but we need answers for all of them—not just a few. We can't pick out one or two: Oh, we will help schools but not kids who need food. That doesn't work. That doesn't work. We will help small businesses but not the unemployed. That doesn't work.

We have a big, broad, huge crisis—the greatest health crisis in 100 years, the greatest economic crisis since the Great Depression—and we have a lot of Herbert Hoovers over here who don't want to do anything—a lot of Herbert Hoovers on the Republican side. Well, remember what happened then: By not meeting the crisis head-on, they created the Great Depression—the Republicans did—under Hoover. Let's hope our Republican friends see the light and won't make that same mistake again.

Let me remind my Republican colleagues, when there is a crisis of this magnitude, the private sector cannot solve it. Individuals alone, even with courage and sacrifice, are not powerful enough to beat it back. Government is the only force large enough to staunch the bleeding and begin the healing of the Nation.

One of the main reasons holding things back—there are so many Republicans on the other side who do not believe the Federal Government even has a role to play. Leader MCCONNELL has admitted not once, not twice, not three times, but four times that there are as many as 20 Senate Republicans who will vote against any relief package for the American people.

Those Republicans, who seem to be the tail that wags the dog—and it is a pretty big tail with over 20 votes—those Republicans don't get it. We know you like the private sector over government, but there are times when there is nothing but government that can step up to the plate and solve the problem, and this is one of those times.

Faced with the greatest economic threat in 75 years, the greatest public health crisis in a century, more than a third of the Senate Republican majority will not vote for anything to help the American people. Those very same Republicans gleefully voted to give a \$1.5 trillion tax cut to help giant corporations pad their profit margins, but helping Americans put food on the table, go back to school safely, keep a roof over their heads, and survive a global pandemic—that is a bridge too far. How out of touch can they be?

These folks cannot be allowed to dictate our policy. By their own admission, they will not vote for anything. Remember that when Leader MCCONNELL claims that Senate Democrats are the obstacles to progress. More than one-third of the Senate Republican caucus doesn't want to vote for anything.

This week, our Republican colleagues have two choices. They can engage in the same kind of political theater that preluded the CARES Act. Leader MCCONNELL can schedule a show vote on legislation that even his own caucus will not support and, again, in his Alice-in-Wonderland style, get up on the floor and say that Democrats are the ones blocking it. He can engage in the same partisan maneuvers that have resulted in failure and won't answer the anguished cries of Americans.

As I said earlier—and I want to repeat it—the Republican leader is so tied in a knot by his own caucus and this President that one of his only options is to give Alice-in-Wonderland, partisan speeches and maybe force a sham vote that will not pass and will not answer the anguished cries for help from so many Americans.

On the other hand, Senate Republicans could roll up their sleeves, wake up to the crisis in our country, and figure out what they can support. I think we are all ready for the Republican majority to figure out just what that is.

What is dictating our policy and our positions on the Democratic side is very simple: the national need—large, large, large. That is our North Star, and we are going to keep pressing forward with the hard work of negotiations, hopeful that we can get a deal done to help the country in a time of severe crisis.

I yield the floor.

**THE PRESIDING OFFICER.** The Senator from Illinois.

**Mr. DURBIN.** Madam President, I have a recommendation for my colleagues in the Senate. I recommend, as the Senator from New York does, that they go home—literally, leave Washington, go home, and meet up with the people who sent them to Washington to work for them.

I did last Friday, as I do every weekend. I asked specifically to meet with five individuals who are out of work. I wanted them to tell me their story and to share that story with the people of Chicago. It was quite a moving experience.

We have 800,000 Illinoisans who are claiming unemployment. Now there is a possibility that the \$600 a week Federal benefit that was coming to them to help pay their bills will disappear. Technically, it ended last Friday.

So I asked these unemployed Illinoisans to tell me their story. Roushaunda Williams told me a story about being a bartender for 19 years at the Palmer House Hilton before being laid off in March. She earned significantly more while working than she is receiving in unemployment. She is literally worried she is going to lose her home and healthcare if she loses that \$600 a week.

Andres Moreno worked at a restaurant in downtown Chicago before the pandemic. He was pretty proud of his career, working in the restaurant business. He said: I did well. He and his husband have both lost their jobs and their health insurance. Without the additional \$600 a week in unemployment compensation, they will not be able to even buy health coverage.

Aileen Dimery is an interesting person. She is in lighting technology. Her job involves big events. They set up the lights for concerts and other gatherings for thousands of people. She said: Nobody knows I am there, but I do. I am one of the first women who has ever been in this profession.

Well, those big concerts and crowded venues aren't there anymore. Aileen

doesn't have anyplace to go back to. She said one thing that still sticks with me. She said: I started working when I was 15. I worked 36 years. You know how many weeks, Senator, that I have had on unemployment in my 36-year work experience?

I said: No.

She said: One. This notion that I would rather stay home and draw unemployment than go back to work, that isn't who I am. I have proven over a lifetime that I am not someone who really doesn't want to earn their pay.

Her enhanced unemployment, if it expires, would mean that her bills—including paying rent—just can't be paid.

Jesus Morales worked at the Drake Hotel in Chicago for 33 years and made up to \$1,700 a week. He reminds me that I met him 20 years ago when he was a bartender and a waiter at an event that I attended. Well, he has been laid off since March, and without the \$600 payment, he is afraid he will not be able to make his mortgage payment, and the COBRA payment, which covers his health insurance for his family, would be impossible.

Samantha Arce is a mother of three. She just gave birth a few weeks before the lockdown began. Her place of work is closed, and her fiance has lost his job. They quickly went from two working parents with three kids to no working parents. Enhanced unemployment payments help them pay hospital bills and care for their young kids. She brought her little boy. He is about 4 or 5 months old—cute little fellow. He smiled throughout the whole event. Little did he know what was going on in the minds of his mom and dad as they try to cope with the political decisions being made in Washington.

Losing that \$600-a-week payment, which the Republicans have proposed, would really create a devastating situation for these families and these individuals. I hear regularly and have heard it for a long time—there is this notion that if you are unemployed, you are just not trying hard enough. There are jobs out there, they say.

Well, that is not what the numbers tell us. There are four unemployed Americans for every available job—four for every available job. And employers who say: Well, if so-and-so would come back to work, but they are making too much on unemployment—of course, that is the case in some instances, but it is rare. Did you know that of the Americans who have gone back to work since we began this pandemic assault, of those who have gone back to work, 70 percent are making less than they made on unemployment? Well, why would they make that economic decision to go back to work and make less than unemployment?

Well, it is just like Aileen. They are workers. At their heart, they are workers. No. 1, they believe in the dignity of work; they are proud of what they do; and they want to go back to doing it. No. 2, they know unemployment is not forever. No. 3, sometimes there are

benefits when you go back to work that really count, like the health insurance policy that had the doctor and the hospital which you and your family need.

In June, the Illinois unemployment rate dropped to 14.6 percent, and the State added 142,000 jobs, but that unemployment rate of 14.6 percent is the greatest we have faced since the great recession. Since the beginning of March, around 1.7 million unemployment claims had been filed in our State of a little less than 13 million people. That is nearly 10 times the number of claims processed during the same period a year ago. The same thing is true in neighboring States like Kentucky, where the unemployment claims are 10 times what they were a year ago.

Nationwide, around 30 million Americans are relying on enhanced unemployment benefits just to keep things together. Trust me, they tell me. We are not saving this money. We are not investing this money. We are spending this money as fast as it is handed to us to pay for our home, our car, utilities, and food.

The Republican approach would cut the unemployment benefit check from the Federal Government from \$600 a week to \$200 a week—a \$400 cut. It would then require States to put in place a complex system of 70 percent wage replacement. It sounds so logical that if you are unemployed, you get 70 percent of your paycheck.

That is an interesting formula. How do you make a formula like that work? Well, you have to gather a lot of data about what a person was earning when they were employed and then put that into a computer, in terms of the payout each State would make under this new formula. It is different than what States are already doing. What we found out is, States are very different when it comes to their computer technology. We were told that, incidentally, by the Trump administration when we established the \$600-a-week payment. They told us back in March: Don't make this too complicated. Make it simple, a flat dollar amount because these 50 States have computers that range in sophistication from primitive to the most modern, and they are not going to change these computers in time to help the people who are currently unemployed.

The Republicans seem to have forgotten what we were told by the Trump administration when we initially enacted the \$600-a-week payment. This 70 percent payment for unemployment doesn't work if the computers can't make it work, and we are told it will take anywhere from 2 months to 5 months for these computer systems to even try.

What are these families supposed to do, the ones I just described to you, while the computer systems are being retooled, and who is going to pay for the retooling? If the States can't implement this program, and, instead, the flat cash payment goes from \$600 to

\$200 for month after month after month, trust me, the lines at the food pantries will be longer than ever.

The Economic Policy Institute has estimated that cutting this benefit to \$200 a week will reduce our gross domestic product by 2.5 percent and cost us 3.4 million jobs. Just what we need, more unemployment, thanks to the Republican formula.

Research from the JPMorgan Chase Institute suggests the enhanced benefits have helped thousands of households to continue purchasing critical needs: food, diapers, and the basics. Allowing these benefits to expire will result in household spending cuts and a reduction in economic activity, which is exactly the opposite of what we need to do right now.

This weekend, on television, there was a governor from the Federal Reserve in Minneapolis who basically said: This is exactly the wrong time to cut back on benefits to the unemployed.

And when the questioner said to him: Well, what about our deficit?

He was very frank about it. Yes, for the time being, it will add to the debt of the United States, but if the economy recovers, which we all have to work to achieve, that recovered economy will be able to take care of that debt. That is something to keep in mind too. It isn't just for the benefit of the families who are unemployed; it is for the benefit of the overall economy to put money back into it now.

We learned in basic economics that if you want to get out of a recession, the first dollar the government gives away should be to the unemployed. They will spend every penny of it, and they will spend it and then have it respend into the economy over and over again. That is how you create consumer demand. That is how you create demands for business activities, goods, and services.

So, I want to make it clear from what I learned last Friday in Chicago. No one—no one is getting rich off of unemployment. They are using their unemployment benefits to survive. Average rent is about \$1,400 a month in this country. COBRA health insurance, where you pick up the health insurance policy from the employer that just laid you off, runs about \$1,700 a month for a family and \$600 a month for an individual. The average cost of food for a male adult in America, between \$200 and \$400 a month. Add it all up. There isn't much left over. And if the Republican proposal of cutting \$400 a week from each of these unemployed becomes the law of the land to try to make ends meet, workers of color have a disproportionate impact when it comes to this economic collapse.

Overall unemployment was 11.1 percent in June. Unemployment among Black workers is 15.4 percent. It is 14.5 percent for Latinx workers. According to the National Bureau of Economic Research, Black households cut their household consumption by 50 percent more and Latino households cut their

consumption by 20 percent more than White households. That is the reality.

Let me address two or three particulars raised by the Senator from Kentucky about the state of play as we try to negotiate a satisfactory conclusion and next step. The first point: This week marks the third month—the third month since Speaker NANCY PELOSI and the House Democrats passed a rescue package. For 3 months, their effort, called the Heroes Act, has been sitting on the desk of Senator MCCONNELL. Initially, he said: I don't feel a sense of urgency to address this issue. Then he went on to say: We haven't spent all the money we appropriated the first round.

Whatever the reason, it wasn't until 7 days ago that the Senate Republicans kind of made a proposal. The only thing we have seen specific in writing was their proposal for liability immunity, which I will address in a moment. The rest of the things were oddly presented as potential legislation, which would be brought to the floor of the Senate.

Imagine that? We have the White House and congressional leaders sitting down negotiating, and Senator MCCONNELL said: Well, the Republicans will bring a bill to the floor. Well, if you follow the Senate, six or eight different bills to the floor, the first swipe is going through Republican majority committees. Second, how long is that going to take for us to debate and then negotiate between whatever we pass and what is pending in the Heroes Act? It makes no sense.

