

Hassan	Merkley	Shaheen
Heinrich	Murphy	Smith
Hirono	Murray	Stabenow
Kaine	Peters	Udall
King	Reed	Van Hollen
Klobuchar	Rosen	Warner
Leahy	Sanders	Warren
Markey	Schatz	Whitehouse
Menendez	Schumer	Wyden

## NOT VOTING—3

Alexander	Blackburn	Duckworth
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The PRESIDING OFFICER. The yeas are 55, the nays are 42.

The motion is agreed to.

The PRESIDING OFFICER. The Senator from Missouri.

# NO TIKTOK ON GOVERNMENT DEVICES ACT

Mr. HAWLEY. Madam President, I would like to make a few brief remarks today about TikTok, an app that has dominated the news in recent weeks and has dominated the internet in recent years.

As most of you know, TikTok is used to create short music videos, and it has grown to be one of the most popular apps in America. More than 80 million Americans now have TikTok on their personal phones. It might be easy just to assume that this app is harmless—music videos, diverting fun—but, let me assure you, the security concerns surrounding TikTok are real and not lighthearted in the least.

TikTok is currently a major security risk, both to our data security and to our national security. ByteDance, which is TikTok's parent corporation, is based in Beijing, and we all know that Chinese corporations and the Chinese Communist Party are, in many ways, the same thing. In fact, China's national intelligence law requires it to be so.

ByteDance, as a Chinese company, is obligated to collaborate with Chinese intelligence services, including by sharing data. In fact, all of the data that TikTok and ByteDance collect—and they collect a lot of data—can be routed at a moment's notice to the Chinese Communist Party.

TikTok is a uniquely intrusive application. The company openly admits that it tracks users' locations, it tracks users' keystroke patterns, it tracks the filenames on users' devices. TikTok essentially claims the right to peer straight through our phones into our lives.

I could go on. TikTok has censored content critical of China's treatment of Uighur Muslims and has violated the Children's Online Privacy Protection Act.

Now, in light of all this, in light of all we know, it is unthinkable to me that we should continue to permit Federal employees—those workers entrusted with sensitive government data—to access this app on their work phones and computers. Not only is it inappropriate; it is irresponsible. This app represents a clear and present security risk at a time when we need to be clear-eyed about the threat from the Chinese Communist Party.

That is why I introduced legislation to remove TikTok from government-owned phones and devices. Now, this is just common sense, and it follows steps that the Pentagon has started to take on its own, but we badly need a uniform standard that can apply across all Federal agencies and government organizations.

Now, over the last few days we have heard a lot about a potential acquisition or sale of TikTok in the United States, but no one can say yet what will come of those talks. Deals fall through all the time, and TikTok is a threat to the security of Federal devices right now. Every day we wait is a day ByteDance can collect more information on and about Americans. Today is the day to take action.

Even if TikTok ends up being sold eventually, it will be the responsibility of this body, the responsibility of all of us, to make sure that no trace of Beijing's influence remains—none at all.

I would like to thank my colleagues for their support, and I particularly want to thank Senator RICK SCOTT, who has been my partner on this effort from the very beginning. It is always a privilege to work with and collaborate with Senator SCOTT, as we have on so many areas, and he has been, as I said, at the forefront of this effort from the very beginning. He is here today, and I would like to yield to him now to make a few remarks.

The PRESIDING OFFICER. The Senator from Florida.

Mr. SCOTT of Florida. Madam President, first I want to thank my colleague from Missouri. We got here at the same time, and both of us saw the dangers of Communist China, the dangers of the Communist Party of China, and the dangers of the General Secretary of the Communist Party, Xi.

We have watched a million Uighurs get put into prison just for their religion. We have watched American companies have their technology stolen. We have watched as American jobs have been stolen. One of the goals that both of us had when we came up here was to stop this.

We had the opportunity last year to visit the protesters in Hong Kong, and we got to hear from them firsthand their concern about what Communist China would be doing to take away their basic rights, rights granted to them in the turnover from Great Britain to China, on paper. But, as we know, the Communist Party and the General Secretary of the Communist Party don't care about any of these things.

We have watched the Communist Party use drones for surveillance. We have watched, as my colleague has said, TikTok become a worldwide phenomenon. It is an opportunity for the Communist Party of China to surveil all of our citizens, whatever of our citizens are using it.

