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## House of Representatives

The House was not in session today. Its next meeting will be held on Thursday, June 4, 2020, at 10 a.m.

## Senate

TUESDAY, JUNE 2, 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.

Lord God, have mercy upon our Nation, for the winds of suffering buffet our land. We hear the cries of the voiceless and the anguish of the unheard. We see the criminal actions of those who threaten freedom.

Lord, snatch this Nation, conceived in liberty, from the precipice of its own destruction. Extricate us from traps we have set for ourselves. Remind us that You are a God of justice from whom we borrow our heartbeats.

Arise, mighty God, and make those who defy Your purposes tremble with reverential awe. Hear the prayers of our Senators, and give them wisdom, courage, and integrity for these challenging times.

We pray in Your strong 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 (Mrs. HYDE-SMITH). The Senator from Iowa.

Mr. GRASSLEY. Madam President, 1 minute for morning business, please.

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

### PRESCRIPTION DRUG PRICING REDUCTION ACT

Mr. GRASSLEY. Madam President, the virus pandemic is disrupting our daily lives in unimaginable ways. The National Institutes of Health is working with a private sector biotech company and has already begun early-stage human trials for a potential vaccine, so there is hope on the horizon. However, the soaring prices of prescription drugs are making lifesaving treatments and cures simply unaffordable for many Americans.

This pandemic made clear two issues: Americans urgently want a cure, and when lifesaving therapies and cures come to the market, Americans must be able to afford them when their providers prescribe them.

My bipartisan Prescription Drug Pricing Reduction Act is needed now more than ever.

I yield the floor.

### RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

### PROTESTS

Mr. MCCONNELL. Madam President, last night, the streets of major American cities were again the scene of looting and violent rioting that serves no purpose except to hurt innocent people and undermine peaceful demonstrations.

Every one of us has an obligation to distinguish peaceful protests over the

killings of George Floyd, Breonna Taylor, and Ahmaud Arbery from the violent riots that continue to see innocent people hurt, businesses and neighborhoods destroyed, and law enforcement officers assaulted. The former is a cherished constitutional right that every single citizen should support, and the latter is an unacceptable scourge that State and local leaders should have ended days ago. So I want to thank Federal, State, and local leaders who are taking seriously their obligation to restore peace, protect the innocent, and stop this senseless violence.

In some places, like my home State of Kentucky and here in Washington, last night was comparatively more calm and safe. But in too many other places, like New York City, it appeared to be open season for lawlessness, looting, and attacking law enforcement for yet another night. And for what? For what? Rioting for the thrill of it? For the chance to steal some expensive items? So people can say they were on social media?

This selfish violence takes us further away from any national healing or forward progress. It does not bring positive change any closer; it simply pushes it further away.

These rioters need to listen to what George Floyd's brother Terrence said in Minneapolis just yesterday. Here is what George Floyd's brother said:

I understand [you all] are upset. I doubt [you're] half as upset as I am. So if I'm not over here blowing up stuff, if I'm not over here messing up my community, then what are [you all] doing?

George Floyd's brother.

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



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[You're] doing nothing. Because that's not going to bring my brother back at all.

So the legitimate and important voices of peaceful protesters will never be heard over the wailing of fire alarms, the smashing of plate-glass windows, and the sirens of ambulances coming for police officers who have been assaulted or shot in the head.

Our Nation is united in horror and opposition to the violent killing of Mr. Floyd. We are united. It is well past time that we also unite on the side of peace in our streets and peace in our communities. We need to unite against these violent rioters, who seek only to aggrandize themselves and further damage a nation that needs healing.

#### BUSINESS BEFORE THE SENATE

Mr. McCONNELL. Madam President, on a totally different matter, obviously and unfortunately, this turmoil is not the only great challenge before us. Lest we forget, the healthcare fight against the worst viral pandemic in a century is still upon us. Our Nation is trying to smartly and safely reopen. Just as small businesses in some cities are sweeping up broken glass, American workers and entrepreneurs across the Nation are trying to rebuild the shattered prosperity our Nation was experiencing just a few months ago. Meanwhile, beyond our shores, our enemies and adversaries would be only too eager to catch the United States with our guard down.