But I will tell you what makes even less sense. In the negotiations, these delicate and important life-changing negotiations that are taking place on Capitol Hill—these negotiations to determine what is next now that the \$600 Federal payment has expired under unemployment, for example—in these negotiations, there are six chairs. One chair is occupied by the Chief of Staff to the President of the United States, Mark Meadows. Another chair is occupied by Secretary Mnuchin from the Department of the Treasury. The third chair is Speaker of the House, NANCY PELOSI. The fourth chair is CHUCK SCHUMER, the Democratic leader of the U.S. Senate. But there are two empty chairs in this room for negotiations. Those two empty chairs should be occupied. One should be occupied by KEVIN MCCARTHY, the Republican leader of the House. He is not there. He doesn't attend these negotiations. And the other, of course, should be occupied by Senator MCCONNELL, the Republican leader of the Senate.

He has enough time to come to the floor each day and criticize Speaker PELOSI's measure that she passed 3 months ago, but he apparently doesn't have time to attend negotiations which could resolve the differences between the House and Senate and finally bring to rest the concerns of millions of Americans about whether or not there will be enough money coming in next

week to pay the bills. It is pretty tough to come to the floor each day and criticize the Democrats for not showing success in negotiations when the Republican leader in the Senate is boycotting the negotiation meetings. What is that all about? I have been around here for awhile. I have never seen that before where one leader is intentionally staying away from the negotiations. I don't see how that can end well.

I see my colleague from Texas has come to the floor. I want to say a word about a proposal which he is promoting and is likely to speak to this morning before I turn the floor over to him.

Remember when Senator MCCONNELL came to the floor in the last several months and said: I am drawing a redline. When it comes to any negotiations, this redline is liability immunity for corporations, and if you don't accept my language on liability immunity, there will be no negotiations, and there will be no positive outcome—redline.

He made that speech over and over again as he warned us about the flood, the tsunami—"tsunami" was his word—the tsunami of lawsuits that are going to be filed by people, by trial lawyers, these mischievous, frivolous lawsuits, over the issue of COVID-19. So we kept wondering, when are we going to get to see Senator MCCONNELL's liability immunity proposal? We waited week after week after week. Nothing. Just speeches on the floor. And then last Monday it was unveiled—a 65-page bill. We finally got to see what he was talking about. It is understandable why they held it back. It is the biggest giveaway to the biggest businesses in America in modern memory. This bill would literally override State laws that have been passed to deal with this issue of culpability and blame when it comes to the pandemic we face.

Twenty-eight States have already enacted laws to deal with it. This McConnell-Cornyn proposal would override those State laws. Sadly, their proposal would give incentives to cut corners when businesses deal with health and safety in the midst of this pandemic. This bill would jeopardize frontline workers and families, and, sadly, it would risk further spread of the virus.

Here is my top-10 list of what is wrong with this bill that is proposed on liability immunity:

First, the bill does nothing to protect workers, improve safety standards, or give businesses any incentive to take the proper precautions.

We had a hearing in the Judiciary Committee. I believe the senior Senator from Texas was at this hearing. A fellow representing a convenience store chain in Texas—his last name was Smartt—was the Republican witness. He was a very good witness, I might add. He told us how, in the hundreds of convenience stores he had in Texas, his company was literally doing everything they could think of to make the

work environment and the customer's environment safe. He talked about social distancing and masks and sanitizers. They were doing everything they could. But his plea to us was: Senators, what is my standard of care? What is the standard I am expected to achieve? If I know that, he said, I can move forward and meet that standard, and I am going to. I am committed to it.

Do you know what? I believed him. I believed his was a good-faith position. He said he wanted to know the standard—the public health standard—expected of him, and he would meet it.

I want to tell you, if somebody turned around and sued him afterwards because of that, I am convinced that there isn't a jury in America—let alone in Texas—who would find him to be liable for negligence or recklessness. He did what he was asked to do. He followed the standards he was given. But his plea to us was: "Give me a standard. I don't know where to turn." That is what he told us.

The second concern I have with this bill is that it would gut existing State law safety standards. It would federally preempt the right of workers and victims to bring cases under State law to seek accountability for coronavirus-related harms and would supplant State laws that require businesses to act with reasonable care.

Under the bill, the only way a victim could hold a business liable is if the victim proves by clear and convincing evidence—a higher standard than most—both that the corporation didn't even try to comply with the weakest available safety guideline and also—that the corporation was grossly negligent. I can just tell you, having spent a few years making a living as a lawyer, that those are almost impossible standards to meet.

Third, by setting an immunity threshold at "gross negligence," the bill would immunize corporations from accountability for conduct that meets the standards to prove negligence or recklessness under current State law. So you can get away with negligence; you can even get away with recklessness; but, boy, you just better not show gross negligence. That is what the bill says.

Fourth, the bill would enable corporations to be shielded from liability even if they make no effort—no effort—to comply with the guidelines from the Centers for Disease Control, due to the way the bill treats nonmandatory guidelines. Why would Congress federally preempt State laws and then allow businesses to ignore the Federal CDC safety guidelines?

Fifth, instead of establishing strong, clear, enforceable Federal safety standards by OSHA and CDC, the Republican bill would go the other direction and shield businesses from enforcement proceedings under Federal health and safety laws; in other words, specifically protecting businesses from being held accountable under existing health and

safety laws, Federal bills, laws like the Fair Labor Standards Act, the Americans with Disabilities Act, OSHA, and many, many more.

Sixth, my Republican colleagues say this bill is aimed only at frivolous coronavirus lawsuits, but the bill would wipe out legitimate claims by workers and victims. By forcing all COVID lawsuits to meet a higher standard of proof, heightened pleading requirements, limits on discovery, and other restrictive hurdles, the bill would make it nearly impossible for workers and victims to even file a claim, let alone prevail.

Seventh, the bill would upend the medical liability laws of all 50 States and impose 5 years of sweeping Federal preemption for nearly all healthcare liability cases, including for claims that are not related to COVID.