So I want to thank my colleague for his effort in this regard—not just this but all of his efforts to hold Com-

munist China accountable. There is a lot of work to do. As we know, this pandemic was much worse because of the actions of the Communist Party of China.

So this is a commonsense thing to do. We should not have TikTok on Federal Government phones. This is a good first step, but there is a lot more to do to continue to hold Communist China accountable and to make sure we all, as Americans, understand that we are now in a cold war. This is not a cold war that America started. This is a cold war that the Communist Party of China started, led by the General Secretary of the Communist Party, Xi, and we are going to have to continue every day to focus on how we prevent them from surveilling us.

Another thing Americans can do besides making sure you are not using TikTok is making sure you are buying American products and don't buy products from Communist China.

You will do more to hold them accountable. The more we can do things like that, it will change the dynamics, and, hopefully, maybe eventually Communist China will come to their senses and stop being an adversary and eventually be merely a competitor.

I yield back to my colleague from Missouri.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. HAWLEY. Again, I thank Senator SCOTT for his work on this effort, his leadership on this effort, and his leadership across the board when it comes to standing up to Communist China—the Chinese Communist Party.

I also want to thank my friends Senator COTTON, Senator ERNST, Senator KENNEDY, Senator MCSALLY, and all other Senators who have backed this legislation, along with Congressman KEN BUCK, who has led this effort in the House.

Just 2 weeks ago, this legislation passed unanimously out of the Homeland Security and Governmental Affairs Committee. I also want to thank my colleagues there, especially Chairman JOHNSON, who has been a champion on this effort and has worked hard in the last couple of weeks to make sure we can bring this bill to the floor.

I am encouraged by the bipartisan support we have seen in this body to hold the Chinese Communist Party accountable, and that includes, by the way, holding accountable those corporations that would just do China's bidding. If I have anything to say about it, we will not be stopping here.

Madam President, as in legislative session, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 507, S. 3455.

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

The senior assistant legislative clerk read as follows:

A bill (S. 3455) to prohibit certain individuals from downloading or using TikTok on any device issued by the United States or a government corporation.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs, 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 “No TikTok on Government Devices Act”.*

**SEC. 2. PROHIBITION ON THE USE OF TIKTOK.**

(a) **DEFINITIONS.**—In this section—

(1) the term “covered application” means the social networking service TikTok or any successor application or service developed or provided by ByteDance Limited or an entity owned by ByteDance Limited;

(2) the term “executive agency” has the meaning given that term in section 133 of title 41, United States Code; and

(3) the term “information technology” has the meaning given that term in section 11101 of title 40, United States Code.

(b) **PROHIBITION ON THE USE OF TIKTOK.**—

(1) **IN GENERAL.**—Not later than 60 days after the date of the enactment of this Act, the Director of the Office of Management and Budget, in consultation with the Administrator of General Services, the Director of the Cybersecurity and Infrastructure Security Agency, the Director of National Intelligence, and the Secretary of Defense, and consistent with the information security requirements under subchapter II of chapter 35 of title 44, United States Code, shall develop standards and guidelines for executive agencies requiring the removal of any covered application from information technology.

(2) **NATIONAL SECURITY AND RESEARCH EXCEPTIONS.**—The standards and guidelines developed under paragraph (1) shall include—

(A) exceptions for law enforcement activities, national security interests and activities, and security researchers; and

(B) for any authorized use of a covered application under an exception, requirements for agencies to develop and document risk mitigation actions for such use.

Mr. HAWLEY. I ask unanimous consent that the committee-reported substitute amendment be agreed to; that the bill, as amended, be considered read and passed; and that the motion to reconsider be considered made and laid upon the table.

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

The committee-reported amendment in the nature of a substitute was agreed to.

The bill (S. 3455), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. HAWLEY. I yield the floor.

**EXECUTIVE CALENDAR—Continued**

The PRESIDING OFFICER. The Senator from Maryland.

**CORONAVIRUS**

Mr. CARDIN. Madam President, the most recent count of confirmed Americans who have died as a result of COVID-19 is 157,551 souls. In my State of Maryland, that confirmed number is 3,402. Those are the confirmed deaths. We believe the deaths are even higher.