So there is plenty of work before the Senate, and unlike the Democratic House of Representatives, which I understand may next appear here in Washington in about a month—in about a month—the Senate is present and working.

We are continuing to conduct oversight of our historic rescue package, the CARES Act, as it continues taking effect. I expect we will soon consider further bipartisan legislation to help the Paycheck Protection Program—the signature policy from Senators Rubio and Collins that has kept tens of millions of Americans employed—continue to work for our country.

As we pivot toward reopening, the Senate is also working on significant COVID-related legal protection so our Nation's schools, healthcare workers, and employers are not swamped with frivolous lawsuits and taxpayer dollars do not just stimulate the pockets of trial lawyers.

At the same time, critical vacancies remain throughout the Federal Government, and qualified nominees stand ready to fill them. So the Senate will work through two nominees to the Federal district courts and a number of important executive branch positions, including Assistant Secretary of Defense for Strategy, Plans, and Capabilities; Deputy Under Secretary of Defense; and the new Special Inspector General for Pandemic Recovery.

What is more, we also have all the important legislation that needed to

get done before the pandemic arrived in the first place. This month, we will turn to bipartisan legislation led by Senators Gardner and Daines to provide stable support for the Land and Water Conservation Fund and lasting stewardship of our natural resources. Their bill will safeguard our Nation's public lands for recreation and conservation and help generations of Americans continue to access and enjoy these treasures.

In the coming weeks, our colleagues on the Armed Services Committee will begin marking up the 60th consecutive, annual National Defense Authorization Act. I know our colleagues need no reminder of how important that task is; neither do our men and women in uniform. The COVID-19 crisis makes it more urgent, not less urgent, that we continue to authorize investments in our servicemembers and their families and in advancing and accelerating our national defense strategy. From honing our competitive edge against would-be rivals on land and sea to expanding our reach in the air and space, achieving our Nation's strategic priorities begins right here this month with the NDAA.

So Congress's to-do list is clear, and the Senate is manning its essential post, working to get the American people's business done.

#### RESERVATION OF LEADER TIME

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

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

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

The senior assistant legislative clerk read the nomination of Victor G. Mercado, of California, to be an Assistant Secretary of Defense.

#### LEGISLATIVE SESSION

Mr. McCONNELL. Madam 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. Madam President, I move to proceed to executive session to consider Calendar No. 697.

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

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Michael Pack, of Maryland, to be Chief Executive Officer of the Broadcasting Board of Governors for the term of three years. (New Position)

#### CLOTURE MOTION

Mr. McCONNELL. Madam 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 senior assistant 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 Michael Pack, of Maryland, to be Chief Executive Officer of the Broadcasting Board of Governors. (New Position)

Mitch McConnell, Cindy Hyde-Smith, John Boozman, Tim Scott, Marsha Blackburn, Chuck Grassley, Steve Daines, Mike Crapo, Richard Burr, John Cornyn, David Perdue, Martha McSally, John Thune, James M. Inhofe, Kevin Cramer, Ted Cruz.

Mr. McCONNELL. Madam President, I ask unanimous consent that the mandatory quorum call be waived.

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

#### EXECUTIVE CALENDAR (Resumed)

Mr. McCONNELL. Madam President, I ask unanimous consent that the Senate resume consideration of the Mercado nomination.

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

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 PRESIDING OFFICER. The Democratic leader is recognized.

#### PROTESTS

Mr. SCHUMER. Madam President, I just finished watching Joe Biden's speech to the Nation. President Trump, watch Joe Biden's speech. That is what real leadership looks like.

Now, it is difficult to express the moment we find ourselves in. Our country has been hit by a strange and contagious disease infecting millions and killing over 100,000 of our people. Our economy was put on ice for several months, shuttering scores of businesses, casting 40 million Americans on the unemployment rolls, and, according to government estimates, taking

\$16 trillion out of our economy over the long term.

Then this Nation suffered another trauma—a deeply personal and wrenching pain of another African American senselessly killed in police custody. It is another reminder of the racism that can infect not only our law enforcement and our criminal justice system but our entire society.

George Floyd's killing spurred justified, overwhelmingly peaceful protests from Minneapolis to New York, from Atlanta to right here in the Nation's Capital. Americans are frustrated. Americans are angry. Americans are upset at the country they see, and they want to change it. Can you blame them? It is a good thing that people protest and want to make our country better, especially when it comes to the scourge of racism, the poison that has been in American bones for far too long.

The millions of Americans of all races and backgrounds who have taken to the streets in peaceful protest are doing something noble: reminding the powers that the decades-long failure to reform police departments is unacceptable and that systemic racism is a knee pressing on the necks of tens of millions of African Americans. They are reminding the country that Black lives matter by holding their arms up in silence for 2 minutes and 53 seconds, which is the length of time that George Floyd was unresponsive while the police officer continued to press him into the hard pavement of that Minneapolis street.

The small minority who have exploited the protests to wreak havoc and violence are wrong. They are not taking part in the grand American tradition of First Amendment protests, and they are not peacefully assembling. They are breaking laws and destroying businesses already struggling to recover and putting their fellow citizens in danger. They do a great disservice to themselves, their country, and the righteous cause that so many Americans are now engaged in.

While over 4,000 protesters have been arrested over the past week, only 1 of the 4 police officers involved in George Floyd's death has been arrested. It does not excuse the violence in any way, but it explains, in part, why so many Americans are angry. There is accountability for everyday citizens and protesters when they violate the law, but there isn't always accountability for law enforcement when it does the same. Violence, wherever it occurs, is wrong, but not prosecuting law enforcement when they break the law with the same intensity, as protesters when they break the law, is wrong as well.

The first year of this new decade has brought plague and economic disaster and a vivid reminder of racial injustice, testing—testing—the capacity of our country to endure what only a few months ago would have been considered an unimaginable series of challenges.

We need leaders who will pull us together and help us heal and turn the righteous anger in the land into action and progress. Senate Democrats are not going to wait to take action on law enforcement reform. We are going to confront and address these issues right now.

Several of my colleagues are working on legislation, including Senators BOOKER, HARRIS, CARDIN, DUCKWORTH, SCHATZ, and many others. As a caucus, we are going to listen to experts on racial justice, like Bryan Stevenson, and hear from our constituents who suffer racial discrimination and bias on a daily basis. We are going to propose and push for bold action.

What matters is that we respond to the national wave of unrest with action. I am repeating my call to Leader MCCONNELL. Leader MCCONNELL, commit to putting law enforcement reform legislation on the floor before July 4. A divided nation cannot wait for healing or for solutions.

At the same time, our Nation needs calm and steady leadership, a sure hand and a big heart—qualities that President Trump has never displayed in office.

I repeat my request to President Trump: President Trump, watch Joe Biden's speech that he gave this morning. That is what leadership is, not what you are doing.

We are living through a tale of two crises—COVID and racial justice—and President Trump has been a miserable failure at handling both of them.

Last night, the scene in Washington, DC, may have provided the enduring portrait of the Trump Presidency. While peaceful, law-abiding citizens were exercising their constitutional right to protest in a public park across from the White House, President Trump ordered Federal troops to clear those peaceful crowds with tear gas and rubber bullets so that he could trudge a few blocks from the White House to stand in front of a church, not to go inside but for a photo op. The President's relentless need to make a weak man feel strong led him to order Federal law enforcement officers to gas peacefully assembled Americans so he could sneak his way to a church photo op. It led him to order Federal officers to gas peacefully assembled Americans so that he could sneak his way to a church for a photo op.

After the gas came the horses, a modern-day cavalry for clearing the battlefield. The purpose? So President Trump could wave a Bible—not read a Bible, not even his Bible—as a prop. It was appalling. It was an abuse of Presidential power. It may well have been illegal, and it was blatantly unconstitutional. The President of the United States ordered troops to attack peaceful American citizens exercising their constitutional rights by tear-gassing them in a public park while military helicopters flew overhead.