I went through this and read it over and over again because I used to deal with medical malpractice cases. I heard, on the floor, Senator MCCONNELL and Senator CORNYN say: "We have to protect the doctors. We have to protect the hospitals. We have to protect the nurses." That, of course, appeals to all of us because we feel such a debt of gratitude to the healthcare workers and what they are going through to protect us. So I took a look, and it turns out that they compiled the statistics on the number of medical malpractice cases filed in America, in the entire Nation, that mention coronavirus or COVID-19. Do you know how many medical malpractice cases have been filed during what they call a tsunami—a tsunami—of frivolous lawsuits against medical providers? How many do you think in the course of this year? Six. In the entire Nation of 50 States, 6 lawsuits—what a tsunami.

The provision on medical malpractice goes further and says: You don't have to prove that you were dealing with coronavirus to get this special treatment. You can say that the coronavirus had some impact on you as a medical provider.

Some impact. That is it? What does that mean? Coronavirus has had an impact on every single American. Some impact? It basically means that all medical malpractice suits are going to be put on hold for 4 or 5 years regardless of the circumstances, regardless of whether they had anything to do with COVID-19.

Eighth, the bill aims to solve a problem that does not exist. We are months into this epidemic, and there has been no tidal wave of worker or victim lawsuits that justifies this massive Federal preemption of State laws and grants of broad immunity. Out of 4.7 million Americans—and that is a low-ball number—4.7 million Americans who we think have been infected by COVID-19, there have been 6 COVID medical malpractice suits, 17 consumer personal injury suits, and 75 conditions-of-employment suits. Many of the lawsuits involving COVID-19 are between insurance companies: Does your policy cover, or does your policy cover?

Ninth, the bill is entirely one-sided in favor of corporations. Under the bill, corporations get immunity as defendants but can still bring COVID-related cases as plaintiffs. Only workers and infected victims have their rights cut off by this bill.

Finally, the bill even goes so far as to allow corporations and the Department of Justice to sue the workers for bringing claims for COVID infection.

The liability immunity this bill would grant would last for 5–5 years. The fact that our Republican colleagues are proposing 5 years of immunity for corporations but only a handful of months of assistance for workers and families tells you their priorities.

This Republican corporate immunity proposal is not credible, and there are serious questions as to whether it is even constitutional. This is an area traditionally governed by State law. Twenty-eight States have adjusted their laws to address it during this pandemic. The Federal Government has deferred to the States on nearly every aspect of COVID response—this President said: Leave it to your Governor; leave it to your mayor—from testing, to procuring PPE, to mask policies, to stay-at-home orders. There is no reason why the Federal Government now wants to step in at the expense of workers and at the expense of customers.

I urge my colleagues to oppose the Republican corporate immunity bill.

I yield the floor.

THE PRESIDING OFFICER (Mrs. LOEFFLER). The Senator from Texas.

Mr. CORNYN. Madam President, it was fortuitous that I was here on the floor when my friend from Illinois decided to talk about the liability provisions of the bill we filed last week, the next installment in the COVID-19 response. Let me just spend a couple of minutes talking about the issues he raised.

My friend, our colleague from Illinois, is a very talented lawyer. He has a lot of great experience in the courtroom. He understands how courts work and how the litigation practice works.

I think at last count I saw that roughly 3,000 to 3,500 lawsuits had been filed. I don't know what the exact number is, but it is pretty irrelevant because there is ordinarily, under State tort laws—at least in my State—a 2-year statute of limitations for a personal injury lawsuit. So I guarantee you that the flood is coming. Having survived one pandemic, the American economy is going to have to withstand a second pandemic of opportunistic lawsuits.

I think it is going to be hard for people to prove where they acquired the virus. Ordinarily, that would be an element of the plaintiff's burden of proof, but we know that in jury trials, where expert witnesses are hired, all they would need to say is that it is more likely than not that they got it at this daycare center or this nonprofit or in this hospital—enough to create a question for the jury. Then it is really a

matter of whose expert witness you believe, and, of course, the chances are that you will be found responsible based upon that contested factual issue.

It is more likely, I believe, that these lawsuits will have very little merit. The juries will be very skeptical of these lawsuits because they understand that this pandemic came out of nowhere. Actually, we know where it came from: China. But nobody was fully aware of all of the circumstances under which we would need to respond.

We have had to adapt as time has gone on, and we have had different advice from the CDC and the national experts. For example, I remember—I went back and checked. The CDC didn't recommend that we wear masks until roughly April. Before that, they were really considered ineffective. So if somebody files a lawsuit saying, well, you should have been wearing masks at your workplace, and because you didn't, somebody got the virus, well, what is the timeframe in which that guidance would apply? Would it be retroactive to January, when the virus first broke out here in the United States, or would it be sort of based on lessons learned down the road?

Here is the real problem: My friend from Illinois knows that lawsuits are filed every day in America with no real expectation of ever trying the case in front of a jury—or a judge, for that matter—because we all know that the costs of defending those lawsuits can be enough in and of themselves to deter people from reopening their business.

Frequently, what happens—there is a phenomenon known as nuance settlements, where defendants calculate, how much is this going to cost me to defend, and I will go ahead and pay that money now in order to avoid the further vexation of a lawsuit. And that is the seed money used to file the next lawsuit and the next lawsuit and the next lawsuit. I think we can reasonably expect that there will be a lot of class-action lawsuits.

The goal here is not to provide blanket immunity; the goal is to do what we did after the Y2K phenomenon, when we questioned whether our computers would actually register the change of the century rather than go back to the earlier century and whether the disruption in financial markets and the like would occur. This is roughly the same sort of thing we did after 9/11, too, to provide some stability, some certainty, to very chaotic and challenging times.

So we know that, in addition to the public health fight, we are trying to reopen our economy safely. Mothers and fathers and teachers and school officials are thinking about how can our children resume their education, whether online or in person, but safety, obviously, is the most important point.

The fact is, we had one of the best economies in my lifetime before this virus hit in January, and now we are in a recession. The question is, Are we

going to recover, rebound from this now that we have learned how to treat people with the COVID-19 virus better to save more lives, to prevent them from going on ventilators and the like? And, as we are in a race to come up with better treatments and, hopefully, a vaccine—which will be the gold standard, I believe, in terms of our learning to live with this virus—what is going to happen to the economy? What is going to happen to the jobs that used to be there but which no longer exist because of the recession we are in?

