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House of Representatives

The House was not in session today. Its next meeting will be held on Monday, December 14, 2020, at 1:30 p.m.

Senate

FRIDAY, DECEMBER 11, 2020

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. GRASSLEY).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, our hope for the years to come, we come to You with a tangled mass of motives, seeking, through prayer, to make sense of life.

Guide our lawmakers as they seek to unravel the good from the bad, the sweet from the bitter, and the harmony from the discord. Teach them how to seek and find You during this challenging season of our national life.

Lord, give them calm strength and patient wisdom to do what is best for our Nation and world. Vanquish the darkness through the power of Your celestial brightness. Turn Your face toward us, and show us Your glory.

We pray in Your sovereign Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

The PRESIDING OFFICER (Mr. ROMNEY). The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak for 1 minute in morning business.

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

TRIBUTE TO RAJA CHARI

Mr. GRASSLEY. Mr. President, I speak about Iowans who are well noted for things wherever they live in Iowa, but I am particularly proud to speak about a person from Cedar Falls, IA, a town I know well because I have lived my entire 87 years on a farm 8 miles from Cedar Falls.

This week, NASA announced that Raja Chari from Cedar Falls, IA, has been selected for a team of astronauts that will go to the Moon as part of the Artemis mission.

The Artemis mission will land astronauts on the Moon in the year 2024, with the goal of establishing a long-term presence. Raja Chari will be a part of this effort that will ensure America's continued leadership and preeminence in space.

I congratulate Raja on his accomplishments and wish him and all the astronauts who are part of this mission great success.

I yield the floor.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

BUSINESS BEFORE THE SENATE

Mr. McCONNELL. Mr. President, the Senate needs to pass a stopgap funding measure today to prevent a lapse while the bipartisan, bicameral efforts close in on a full-year funding bill, and we need to advance what will be the 60th annual Defense authorization bill.

This year's NDAA will cement the historic steps that Congress and the Trump administration have taken over the past 4 years to rebuild and reequip a 21st century fighting force. It directs investments in technologies to maintain our strategic edge. It makes critical supply chains more secure and the Pentagon more accountable. And in the face of threats ranging from adversaries to this pandemic, it expands efforts to keep our men and women in uniform safe.

I remain hopeful that essential progress on these items will continue. We ought to pass a full-year funding measure, and I hope our committees in the Senate and the House can complete their work and deliver legislation next week.

CORONAVIRUS

Mr. McCONNELL. Mr. President, that said, we know the American people's eyes are trained on the Capitol for another reason as well. Struggling families, exhausted health workers, and anxious small business owners are waiting—waiting—for the Senate to do what I have tried to accomplish over and over for months: Pass a significant, targeted COVID-relief bill built on all the areas where bipartisan consensus already exists.

We know what that common ground looks like: a new second round of the Paycheck Protection Program so hard-hit small businesses can keep paying their people, the necessary investments in distribution to get lifesaving vaccines out to our people, and an extension of some unemployment programs

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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that will otherwise expire in just a matter of days.

Republicans have been crystal clear about the sort of urgent and unobjectionable relief we are ready to deliver. I even offered to temporarily set aside one of our side's major requests, commonsense legal protections—by the way, 6,500 lawsuits have already been filed—to set aside commonsense legal protections to aid the reopening if Democrats drop their own controversial outstanding demands. But day after day, the Democratic leader finds new reasons not to compromise, new ways to avoid taking yes for an answer.

In what universe should emergency aid for small businesses be contingent—contingent—on massive bailouts for State governments with no linkage to actual needs? Democrats are acting like it is more important to supply the Governor of California with a special slush fund than to help restaurant workers in California keep their jobs. Oh, and, by the way, these demands for State and local government giveaways are blocking urgent aid for struggling families at a time when many States' tax revenues have largely gone up—up.

In November, California admitted their tax revenue for this fiscal year was running about 19 percent ahead of what they had predicted. The Governor said earlier this week that he foresees a tax windfall—windfall—not a horrible budget crunch, but a windfall of nearly \$16 billion.