The President must immediately cease this behavior. Secretary Esper

and General Milley should not allow the U.S. military to come within a country mile of these ugly stunts.

Let me say that again. The President must cease this behavior immediately. Secretary Esper and General Milley should not allow the U.S. military to come within a country mile of these ugly stunts.

The administration is using the military as a tool to intimidate American citizens. The Department of Defense IG must immediately launch an investigation into how the U.S. military was used and whether it was consistent with the laws of our Nation.

Republicans on both sides of the Capitol should be as outraged as we are. The last time we had a President who wantonly disobeyed the laws, there were Republicans in Congress who stood up to him—not so much this time, not so much this President.

Leader MCCONNELL just spoke here on the floor, and we didn't hear a word from him about the President's disgraceful use of force on nonviolent protestors last night. Senate Republicans who remain silent about the President's abuses are, once again, betraying the rule of law and the constitutional basis of this country. And the reason? Fear of a vindictive President who demands they never criticize him.

After the President's reality show ended last night, while the Nation nervously watched the chaos that engulfs us, President Trump probably laid in bed pleased with himself for descending another rung on the dictatorial ladder. He probably wore out his remote control watching the clips of General Barr's victory over the unarmed in the Battle of Lafayette Square. Then he reveled in the sounds of Blackhawks flying overhead and joyously retweeted scores of preening sycophants. It is all so sad, so pathetic, and so weak.

The President could have led during the COVID crisis, which still looms over us. He could have led in economic recovery, providing realistic hopes to people. Even now, he could be spending his time decrying the absence of justice for George Floyd, calling for the investigation or prosecution of the other three officers who were involved or for Breonna Taylor or for countless other African Americans who have been killed, extrajudicially, because of the color of their skin.

Our Nation is desperate—desperate—for real leadership, but there is no one home at the White House, and the lights are off. I fear for the future of our country—that in this time of immense difficulty, our President is only capable of contributing more division, more fear, and more chaos.

I yield the floor.

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

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

REMEMBERING GEORGE FLOYD

Mr. THUNE. Madam President, last Monday, George Floyd died in the hands of a Minnesota police officer. This senseless death left Americans reeling, most of all because there have been too many George Floyds and Breonna Taylors and Ahmaud Arberys.

As a nation, we need to work to ensure that what happened last Monday in Minneapolis never happens again and that the perpetrators of crimes like this one are held accountable and brought to justice. We also need to acknowledge how deeply many of our fellow citizens are suffering in the wake of George Floyd's senseless death. A lot of our fellow Americans are afraid right now, shaken by another death and worried that that could easily have been their son or husband or brother. Too many Americans feel unsafe in their own communities, and we need to listen to them with humility, to listen to those whose experience of America has often been very different from many of ours.

In the wake of George Floyd's death, Americans took to the streets and cities across the country to express their outrage. They joined a powerful tradition and exercised a cherished right. Peaceful protest is an American institution, and as the civil rights movement demonstrated, a powerful agent for change. These protests aren't relegated to big cities. We are seeing them in towns across South Dakota and in many other places in the United States.

Unfortunately, though, there has also been counterproductive and unnecessary violence. Arson, looting, and destruction of property have happened in cities around the country, and communities have suffered damage that will be felt for years. Communities' faces and community buildings have been damaged. Local businesses have seen their shops defaced and their aisles ransacked, and innocent bystanders have been injured. This is not a solution to the problems highlighted by George Floyd's death, and this violence needs to end. Putting others' lives in danger cannot be an acceptable response to an unjust death.

Around our country, our law enforcement officers have been called out to respond to these riots. I just want to say a couple of words about our police officers. It was a police officer who caused George Floyd's death, and, around our country, other police officers are sickened by that officer's actions and the tragic result. Most of our Nation's police are like Houston's police chief, who went out and marched in solidarity with protesters, or like the police chief of Norfolk, VA, who did the same, or like the police officers in Camden, NJ, who joined locals to march, led by their police chief.

There are certainly exceptions, sadly—too many exceptions. But the vast majority—the vast majority—of

our Nation's police officers are men and women of character who care deeply about protecting everyone in their communities and who strive to do their jobs with justice and with integrity.

For too many years, the promise of the declaration that "all men are created equal" was denied to many. Even in our own day, with both slavery and segregation now mercifully in our past, the effects of these great national sins still make themselves felt. We must re-dedicate ourselves to ensure that the promise of liberty and justice for all is realized for every American. It will take work, but I have faith in our country and in my fellow Americans, and I believe that we can get there.

My prayers today are with George Floyd's family and with all those who are suffering because of his unjust death. "And what does the Lord require of you," the book of Micah asks, "but to act justly and to love mercy and to walk humbly with your God."

May we all seek justice and mercy and walk humbly in the days that are ahead.

I yield the floor.

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

The PRESIDING OFFICER (Mrs. LOEFFLER). Without objection, it is so ordered.

PROTESTS

Mr. PORTMAN. Madam President, I am here to talk about the pain, frustration, and anger that many Americans are feeling this morning. In the midst of an unprecedented healthcare and economic crisis that is disproportionately affecting our minority communities, we have seen protests spring up across the country in response to egregious examples of injustice and violence against African Americans.

Just in the past few weeks, there have been graphic videos of Ahmaud Arbery gunned down while jogging on a street in Georgia; a White woman in Central Park calling 9-1-1 to falsely accuse an African-American man of threatening her; and George Floyd pleading for his life as a White officer pressed his knee onto his neck for nearly 9 minutes in Minnesota, killing him.

Joining many others, I have made it clear that what happened to these Americans is outrageous and unacceptable. It was very hard to watch that video of George Floyd, a man whose family described him as a "gentle giant," literally begging for his life. "I can't breathe," he said. "Don't kill me," he pleaded. Those were his final words. This simply cannot be allowed to continue in America. By the way, no one I know in law enforcement believes this behavior should be allowed either.

Each of these acts and other acts of injustice against Black Americans is deeply troubling in its own right. The

combination of these injustices right now, in the midst of concerns about the disproportionate impact of the coronavirus on communities of color, has created a firestorm.

Right now, many feel overwhelmed by the sadness, anger, and helplessness. Our hearts are with the families of George Floyd, Ahmaud Arbery, and every American who has experienced injustices in the shadows, away from the cameras, outside of the news headlines, in their daily lives.

It is good that Federal, State, and local investigations are underway in the Floyd and Arbery cases and that murder charges have been filed. We must all demand that justice be served fully and thoroughly. We are a nation of laws, and we must work to uphold those laws to protect everyone. But my fear is, like so many other times in our Nation's history, what will happen is that these killings will fade from the public's consciousness and we will move silently back to the status quo. We can't allow that to happen this time. It is past time for us to have a robust and inclusive national dialogue on racial inequities and some difficult but necessary conversations about how we move forward as a country.

Over the past couple of days, I have spoken with the mayors of Cleveland, Cincinnati, and Columbus—our three biggest cities in Ohio, all three of which have had peaceful protests and destructive rioting. I commend each of them for their support of citizens demonstrating peacefully and for what they have done to try to stop the violence. We talked about cultivating hope for a better world.

I will continue to try to use this podium here in the Senate to foster unity and discussions with my colleagues, my constituents, and leaders across Ohio. We need to work together to find solutions that promote strong families and communities that treat each other with respect and dignity.

I believe one place to start is by holding up those police departments around the country that have made substantial reforms in training and accountability and improved relationships with communities of color, all the while ensuring better public safety for their citizens.

In my home town of Cincinnati, in the wake of similar racial injustice protests in 2001, I worked alongside local officials to develop a better relationship of shared respect between the Black community and our police officers. It is called the Collaborative Agreement. It is not a perfect system, and it has been tested, but it has also proved to be a valuable tool to ensure continuous and open dialogue between the African-American community and the police force. The data is there. There has been a measurable drop in Cincinnati in cases both where police officers used excessive force and where officers themselves were injured.

The Federal Government provided support for this program. A lot of the

support came in terms of the computer systems and the data and the transparency and accountability. There is more work to be done, so the Federal role should continue in Cincinnati, but this may be a model for other cities to follow as well.

As we look at what actions this body should take, I have been encouraged by some of the good ideas brought forward by some of my colleagues. My colleague from South Carolina, Senator TIM SCOTT, is introducing a bill that would encourage greater reporting of fatalities that occur while individuals are under arrest or in police custody. When we know more about what is happening and emerging trends, I believe we will be better able to address the right public policy approach.

Now would also be a good time, in my view, to establish a national commission on race, as was done in 1967 by President Johnson in response to the civil unrest of that era. Perhaps the honorary co-chairs of such a commission could be people of standing, like former Presidents Obama and Bush, both of whom have spoken eloquently about racism as a stain on our national character. It would not be a commission to restate the problem but to focus on solutions and send a strong moral message that America must live up to the ideal that God created all of us as equal.

Sadly, there are those who are trying to take advantage of the pain and suffering by instigating acts of violence aimed at the police, looting, vandalizing, and setting fires, usually in the very communities that are suffering so much. It pains me to see the disrespect that has been shown by some, including to some of our small business owners and their employees in these communities, who are watching something be destroyed that they have spent their lifetime building. It pains me to see the disrespect being shown to some of the officers who are doing their job in a professional manner. It heartens me to see some of the peaceful demonstrators trying to stop these destructive acts.

Violence is not the answer. It will only serve to further divide our already polarized country. George Floyd's younger brother, Terrence, said yesterday:

It's OK to be angry, but channel your anger to do something positive or make a change another way because we've been down this road already. The anger, damaging your hometown, is not the way he'd want.

We cannot dismiss the anger and frustration that have driven so many to the streets for peaceful protests these past few days. The anger on display is real. It is raw. And it deserves to be heard and respected. This is something we must all learn from, and we mustn't thwart the rights of those who are demonstrating peacefully. But the answer is not violence. The answer is to insist that justice be served. The answer is to listen to those who have felt the sting of racism. The answer is

to acknowledge when racial disparities and inequities occur, and the answer is to work together to address these longstanding injustices going forward.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

#### BUSINESS BEFORE THE SENATE

Mr. CORNYN. Madam President, this is a busy week for all of us in the Senate but not so much for our friends in the House, who won't be back until the end of the month to vote on any legislation.

We are hard at work here in the Senate, and particularly in the Judiciary Committee, we have a lot to do. This morning, we held a hearing to examine the impact of COVID-19 on incarceration and detention. Across my State, nearly 5,500 offenders have tested positive for COVID-19, and at least three dozen have passed away. In addition, nearly 900 employees have tested positive, leading to 7 line-of-duty deaths.

This has been and continues to be a major focus of mine after having received a letter from the public employee union at the Federal Medical Center in Carswell in Ft. Worth, which is actually a medical facility for incarcerated individuals.

Unfortunately, we know that, just like the nursing homes and assisted living facilities—people who are elderly or have chronic underlying health problems are especially vulnerable to this virus. We need to do everything we can to make sure that people are treated humanely and fairly even while incarcerated.

Tomorrow, we will switch gears, and we will hold the next in a series of important hearings to examine the handling of the FBI's Crossfire Hurricane investigation. You will recall that the Crossfire Hurricane investigation was opened in July 2016, in the midst of a Presidential election campaign. This followed on the heels of a now famous or infamous press conference that FBI Director Comey had on July 5, 2016, in which he claimed that no reasonable prosecutor would charge then-Candidate Clinton for the various email scandals he investigated. But unfortunately, as we found out later, he reopened that investigation again right before the November election, casting a lot of doubt on who interfered the most with the 2016 election. Was it Director Comey, or was it Russian active measures? Who had the biggest impact on the actual outcome?

As I said, this investigation against the Clinton campaign began in the summer of 2016. When the special counsel's report was released last April, it concluded that there was no collusion or obstruction that could be charged as an offense.