The threat of this second pandemic of litigation—opportunistic litigation—will be a body blow to an economy that wants to reopen, to people who want to go back to work safely, to children who want to go back to school, to parents who want to have a daycare facility watch their children in a safe environment while they go back to work.

One of the things we have talked about during all this is essential workers. Well, I think all work is essential. It is important. It is important to our personal well-being, it is important to our economy, and it is important to the families who depend on the wage earner to bring home a paycheck so that they can put food on the table and pay the rent.

I believe that this second pandemic of COVID-19 litigation—as I said, there is ordinarily a 2-year, I believe, statute of limitations—could well keep our economy shut down, destroy small businesses that have been holding on by a thread, and, frankly, punish people who had no choice but to show up for work.

I mean, if you are a physician or a nurse, you didn't have any option but to show up for work. You knew you had to do it in order to do your job, in order to pursue your profession. Are we then going to subject them to litigation risks because of their having to encounter something totally new and unprecedented?

I think it would be a cruel joke for us to say: Yes, you are an essential worker; yes, you have no choice but to show up; and, yes, you have no choice but to be subjected to a lawsuit because somebody 2 or 3 years later wants to second-guess the decisions you made in the middle of a pandemic. I just think it would be enormously unfair to those essential workers who had no choice but to show up.

I want to say, in conclusion, I disagree with my colleague on one other matter as well. I believe, by rewarding compliance with government public health guidelines, providing a safe harbor for negligence claims, it actually incentivizes people to follow those guidelines. Isn't that what we want to do? Isn't that what we want our schools, our daycare centers, our nonprofits, our retail businesses—don't want them to comply with those public health guidelines?

Well, this is one way to reward them and incentivize them to do exactly

that. I know we are still a long way away from a negotiated resolution of the things that separate us here on this next COVID-19 bill, but I agree with the majority leader that this is an essential ingredient in that next bill.

Prior to the arrival of COVID-19 in America, the Texas economy was booming, along with the rest of America's economy. Businesses have flocked to Texas, creating new jobs and attracting top talent from around the country. People are literally voting with their feet and coming to where they have an opportunity to work, provide for their family, and pursue their dreams.

We began the year with a 3.5-percent unemployment rate in Texas—3.5 percent, just one-tenth of a percent above the historic low set last summer. But as the pandemic began its deadly sweep across the country, everything changed. Texas businesses, as were required, closed their doors to stop the spread of the virus, and millions of workers were suddenly without a paycheck.

We didn't know when our economy would begin to recover, when we would reopen to a point where those who were laid off work could come back safely. And we knew State unemployment benefits alone were not sufficient to bridge the gap. That is why, when we passed the CARES Act late in March, we didn't just enhance the unemployment benefits; we actually sent a direct deposit to the bank account of all adults earning less than \$75,000 a year. We sent them \$1,200 to tide them over, to give them a lifeline, which I think was very, very important because, even if you are out of work, you can't get unemployment benefits instantaneously, and we know that a lot of the workforce commissions like those we have in Texas that administer the unemployment compensation program were overwhelmed with applications. So it was important that we provide that direct relief and then the enhanced unemployment benefit.

Well, in Texas, the average unemployment benefit is \$246 a week. With an additional \$600 a week, which we added as part of the CARES Act, that amount more than tripled. Since March, more than 3 million Texans have filed for unemployment benefits, and recipients have taken advantage of the bolstered benefits, which I supported.

This additional income, provided on a temporary basis, has helped families cover their rent, their groceries, and other critical expenses until they are able to return to work, and, for many workers, there is still a great deal of uncertainty about when that might happen.

When the CARES Act passed in March, we were all hopeful that the economic outlook at this point would be much brighter than it is today, and that is why these benefits came with an expiration date of July 31, last Friday. We had hoped that our economy

would be rebounding and we would be in better shape controlling and defeating this virus and that more businesses would be able to reopen their doors or create new jobs, which obviously has not happened as quickly as we would have liked.

In Texas, our unemployment rate went from 3.5 percent to 13.5 percent in April, a 10-point increase in unemployment. We have made progress since then, thankfully, with it dropping now down to 8.6 percent—still a historically high level of unemployment, but it is moving in the right direction.

While this is encouraging, we still have a long way to go, and we cannot allow those impacted to go another day without the income that they need to support their families. As Republicans and Democrats continue to work together toward an agreement on the next coronavirus response package, these individuals are being sacrificed and hurt in the interim.

Why did Democrats block our attempt to extend unemployment benefits last week? Is it because they don't care about the people who are hurting, who need those resources?

Our colleague from Arizona, Senator MCSALLY, offered a bill last week to extend these benefits for an additional week so that we could continue negotiating, but the minority leader, the Democratic leader, Senator SCHUMER, blocked it. He prevented us from passing the simple, 1-week extension to give us some time to complete our negotiations and make sure that people who needed that money would not be hurt.

I am embarrassed that the Senate could not overcome this partisan dysfunction in order to provide this extended benefit to people who need it while we do our job here. There is no excuse for allowing this provision to expire without even a temporary measure until a final decision is reached.

Even though we are coming up on the traditional August recess, I believe we need to stay here working until an agreement is reached to provide these workers with the support they need. Of course, there is a delicate balance between helping these workers and standing in the way of an economic recovery.

Here is the twist: Over the last few months, I have been hearing from a number of business owners in Texas who are struggling to rehire their employees because—get this—they are actually making more from unemployment than they made while working, and this is not just a one-off or an isolated issue.

According to the Texas Workforce Commission, with the \$600 Federal benefit on top of the State benefit, 80 percent of the recipients of unemployment insurance were making more money on unemployment than they were when previously employed—80 percent. I think that is a mistake. Paying people more not to work than they would make taking available work makes no sense whatsoever.

Now, obviously, if there is not a job for people to take, then they should continue to get unemployment benefits, but if there is a job, then I think the incentive should be to encourage them to safely return to work, not to pay them more not to work.

The bill proposed by House Democrats would extend the \$600 Federal benefit through next January, providing even less of an incentive for workers to safely reenter the workforce. This is just one of the countless places where the Democrats' \$3 trillion Heroes Act fails to deliver the relief our country actually needs. This is \$3 trillion on top of the roughly \$3 trillion that we have already spent.

Rather than helping Americans get back to work, the Heroes Act passed by the House includes a long list of liberal priorities, things like environmental justice grants—what in the heck does that have to do with COVID-19?—soil health studies, and not one but two subsidies for diversity and inclusion in the cannabis industry—hardly anything to do with COVID-19.

What is more, our colleagues across the aisle who railed about tax cuts for the rich, well, they want to allow millionaires and billionaires in blue States to pay less in taxes. They want a tax cut for the millionaires and billionaires in their States by eliminating the cap on the deductibility of State and local taxes.

For too long, people in my State and other parts of the country have had to subsidize the big-spending blue States by allowing them to deduct all of their State and local taxes. That means you and I have to pay to subsidize those high-tax jurisdictions like New York City, for example.

Well, in addition, the Heroes Act deepens the hiring struggle businesses are already facing, and it rapidly digs our Nation deeper and deeper into debt. It is so unpopular, even among our Democratic colleagues, that it barely managed to pass the House in May.

I want to credit the Senator from Wyoming, who is here in the Chamber, who pointed out some of the quotes from the New York Times and others at the time.

Here is what the New York Times said: "Even though the bill was more a messaging document than a viable piece of legislation, its fate was in doubt in the final hours before its passage."

National Public Radio, hardly a bastion of conservative news, said: "The more than 1,800-page bill marks a long wish list for Democrats."

If this bill were to become law, Texans' tax dollars wouldn't be supporting our response and recovery; they would be funding a range of completely unrelated liberal pet projects.

Speaker PELOSI knew the Heroes Act didn't have a chance of passing in the U.S. Senate. She never intended for that bill to pass in the Senate. It was all about messaging and posturing and trying to manage the radicals in the Democratic caucus in the House.

These unwanted, unaffordable, and, frankly, laughable proposals are not the types of solutions America needs to recover from this crisis, especially when it comes to rebuilding our economy.

In the next relief bill, Congress must include additional unemployment benefits to help those who, through no fault of their own, are out of work, but we can't defy common sense and continue paying some people more to stay home than to return to work. Our long-term economic recovery will depend on people safely returning to the workforce, and Congress cannot stand in the way.

In addition to supporting workers until they are able to return to work, we also need to ensure that they will have a job to go back to.

Madam President, I ask unanimous consent to proceed for 5 more minutes.

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

Mr. CORNYN. Madam President, I thank my colleague for his indulgence.

One of the things we need to do is make sure that the Paycheck Protection Program is replenished as well. This is the most successful part of our coronavirus response—more than \$670 billion appropriated to help small businesses maintain their payroll, to keep their employees on the payroll.

More than 400,000 small businesses in Texas have received these loans, bringing in over \$41 billion to the Lone Star State. This money has kept countless Texans on the payroll not only for today but into the future. I hope we will continue the Paycheck Protection Program as part of the next COVID-19 response.

There is another provision that we need to address, though, and that has to do with the deductibility of the expenses of businesses that have received Paycheck Protection Program loans and grants. Unfortunately, while Congress made clear that we expected businesses that received these loans and grants to have the benefit of the ordinary business expenses, the Internal Revenue Service has said just the opposite.

The Joint Tax Committee that scores bills—tax bills—has said that a bill we have now introduced that would allow that deductibility to make that very clear has a zero score because they understood that Congress intended to allow those deductions in the first place.

We have two choices to help small businesses: We can write them another check, or we can allow them to deduct their ordinary business expenses. This would provide some more liquidity and provide additional assistance and cost nothing in terms of the score on the bill. It has bipartisan support that I believe merits our consideration.

In conclusion, we need to do everything we can to support the workers and families struggling to make it through this economic downturn, while simultaneously securing the foundation for a strong economic recovery.

The stakes are high, and I believe the Senate must stay in session until we are able to deliver the relief our country needs.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Madam President, I ask unanimous consent that I be able to complete my remarks prior to the scheduled vote.

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

Mr. BARRASSO. Madam President, I want to start by addressing a few of the things that the minority leader, Senator SCHUMER, discussed this morning.

Last week, Senator SCHUMER twice—twice—blocked an extension to the Federal unemployment bonus payments. Twice, the Democratic leader threw his hands up, and he said no. He said: Democrats will not support an extension of these benefits—he said—at any level. Why? He said why. He said he wants Republicans to pass his leader's bill. His leader is NANCY PELOSI. It is partisan, and it is loaded.

Senator SCHUMER likes to talk about some of the things in the Speaker's bill, but he carefully avoids much of it because one-third of the spending is completely unrelated to coronavirus—a full one-third.

Senator SCHUMER says we remain far apart. He said that the difference is between “priorities and scale.” Priorities and scale. Well, let's look at some of the priorities in the bill that he supports: direct payment checks to illegal immigrants; taxpayer-funded abortions; changes to election laws—permanent; tax breaks for the wealthy in New York and in California; millions and millions more for environmental justice, the National Endowment for the Arts. It is a long, long list.

The minority leader's statement was full of metaphors and analogies this morning, but he had very little, if any, substance.

The votes we had last week were not what he said—“sham votes”; they were real votes that would have extended real money to real people all over the country. The answer by Senate Democrats, according to their Senate Democratic leader, is a larger Federal Government. That is what they are proposing.

The minority leader used the analogy of a leaky faucet. He said that we have to take care of the flood, but he never mentioned actually fixing the faucet. Their bill does exactly that—never gets to fixing the problem; it just gives Americans a larger government.

The Republican plan provides 10 times more for vaccine development and distribution than what the Democrats passed in the House. It actually gets at beating the virus. The Democrats say they are rescuing schools and small businesses, but their bill actually zeroes out the Paycheck Protection Program and provides less money for schools.

As for understanding the needs of the country, Senate Republicans have

passed, in a bipartisan way, \$3 trillion in relief, and half of that is still unspent.

On the State and local government side, it is ironic to hear the minority leader mention all of his preferred public service workers, but not once in that discussion did he mention police officers. That is because the platform of the Democrats now really is to defund the police. And this is at a time when the murder rate in his own hometown—New York City—is at a record level.

I come to the floor to discuss the reckless spending and the partisan obstruction by the Democratic Party. It is the path they have chosen to deal with coronavirus. It is the Speaker's \$3 trillion runaway spending spree. Speaker PELOSI says it is her way or the highway, and the Senate Democratic leader, her deputy, CHUCK SCHUMER, has been 100 percent behind her political stunt.

At the same time, the Democrats are ignoring what the American people tell us they want and need. They want to resume their lives. People want to resume their lives safely and sensibly, and to do so, they need a safe work environment; they need a safe, effective vaccine; they need their jobs back; and they need their kids in school. Republicans are doing everything we can to provide this.

At this time of soaring national debt, we must make sure that every penny we spend is focused on the disease and the recovery. Congress has already approved nearly \$3 trillion in combined coronavirus aid. When the Senate passed the bipartisan CARES Act, it was the largest rescue package in U.S. history. Over \$1 trillion of the relief money still has not been spent, and at the same time, millions of people who lost their jobs in lockdowns remain out of work. Schools and small businesses face challenges in reopening as well.

Congress needs to act, and we need to act now. We want to support people who are most in need and to do it in a way that encourages, not discourages, work.

According to the University of Chicago study, two out of three unemployed people are currently making more at home than they would at work. That is due to this \$600-per-week bonus payment. It is not common sense.

Last week, when Republicans offered a sensible compromise, Democrats rejected it out of hand. They want to continue paying people more to stay home than they would make at work. Democratic leaders are holding the unemployed hostage—as they say, leverage—in their negotiations with the White House. Once again, the Democrats are putting politics above people, slowing the economic recovery, and destroying millions of jobs in the process.

Senate Republicans, meanwhile, introduced serious relief legislation. The Republican legislation is targeted, tailored to the emergency. Our bill pro-

vides resources for healthcare for kids and for jobs. We safely reopen the economy. We safely reopen schools. We fund testing, treatment, and vaccines. We provide liability protection. We shield the medical community, K-12 schools, colleges, universities, and small businesses from frivolous coronavirus lawsuits. We already see greedy trial lawyers trying to profit from the Nation's pain. Over 4,000 lawsuits have already been filed. An avalanche of abusive coronavirus lawsuits will flatten and flatline the economy as it just tries to awaken.

We continue to put the health, safety, and well-being of the American public first. We are doing everything we can to defeat the virus, and we contrast our serious efforts with Speaker PELOSI's pricey, partisan pipe dream. If enacted, her so-called Heroes Act would be a huge waste of taxpayer money—the largest waste of taxpayer money in U.S. history. In fact, her bill costs more than all previous coronavirus legislation combined. It may be her dream; it would be a nightmare for the American public.

We can go through the things that are in the Democrats' wish list, and anything I would say here would just be the tip of the iceberg. Let me remind you what POLITICO reported when the bill passed the House. It said: It is a Democratic wish list filled up with all the parties' favorite policies. National Public Radio said the bill marks a long wish list for Democrats. The New York Times said the bill was more a messaging document than a viable piece of legislation.

Government doesn't have a spending problem so much as an overspending problem. It is on full display right now as the Democrats promote runaway spending—spending that is unrelated to the challenge before us. Speaker PELOSI is wasting our Nation's time on a far-left fantasy that does not have a single chance in the world of becoming law.

Let me be clear. Republicans will hold the line on reckless spending. We need to keep the next relief bill to no more than \$1 trillion, and we need to ensure that the bill only includes things directly related to the coronavirus.

I am ready to act now. It is essential we get this right. And for the good of the country, this wild, willful, wasteful spending by the Democrats has to stop.

I yield the floor.

I ask for the yeas and nays.

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the Menezes nomination?

Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

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

Mr. DURBIN. I announce that the Senator from Maryland (Mr. CARDIN),

the Senator from Vermont (Mr. LEAHY), the Senator from Vermont (Mr. SANDERS), and the Senator from Virginia (Mr. WARNER) are necessarily absent.

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

The result was announced—yeas 79, nays 16, as follows:

[Rollcall Vote No. 155 Ex.]

YEAS—79

|           |            |            |
|-----------|------------|------------|
| Alexander | Feinstein  | Peters     |
| Baldwin   | Fischer    | Portman    |
| Barrasso  | Gardner    | Reed       |
| Bennet    | Graham     | Risch      |
| Blackburn | Hassan     | Roberts    |
| Blunt     | Hawley     | Romney     |
| Booker    | Heinrich   | Rounds     |
| Boozman   | Hoeven     | Rubio      |
| Braun     | Hyde-Smith | Sasse      |
| Brown     | Inhofe     | Scott (FL) |
| Burr      | Johnson    | Scott (SC) |
| Cantwell  | Jones      | Shaheen    |
| Capito    | Kaine      | Shelby     |
| Carper    | Kennedy    | Sinema     |
| Casey     | King       | Smith      |
| Cassidy   | Lankford   | Stabenow   |
| Collins   | Lee        | Sullivan   |
| Coons     | Loeffler   | Tester     |
| Cornyn    | Manchin    | Thune      |
| Cotton    | McConnell  | Toomey     |
| Cramer    | McSally    | Moran      |
| Crapo     | Moran      | Udall      |
| Crux      | Murkowski  | Van Hollen |
| Daines    | Murphy     | Whitehouse |
| Duckworth | Murray     | Wicker     |
| Durbin    | Paul       | Young      |
| Enzi      | Perdue     |            |

NAYS—16

|              |           |         |
|--------------|-----------|---------|
| Blumenthal   | Hirono    | Schatz  |
| Cortez Masto | Klobuchar | Schumer |
| Ernst        | Markey    | Warren  |
| Gillibrand   | Menendez  | Wyden   |
| Grassley     | Merkley   |         |
| Harris       | Rosen     |         |

NOT VOTING—5

|        |         |        |
|--------|---------|--------|
| Cardin | Sanders | Warner |
| Leahy  | Tillis  |        |

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's actions.

The Senator from Kansas.

## LEGISLATIVE SESSION

### MORNING BUSINESS

Mr. MORAN. Mr. President, I ask unanimous consent that the Senate proceed to legislative session for a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

Mr. MORAN. I ask unanimous consent that Senator BLUMENTHAL, Senator COLLINS, and I be able to complete our remarks before the recess.

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

### EMPOWERING OLYMPIC AND AMATEUR ATHLETES ACT OF 2019

Mr. MORAN. Mr. President, I ask unanimous consent that the Senate

proceed to the immediate consideration of Calendar No. 503, S. 2330.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 2330) to amend the Ted Stevens Olympic and Amateur Sports Act to provide for congressional oversight of the board of directors of the United States Olympic and Paralympic Committee and to protect amateur athletes from emotional, physical, and sexual abuse, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Empowering Olympic and Amateur Athletes Act of 2019".

#### SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The courageous voice of survivors is a call to action to end emotional, physical, and sexual abuse in the Olympic and Paralympic movement.

(2) Larry Nassar, the former national team doctor for USA Gymnastics, sexually abused over 300 athletes for over two decades because of ineffective oversight by USA Gymnastics and the United States Olympic Committee.

(3) While the case of Larry Nassar is unprecedented in scale, the case is hardly the only recent incident of sexual abuse in amateur sports.

(4) Survivors of Larry Nassar's abuse and all survivors of abuse in the Olympic and Paralympic movement deserve justice and redress for the wrongs the survivors have suffered.

(5) After a comprehensive congressional investigation, including interviews and statements from survivors, former and current organization officials, law enforcement, and advocates, Congress found that the United States Olympic Committee and USA Gymnastics fundamentally failed to uphold their existing statutory purposes and duty to protect amateur athletes from sexual, emotional, or physical abuse.

(6) USA Gymnastics and the United States Olympic Committee knowingly concealed abuse by Larry Nassar, leading to the abuse of dozens of additional amateur athletes during the period beginning in the summer of 2015 and ending in September 2016.

(7) Ending abuse in the Olympic and Paralympic movement requires enhanced oversight to ensure that the Olympic and Paralympic movement does more to serve athletes and protect their voice and safety.

#### SEC. 3. UNITED STATES OLYMPIC AND PARALYMPIC COMMITTEE.

(a) IN GENERAL.—Chapter 2205 of title 36, United States Code, is amended—

(1) in the chapter heading, by striking "UNITED STATES OLYMPIC COMMITTEE" and inserting "UNITED STATES OLYMPIC AND PARALYMPIC COMMITTEE";

(2) in section 220501(b)(6), by striking "United States Olympic Committee" and inserting "United States Olympic and Paralympic Committee";

(3) in section 220502, by amending subsection (c) to read as follows:

"(c) REFERENCES TO UNITED STATES OLYMPIC ASSOCIATION AND UNITED STATES OLYMPIC COMMITTEE.—Any reference to the United States Olympic Association or the United States Olympic Committee is deemed to refer to the United States Olympic and Paralympic Committee.";

(4) in section 220506(a), by striking "United States Olympic Committee" and inserting "United States Olympic and Paralympic Committee"; and

(5) in section 220531, by striking "United States Olympic Committee" each place it ap-

pears and inserting "United States Olympic and Paralympic Committee".

(b) CONFORMING AMENDMENTS.—The table of chapters for part B of subtitle II of title 36, United States Code, is amended by striking the item relating to chapter 2205 and inserting the following:

"2205. United States Olympic and Paralympic Committee ... 220501".

#### SEC. 4. CONGRESSIONAL OVERSIGHT OF UNITED STATES OLYMPIC AND PARALYMPIC COMMITTEE AND NATIONAL GOVERNING BODIES.

(a) IN GENERAL.—Chapter 2205 of title 36, United States Code, is amended—

(1) by redesignating the second subchapter designated as subchapter III (relating to the United States Center for SafeSport), as added by section 202 of the Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017 (Public Law 115-126; 132 Stat. 320) as subchapter IV; and

(2) by adding at the end the following:

"SUBCHAPTER V—DISSOLUTION OF BOARD OF DIRECTORS OF CORPORATION AND TERMINATION OF RECOGNITION OF NATIONAL GOVERNING BODIES

#### "§ 220551. Definitions

"In this subchapter, the term 'joint resolution' means a joint resolution—

"(1) which does not have a preamble; and

"(2) for which—

"(A)(i) the title is only as follows: 'A joint resolution to dissolve the board of directors of the United States Olympic and Paralympic Committee'; and

"(ii) the matter after the resolving clause—

"(I) is as follows: 'That Congress finds that dissolving the board of directors of the United States Olympic and Paralympic Committee would not unduly interfere with the operations of chapter 2205 of title 36, United States Code'; and

"(II) prescribes adequate procedures for forming a board of directors of the corporation with all reasonable expediency and in a manner that safeguards the voting power of the representatives of amateur athletes at all times; or

"(B)(i) the title is only as follows: 'A joint resolution relating to terminating the recognition of a national governing body'; and

"(ii) the matter after the resolving clause is only as follows: 'That Congress determines that \_\_\_\_\_, which is recognized as a national governing body under section 220524 of title 36, United States Code, has failed to fulfill its duties, as described in section 220524 of title 36, United States Code', the blank space being filled in with the name of the applicable national governing body.

#### "§ 220552. Dissolution of board of directors of corporation and termination of recognition of national governing bodies

"(a) DISSOLUTION OF BOARD OF DIRECTORS OF CORPORATION.—Effective on the date of enactment of a joint resolution described in section 220551(2)(A) with respect to the board of directors of the corporation, such board of directors shall be dissolved.

"(b) TERMINATION OF RECOGNITION OF NATIONAL GOVERNING BODY.—Effective on the date of enactment of a joint resolution described in section 220551(2)(B) with respect to a national governing body, the recognition of the applicable amateur sports organization as a national governing body shall cease to have force or effect.

#### "§ 220553. Joint resolution

"(a) REFERRAL AND REPORTING.—

"(1) HOUSE OF REPRESENTATIVES.—

"(A) IN GENERAL.—In the House of Representatives, a joint resolution shall be referred to the Committee on Energy and Commerce.

"(B) DISCHARGE.—The Committee on Energy and Commerce shall be discharged from further consideration of a joint resolution and the joint