Although the United States represents only 4.3 percent of the world's population, we represent over 26 percent of the COVID-19 infections and al-

most 23 percent of fatalities. These numbers are continuing to grow every day.

The Trump administration was ill-prepared, inadequate in its response, misleading and inconsistent in its messaging, missing in the international leadership to deal with this global pandemic, and denied the consequences of the pandemic on our own constituents.

Congress took on its responsibility by passing major legislation. The passage of the CARES Act—which was passed in March—was the right response at that time to do what we needed to deal with the pandemic. But we knew by May that COVID-19 would have a much longer impact on our country, would be more difficult to control, and we had to take additional steps in Congress in order to protect our Nation.

The House did the right thing in passing the Heroes Act on May 15. It has been almost 3 months, and the Republican leadership in the Senate has failed to respond. We need to take action that is equivalent to the challenge—this incredible challenge.

This is the worst pandemic we have seen since the 1918 influenza pandemic, over 100 years ago. This is the greatest economic challenge that we have faced since the Great Depression. This requires bold action in order to protect the people of our country.

The help provided by the CARES Act has ended. Unemployment benefits have terminated. State and local governments are out of resources. The small business tools have already been used by the small businesses. American families need additional help. The unemployed need help. State and local governments need help. Our businesses need help. We need to act now and pass a comprehensive package to deal with this pandemic.

What should be included in a comprehensive package? Let me start first with the health challenge. I was pleased that the CARES Act provided for a Marshall Plan to deal with the health pandemic. But we have since learned that this health challenge has been different in different communities. There are disturbing facts about the health disparities on the communities that have been particularly hard-hit. Communities of color have had higher infection rates, higher hospitalization rates, higher deaths. We know that this is in part because of systemic discrimination that we have seen in our system of healthcare. We need to take action.

Let me give you a few things we could do in this next round that could help deal with the disparities in the health impact. The FMAP, the payment for Medicaid by the Federal Government to the States—you see, it has been estimated that 12 million Americans have additionally needed to rely on Medicaid as a result of COVID-19. The States are unable to act because their budgets have been so badly hurt.

There is a risk factor that they will, in fact, even cut back benefits because

they don't have the funds to maintain the current benefits before COVID-19, let alone the additional number of people who have been thrown into the need for Medicaid. We need to take steps and improve the FMAP by the Federal Government.

Telehealth has proven to be a very effective tool in dealing with COVID-19. We know that people cannot travel, cannot go to offices as easily as they could, and we have seen a natural desire to do as much telehealth as possible. We have passed legislation to expand the types of services and geography that can use telehealth services. It is very important for rural America, very important for the underserved community, and very important for the transportation-challenged community. We need to make those provisions permanent.

I have introduced two pieces of legislation with my colleagues: the REACH Act, with Senator TIM SCOTT, and the COVID-19 Health Disparities Act, with Senator MENENDEZ. These bills work on fundamental problems of why COVID-19 has had a disparate impact on communities of color.

We want to make sure we have a workforce that represents our communities. We want to make sure there is adequate funding. We want to make sure testing is done, targeted to those communities that are most vulnerable. We want to make sure the vaccine, when it is developed, is fairly shared. We want to make sure we have outreach and education in all communities. These bills deal with those issues.

The health challenge, as it relates to health disparities, needs to be part of the legislation that I hope we will be considering in the very, very near future.

The legislation needs to include an extension of unemployment insurance benefits, which is a lifeline for individuals and our economy. Individuals desperately need these funds in order to take care of basic needs for their families. But our economy needs the influx of these resources in order to keep our economy afloat during COVID-19.

The Heroes Act, which, again, was passed almost 3 months ago, extends the \$600-a-week payment through the end of January; whereas the McConnell bill, the HEALS Act, cuts it back to \$200 and only through October and sets up a test for local—on the percentage of your previous salary that UI, unemployment insurance, administrators in the States tell us is not administrable, making a roadblock for those even to get the money provided in the HEALS Act, the bill introduced by Senator MCCONNELL.

We need to act boldly. The impact on our economy is here today and is showing no letup. We need to extend the \$600, and we need to do it through at least January of next year.

The impact of COVID-19 has been cruel to families meeting their basic obligations, including housing for both