I had hoped that extensive investigation conducted by the former FBI Director, Bob Mueller, would close the chapter in this book, but as information about how the FBI conducted its work has come to light, thanks in large part to the outstanding work of the in-

spector general of the Department of Justice, Mr. Horowitz, it is clear that this story is far from over, and there is a lot we need to do together to help restore public confidence in our Nation's premier law enforcement agencies, known as the Department of Justice and the FBI.

We have learned—tragically, I say, because as a former judge and former attorney general, I revere these institutions of law enforcement—we learned about texts from high-ranking government officials in the FBI, in the upper-management echelon, vowing to stop Donald Trump's election.

We now have learned about systemic abuse of the Foreign Intelligence Surveillance Act, which is supposed to protect the privacy of American citizens, and how it was manipulated and intentionally abused, and lies actually communicated to the Foreign Intelligence Surveillance Court in order to justify a warrant against an American citizen.

We have learned about a first altered and now missing 302 for Michael Flynn. He, of course, was the National Security Advisor for a short time for President Trump but was later charged with lying to the FBI. Amazingly, in a surreal course of events, the original notes taken by the FBI agents who interviewed General Flynn are nowhere to be found. We learned they were later modified. We have the modified version, after somebody got to change them, but we need to see the underlying ones.

It is no wonder that the steady drip of information paints a very troubling picture about the motivations behind the Crossfire Hurricane investigation and the way it evolved over time.

The thing that concerns me the most is, if rogue FBI officials can do this against a Presidential candidate, if they can do what they did to Hillary Clinton and expose derogatory information while saying there isn't evidence with which to charge her with an offense, if that is tolerated, then what sort of protection do we as ordinary citizens have against that kind of abuse of the enormous power given to our law enforcement agencies and investigative agencies like the FBI?

So this is a monumental scandal. The American people deserve answers, and that is what the Judiciary Committee is hoping to deliver.

Tomorrow, we will hear from former Deputy Attorney General Rod Rosenstein about the origins of the investigation and the role he played as the Deputy Attorney General at the time—the second highest ranking official at the Department of Justice. Of course Mr. Rosenstein, during his long and illustrious career as a former U.S. attorney headquartered in Baltimore, was closely linked to some of the key players in the decisions made during this investigation, and his testimony is a critical first step in learning the truth behind this misguided and rogue investigation.

On Thursday, the committee will vote on subpoena authorizations to obtain additional documents that are critical to our oversight responsibilities.

As we work to restore America's faith in our justice system, there is only one way we can succeed, and that is to find the truth and to follow the truth, wherever it may lead. That process will begin in earnest again tomorrow, and I look forward to working with my colleagues on the Judiciary Committee to uncover the facts, to share them with the American people, and to begin to persuade them that we take seriously the job of repairing the damage done by the Crossfire Hurricane investigation, conducted outside of all of the norms and rules that should guide those investigations, on the eve of a Presidential campaign, on top of the reason that Rod Rosenstein recommended to President Trump that James Comey be fired as the FBI Director because of his mishandling of the Hillary Clinton email investigation.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### PROTESTS

Mr. BARRASSO. Madam President, I come to the floor today with the remarks I had prepared while home in Wyoming last week, but first I need to comment on the tragedy that is facing our Nation today.

Anyone who has seen the video of George Floyd being murdered—murdered—has to be heartbroken. The peaceful protests that followed—peaceful at first—about police abuse against any—any—American are important and are necessary. These peaceful protests about George Floyd's death have been hijacked, though, by violent criminals. Anyone who sees the video of the wanton destruction and the looting and the rioting and the arson knows that those who are involved have no respect for the people they are harming. They dishonor the memory of George Floyd, and they dishonor the cause for which the demonstrators and the protesters first took to the streets.

Those who would desecrate the Lincoln Memorial, the World War II Veterans Memorial, and the church that every President has worshipped in going back to James Madison—those are people who are set on undermining our Nation.

#### CORONAVIRUS

My goal today is to come to the floor to talk about rebuilding our Nation—rebuilding our Nation as we recover from coronavirus.