State lawmakers are preparing to argue over where to put all this unexpected tax money. According to the L.A. Times, they are considering topping up the State's cash reserves. They aren't just getting by; they are putting more money away.

Here is another headline from a few days back—a State the occupant of the Chair is familiar with—"Massachusetts tax revenue[s] eclipsed total for last November despite COVID-driven recession." This is another State where revenues are actually up over last year.

Whatever future problems Democrats may think they see around the corner, it is preposterous to claim that these blue States that are bragging about their tax windfalls must receive another Federal handout right this instant, before working families can get a penny more.

Small businesses need saving right now. Unemployed people need relief extended right now. Vaccine distribution networks need funding right now. None of that should be held hostage over intergovernmental bailouts for States that are currently raking in revenue faster than they can spend it.

Yet the Speaker and the Democratic leader have persuaded their entire conference that nothing should pass unless the Governors of California and New York get to cut the line and jump in front of millions of Americans who are trying to figure out how to pay their bills each and every month.

Then there is Democrats' apparently strong opposition to enacting any kind

of legal protections to aid the reopening. Targeted, temporary liability reforms are a common feature of national emergencies or strange events, such as the Y2K mess and September 11. This is not some new concoction; it is what Congress has done in the past.

But this time, Democrats say the trial lawyers' interests must come first. They are threatening to kill any compromise whatsoever unless Congress leaves small businesses, universities, and healthcare workers as sitting ducks—sitting ducks—for frivolous lawsuits.

My colleagues across the aisle want to present this stance as some bold crusade against evil corporations? Well, for one thing, it is the big corporations who can afford the massive legal departments. Lawsuits are not exactly alien from the perspective of the Fortune 100.

No, it is small business advocates who have been pleading with Congress to pass legal protection since last May. It has been college presidents and higher education experts who have sounded this alarm the whole time. About 7 in 10 small business owners said a second pandemic of lawsuits was a major concern. University administrators told us liability is "a national problem requiring a national solution" that could produce "a chilling effect" on American education if not addressed. But Democrats are threatening to walk away altogether if Republicans try to give these institutions what they need.

So look, a legislator's true position lies in what they do, not what they say. What Republicans have done since July is make one attempt after another to generate a consensus package that can actually be signed into law.

What Senate Democrats have done is recite an endless—endless—chain of changing stories about why nothing that anyone proposes is any good. If my friends actually oppose PPP funding, vaccine distribution money, or extending some expiring unemployment aid, let's hear why. But if they do not oppose these things, let's get them out the door.

I have proposed setting aside both liability protections and State and local bailouts and making law where we can agree. Democrats have thus far declined, but at the same time, they are blocking an agreement on these issues. So unless something changes, they will get to explain to a restaurant owner that Democrats didn't let her get a second PPP loan to save her business because her Governor needed a special slush fund or explain to a laid-off worker that his relief program may expire completely because Democrats didn't feel it was urgent or explain to an older couple, who have hunkered down and survived this long year, that their vaccines will arrive later than necessary because Democrats wouldn't let us fund distribution.

If my Democratic friends don't want to explain these inexplicable things, then they need to let us act now.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. McCONNELL. Mr. President, I move to proceed to executive session to consider Calendar No. 931.

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

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Thomas L. Kirsch II, of Indiana, to be United States Circuit Judge for the Seventh Circuit.

CLOTURE MOTION

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

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Thomas L. Kirsch II, of Indiana, to be United States Circuit Judge for the Seventh Circuit.

Mitch McConnell, James E. Risch, Mike Crapo, Roy Blunt, Shelley Moore Capito, Tom Cotton, John Cornyn, Chuck Grassley, Thom Tillis, Richard Burr, Pat Roberts, Cory Gardner, Lindsey Graham, Todd Young, Marco Rubio, John Boozman, John Barrasso.

LEGISLATIVE SESSION

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

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. McCONNELL. Mr. President, I move to proceed to executive session to consider Calendar No. 932.

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

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Katherine A. Crytzer, of Tennessee, to be United States District Judge for the Eastern District of Tennessee.

CLOTURE MOTION

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

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby