

labs have pushed the boundaries of vehicle and battery technology for decades, always looking ahead. Today, their pioneering work will produce batteries that will last longer, charge faster, and can be recycled safely.

Look at our universities. The University of Illinois at Urbana-Champaign produces some of the best engineers in America. In Normal, you can find Illinois State University and Heartland Community College, which produce a direct pipeline of new talent to companies like Rivian.

Illinois recognizes that science and research are the backbone for the economy. Our labs and universities prove it time and again. This research drives the electric vehicle industry forward, and companies want to be right in the middle of that environment.

Beyond batteries, Illinois leads the way in research in clean energy technology, quantum computing, artificial intelligence, and many of the other technologies we need to be part of the economy of the 21st century.

President Biden understands that we need research, too. His American Jobs Plan proposes \$180 billion in investment in research and development for things just like electric vehicles. We have the opportunity to not only electrify but to supercharge our future.

Federal funding that matches the President's bold plan could transform more towns like Normal or Joliet into powerhouses of American manufacturing.

I listen to Republicans on the other side say: We shouldn't spend so much. We shouldn't spend it on so many things that might affect our future. Take it easy. Take it slow. Wait and see what happens.

I couldn't disagree more.

The Republican plan is a solid strategy for second place in the world. I don't want to be part of an effort to bring the United States second in any competition in the world. We may not always be first, but we should always strive to be first. Stepping away from President Biden's plan for manufacturing and jobs and families is, unfortunately, an easily predicted outcome. We will not be able to succeed and create the jobs of the future.

I will continue to support robust, sustained funding for electric vehicle infrastructure and innovation. I hope that both parties will. I hope my colleagues will join me in thinking in a big way about the future of America when it comes to the economy and infrastructure. I have seen the future it can create in Normal, IL, last week, and it is a bright one.

LIABILITY IMMUNITY

Mr. President, the American Rescue Plan was the Biden threshold initiative to bring to America what it desperately needed after this President was sworn in on January 20 of this year. Unfortunately, we didn't have a single Republican to support it—not one. Not a single Republican Senator or House Member would support the

American Rescue Plan of President Joe Biden.

What did the plan do? Well, it bought more vaccines. It invested dramatically in the distribution of these vaccines across America. It turned around and kept the President Trump promise of the cash payment of \$1,400 for each individual. It extended unemployment benefits so that people could continue to keep food on the table and pay their rent and mortgage payments until they found good jobs. And it basically said to small businesses: We are not giving up on you. We are going to help you, whether it is the restaurant industry or other businesses. We want you to be back in business. We invested that money as a nation, and it was a critical time to do it.

President Biden believed, and all the Democrats supported him in this belief, that we should move forward now or run the risk of falling behind in developing our economy. The American Rescue Plan was successful. It has given assistance across the board to families and businesses and delivered resources where they were needed the most. It really matched the crisis with an initiative that was significant in scope.

But if my Republican colleagues had had their way, the American Rescue Plan would have looked a lot more like a giant corporate giveaway because all throughout 2020, they were clamoring for massive handouts to big businesses in the form of liability immunity. I am glad that my colleague from Texas is on the floor because it is an issue that he has been interested in and has spoken on the floor many times.

All last year, we heard from the other side of the aisle that Congress needed to give sweeping Federal liability immunity to corporations when it came to their conduct during the pandemic. Well, we heard some dire warnings about the number of lawsuits that were going to be filed because of COVID-19. It was called a tsunami of lawsuits by the Republican leader of the Senate.

One year ago today, on May 11, 2020, Senator McCONNELL spoke on the Senate floor and raised fears of "a second job-killing epidemic of frivolous lawsuits." The next day, he came to the floor and kept the attack on, and he warned of "a tidal wave of medical malpractice lawsuits." That is from Senator McCONNELL on the floor of the Senate.

Senate Republicans rallied behind a bill introduced by Senator CORNYN that would give corporations immunity from accountability both in court and from regulators for conduct that could be considered negligent under current law. I argued against these corporate immunity proposals. Granting corporations legal immunity gives them an incentive to cut costs and cut corners when it comes to the health and safety of workers and consumers. It gives a pass to unreasonable and irresponsible behavior and puts people at greater risk. I don't think that is the right approach.

As I kept pointing out to my Republican colleagues, they couldn't show statistically why this was necessary. The data never justified their proposals. That tsunami of lawsuits never arrived. We are now over a year into this pandemic. Over 32 million Americans, sadly, have been infected, and nearly 600,000, tragically, have died. So how many lawsuits have been generated by all these terrible outcomes?

Well, there is a law firm, Hunton Andrews Kurth, that has tracked all of the lawsuits filed in the United States over COVID-19. I checked the totals over the weekend. You may be asking: Well, how many medical malpractice cases have been filed in the United States over the last year related to COVID-19? The number: 20—20. And how many cases alleging personal injury from exposure to COVID-19 in a public place have been filed? The number is 60 in the entire United States. That is not a flood. That is not a tsunami. It is a trickle.

In fact, the main litigation we have seen involving COVID has been one business suing another business. For example, there are 1,831 lawsuits involving insurance disputes, 640 lawsuits involving business closures and stay-at-home orders, and 772 lawsuits involving contract disputes. It was not what was predicted on the floor over and over again by Senators from the other side of the aisle.

I am always troubled how the Republican immunity proposals try to block infected workers and families from suing corporations for negligence, but let corporations continue to file their own COVID-related lawsuits by the hundreds whenever they feel like it. How is that fair?

I believe Americans deserve a chance to have a day in court when these families believe their loved ones have been harmed due to negligence or misconduct. For example, if a senior citizen dies because a nursing home refused to share what it knew about the virus's spread, I believe the families of those victims deserve a chance to go to court and seek justice.

Those types of cases are traditionally governed by State law. States can and do adjust their State liability law to fit the circumstances. As it turns out, more than half the States have changed their liability laws, either through legislation or executive action, in response to COVID. In my view, some of the States went too far, to be honest with you, in shielding negligent behavior by corporations, but that was their call to make since this is a State law issue.

I find it surprising that my colleagues on the other side of the aisle want Congress to step in and impose sweeping Federal corporate immunity that would override the laws of all 50 States. There was no justification for doing so, and I am glad we didn't. It would have made us less safe.

I hope the next time we hear calls for sweeping Federal liability immunity

during a national crisis, we remember this experience and how the dire predictions of tsunamis and floods of lawsuits never came to pass. Let's continue to address this virus with targeted relief much like the American Rescue Plan did. And as we emerge from the pandemic, let's invest in the areas that actually need support. That is why Democrats support President Biden again with the American Jobs Plan and the American Families Plan, targeting investments that help the American economy.

Like President Biden said last month, we have got to build our economy from the bottom up and the middle out and not from the top down. Giant corporations don't need another handout like immunity. They already have all the help they need. I hope we can work together to deliver real relief to the American people.

I yield the floor.

The PRESIDING OFFICER (Mr. PADILLA). The Senator from Texas.

Mr. CORNYN. Mr. President I ask unanimous consent to be able to complete my remarks before the vote occurs.

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

Mr. CORNYN. Mr. President, listening to my friend, the Democratic whip, reminds me that there is one type of business that my Democratic friends always support, and that is the lawsuit business. As he pointed out, about half of the States have taken steps to protect their citizens from frivolous litigation and other litigation that would arise out of their good-faith following of the guidelines laid down by the CDC, the Centers for Disease Control. That is what we proposed here in the Senate.

And my friend's, the Senator from Illinois's view did prevail because I found out that there is one—the most powerful lobby here in Washington, DC, is the trial bar, and, unfortunately, it is not just big corporations. I am sure big companies can take care of themselves. They have got lawyers; they have got compliance officers; and they have got people who can help them figure out how to deal with the pandemic. It is the mom-and-pop businesses, the music venues, the houses of worship, the schools, and the universities—those were the ones that were reluctant to reopen, even complying with the CDC guidelines, because they were afraid of being sued into oblivion.

So my colleague's views did prevail here in the Senate, unfortunately, but, thankfully, States like mine—Texas is currently in legislative session taking appropriate steps to avoid this sort of frivolous litigation, which will be like a wet blanket on our economic recovery and on job creation. Again, this is not a get-out-of-jail free card. These are citizens—American citizens—trying to do the best they can under very difficult circumstances who have, in good faith, complied with the Centers for Disease Control guidelines.

I would like to rewind just a little bit to 2019, before the pandemic hit, and

recall that the American people were reaping the benefits of one of the strongest economies in American history. The driving force behind that economic boom, I think, was, in significant part, the Tax Cuts and Jobs Act, which we passed in 2017, which sought to help American families and the economy thrive by keeping more of what they earned and turning over less to the Federal Government. In my opinion, there is no question that it was one of the biggest contributors to our booming economy.

Our national unemployment rate had reached a 50-year low, and we saw record unemployment rates for Hispanics, African Americans, and Asian Americans. Unemployment among women fell to the lowest rate since the early 1950s. That was prepandemic.

The benefits did not stop there, though. Wages were on the rise. The poverty rate hit an alltime low, and millions of new jobs were being added to our economy. Families were bringing home more of their hard-earned paychecks, and median household income reached a record high.

But then the pandemic hit, as we know, and things took a very sharp turn downward. Businesses closed their doors; workers lost their jobs; and the unemployment rate skyrocketed from 3.5 percent to nearly 15 percent in April.

Fortunately, this dark economic picture is gradually brightening. Thanks to the investment we have made in therapeutics and vaccines in a historically short period of time, thanks to the ingenuity and perseverance of workers and business owners, combined with the assistance that Congress has given them and, like I said, advancements in modern science, we have made steady progress.

The unemployment rate has steadily declined over the last year, reaching 6 percent in March, but the new data from April is a cause for concern. The unemployment rate increased by a tenth of a percentage point. It didn't go down. It went up. It is a bump that wouldn't have raised any red flags before the pandemic. But this single data point is not the only indication of how our economy is faring. Last month, only 266,000 new jobs were added to the economy. That is a quarter—25 percent—of what economists had predicted. Now, again, 266,000 new jobs would not have been a bad jobs report before the pandemic because we were literally at nearly full employment, but we aren't currently in a build mode. We are currently digging our way out of a hole, a recession, to be specific.

We are still missing 8 million jobs that existed prior to the pandemic. I don't think anyone expected all those jobs to come back overnight, but we did expect to be faring far better than this. As I said, the economists said this is a quarter of what they anticipated.

Well, this is the first full month of data since our Democratic colleagues

passed their \$2 trillion so-called rescue plan on top of the trillions of dollars that we spent in 2020. If things continue to go the rate we are on now, we are in for an extremely long recovery. In other words, sometimes policies that emanate from Washington actually make the recovery harder, not easier.

Unfortunately, the administration is doing more to slow down the recovery than they are to solve it. Last year, Republicans and Democrats worked together to provide unprecedented assistance to workers and their families hit by this economic downturn. Bolstered unemployment benefits were intended to provide laid-off workers with the money they needed to support their families until they could return to work, and over the last year, many of those workers have, fortunately, gotten back on the job.

These benefits were a lifeline for millions of families and, today, there are still workers unable to find a new job. But there are, unfortunately, also people abusing the system, the generosity of the American people, the American taxpayer. The partisan relief bill our Democratic colleagues pushed through earlier this year extended supplemental unemployment benefits through September of this year, far beyond the amount of time anyone would have expected that those benefits, the supplemental benefits to the State unemployment benefits, would be needed.

Even as vaccinations were on the rise, our Democratic colleagues insisted on extending these benefits through September, and many of us predicted the outcome. Last spring, workers couldn't find jobs. Now, businesses can't find workers.

Between bolstered unemployment benefits and a steady stream of stimulus checks, many people who lost their jobs can't be convinced to return to the workforce. One restaurant owner in Texas said he had had plenty of applicants; people just won't show up for the interviews. One day, when he had scheduled eight interviews for potential employment, only one applicant showed up. The next day, the same thing happened—five scheduled interviews; one person showed up. He said: It makes you wonder, are they just filling these applications out to collect unemployment? Because, of course, most unemployment benefits require you to apply for work and accept it if it is offered. But apparently here, whatever the incentives are, they are simply persuading some people to fill out applications but then not to seriously pursue work.

In a year's time, we have gone from the strongest economy in a generation to the government paying people to stay home. This reminds me of the discussion we had a couple of years ago when the Green New Deal was launched. An overview of the bill was listed on the website of one of its authors and said that the government would foot the bill for any person who is "unable or unwilling to work." "Unable or unwilling to work," that the

government would foot the bill—that was the proposal initially when the Green New Deal was rolled out. “Unwilling to work.” Don’t like the job? Don’t want to get out of bed in the morning? Don’t worry; hard-working Americans who are getting up and going to work every day will foot the bill so you can stay home. I am sure it comes as no surprise that this received a great deal of criticism and even ridicule 2 years ago.

Unfortunately for the taxpayers who actually do get up every morning and go to work, we are seeing this play out in real time. Folks who lost their jobs and who are now able but unwilling to return to work can continue to reap the bolstered unemployment benefits that our Democratic colleagues provided for them through September.

Another restaurant owner in Texas said that between the stimulus checks and the enhanced unemployment benefits, it is tough to find people who want to work at all. He said:

I believe our biggest competition in the job market is the government.

This isn’t an isolated problem. In Texas, the average unemployment benefits equal more than \$36,000 a year. In Washington State, you can receive \$39,000 a year in unemployment benefits. In Massachusetts, it is \$41,000 a year.

A few Governors have said their States will stop offering the bolstered benefits because it is a disincentive for workers to get back on the job. If you are able to stay home and bring in as much money or maybe even more than you were earning while you were actually working, what is the incentive to go back?

This poor job report isn’t a surprise to anyone who has spoken to employers, as I have, who have said repeatedly that no one wants to return to work when they can get paid to stay home.

Another factor that has likely contributed to the slow recovery is the slow reopening of schools. Despite the fact that in many States, teachers are among the first individuals to get vaccinated, the return to classrooms has been incredibly slow. Less than half the school districts throughout the country are operating fully in person.

The nearly \$2 trillion that our Democratic colleagues rammed through Congress in March did little to get us back on track. It sent more than \$120 billion more to K–12 schools that were already flush with cash but attached no requirement that the money be used to actually get children back in the classroom, where we know they will learn best.

If at least one parent has to be home with their children for even part of the week, that makes it incredibly difficult for them to return to work. For single parents, it is virtually impossible.

If we are ever going to get our economy back on track, we need to get our children safely back in school. We need to get people who are able but who are currently unwilling to work to get

back on the job. And we need to supply the businesses that managed to survive this past year with a reliable workforce.

Right now, the biggest hurdle to our economic recovery is the government itself. That needs to change. If you asked the President or a number of our Democratic colleagues in the Senate, they would say the solution is easy—the American Jobs Plan. Let’s spend more money.

This proposal is part social safety net, part infrastructure, and part taxpayer-funded spending spree. It is really designed to transform America into Europe—a social safety net economy.

It spends more than \$2.5 trillion on things like electric vehicle chargers and home healthcare, which we are happy to debate in any other context, but what we really need is a jobs plan to get America back to work, not another Trojan horse like we saw passed earlier this year and is currently being advertised, for example, under the guise of being an infrastructure bill.

In order to finance this plan, along with the President’s American Families Plan, our Democratic colleagues want to enact the largest tax hike in a generation. So contrary to what we did in 2017 by lowering the tax burden and giving people more of what they earned—and we have seen those tremendous economic results as a consequence—our Democratic colleagues want to, while we are still at 6 percent unemployment, raise taxes, which will further retard the economic recovery.

So to recap, the plan for economic recovery is to make it more expensive for businesses to operate and nearly impossible for them to find workers. No wonder the economy isn’t rebounding like we had hoped. That is what happened to the million jobs that were projected to be in the latest jobs report, but it was unfortunately a disappointing 25 percent of those million jobs.

So instead of building on the successes of 2017 and the prepandemic economy, the administration wants to double down on the old, tired belief that America can tax and spend and regulate itself to prosperity. We don’t need dramatic tax increases for sweeping social safety programs to get our economy back on track. We need to replicate the same factors that led to our banner prepandemic recovery. We need to get our children safely back in the classroom so their parents can return to the workforce. We need to stop paying workers to sit on the sidelines, and we need to give the job creators the ability to drive our economy forward.

Democrats don’t have an “American Something Plan” for every problem. Sometimes all the government has to do is get out of the way.

I yield the floor.

VOTE ON PALM NOMINATION

The PRESIDING OFFICER. Under the previous order, all postcloture time is expired.

The question is, Will the Senate advise and consent to the Palm nomination?

Mr. DURBIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that and the Senator from New Mexico (Mr. HENRICH) are necessarily absent.

The result was announced—yeas 61, nays 37, as follows:

[Rollcall Vote No. 180 Ex.]

YEAS—61

Baldwin	Graham	Reed
Bennet	Grassley	Romey
Blumenthal	Hassan	Rosen
Blunt	Hickenlooper	Rounds
Booker	Hirono	Sanders
Brown	Kaine	Schatz
Burr	Kelly	Schumer
Cantwell	King	Shaheen
Capito	Klobuchar	Sinema
Cardin	Lujan	Smith
Carper	Manchin	Stabenow
Casey	Markey	Sullivan
Collins	Menendez	Tester
Coons	Merkley	Van Hollen
Cornyn	Murkowski	Warner
Cortez Masto	Murphy	Warnock
Crapo	Murray	Warren
Duckworth	Ossoff	Whitehouse
Durbin	Padilla	Wyden
Feinstein	Peters	
Gillibrand	Portman	

NAYS—37

Barrasso	Hoeven	Rubio
Blackburn	Hyde-Smith	Sasse
Boozman	Inhofe	Scott (FL)
Braun	Johnson	Scott (SC)
Cassidy	Kennedy	Shelby
Cotton	Lankford	Thune
Cramer	Lee	Tillis
Cruz	Lummis	Toomey
Daines	Marshall	Tuberville
Ernst	McConnell	Wicker
Fischer	Moran	Young
Hagerty	Paul	
Hawley	Risch	

NOT VOTING—2

Heinrich Leahy

The nomination was confirmed.

The PRESIDING OFFICER (Mr. LUJÁN.) 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.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The bill 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 Executive Calendar No. 65, Cynthia Minette Marten, of California, to be Deputy Secretary of Education.

Charles E. Schumer, Patty Murray, Michael F. Bennet, Jack Reed, Jeanne Shaheen, Patrick J. Leahy, Martin Heinrich, Catherine Cortez Masto, Kirsten E. Gillibrand, Christopher Murphy, Christopher A. Coons, Tammy