Last week at Memorial Day services in Wyoming, I reflected on America's heroes and the sacrifices so many have made for the rest of us.

As I talk with people in Wyoming and travel the State, I am reminded how self-reliant, how resourceful, how independent, and how resilient we are as Americans.

Well, the worst of coronavirus does now seem to be behind us. People want to get back to work. The economy, forcefully shut down by the government, is now showing signs of life. Businesses are starting to reopen. As we say in the West, it is time to get back in the saddle. We are going to fully reopen our communities, and we are going to do it smartly, safely, and soon. Every Governor needs to speed, not impede, the process so people can return to work.

Just as important, our children need to get back to school. It is critical. Parents know how important it is for our students and our kids to be back in the classroom. The lockdowns have been hard on young people. Our kids miss their teachers, they miss their friends, and they miss their normal activities.

Every child learns differently. Many children are having trouble learning at home, and others are having difficulty learning on the screen. Some kids are basically teaching themselves.

What happens if an at-risk child misses an entire year of school? And what about the impact on child welfare?

I published an op-ed last week entitled "Coronavirus Collateral Damage." In it, I noted that pediatricians are very concerned that with the shutdowns, a significant number of child abuse cases are going undetected and unreported.

Thankfully, schools are figuring out safe ways to reopen. The Senate Health Education, Labor, and Pensions Committee is holding a hearing this week on going back to college safely, and next week we are going to hold a hearing called "Going Back to School Safely."

Most of the K-12 schools and colleges hope to reopen this fall. Research tells us that young people are better able to deal with the virus and are less likely to suffer symptoms of the disease.

Nevertheless, the California State university system has decided to keep all of its campuses closed for the fall semester—every one of them. They say they will not open any of them again until after New Year's. California's university system is the country's largest and serves about half a million students. They have campuses throughout the State of California, and they are taking a one-size-fits-all approach, treating every campus as if they are all identical. In my view, that decision is misguided.

To date, nearly two-thirds of U.S. colleges plan to reopen this fall. That is according to the Chronicle of Higher Education, which is researching the universities and talking with them, finding out exactly what is going on from school to school.

Universities across the country are rolling out responsible reopening plans

aimed at protecting students as well as staff.

Back at home, the University of Wyoming in Laramie is advancing a bold fall reopen agenda and plan. The university has asked the Governor for \$79 million in Federal coronavirus relief funds to help support the effort. Some of the safety measures being discussed include single dorm rooms, smaller classes, enhanced cleaning, and required staff and student coronavirus testing every several weeks.

In a recent statement, the University of Wyoming president stressed "the importance of an on-campus educational experience." The president of the University of Wyoming, Neil Theobald, has pledged to "bring our students back to campus safely and protect the health of our community to the highest extent possible."

Last week, two university presidents in Indiana published op-eds discussing their decisions to reopen this fall.

Writing in the Washington Post, Purdue University president and former Indiana Governor Mitch Daniels said that failing to reopen would be "an unacceptable breach of duty"—an unacceptable breach of duty. He said Purdue based its decision on current scientific data showing COVID-19, while very dangerous for the old and the sick, "poses a near zero risk to young people." To keep the community safe, Purdue is taking a number of steps, including making its campus less dense. Purdue will require one-third of the staff to work remotely.

The former Governor said that personal responsibility is key. He goes on to say: "Upon arrival in August, each Boilermaker will receive a kit including face masks and a thermometer for daily temperature taking as well as the Protect Purdue Pledge." President Mitchell Daniels said: "Forty-five thousand young people—the biggest student population we've ever had—are telling us they want to be here this fall."

Only a week after California's decision to stay closed for the fall and the rest of the year, the University of Notre Dame made headlines by announcing it will reopen this fall.

Writing in the New York Times last week, Notre Dame president, Reverend John Jenkins, said: "Educating young people—the future leaders of our society—is worth risking a good deal."

Notre Dame is going to open August 10—2 weeks earlier than they had planned—and to limit the back and the forth, the Fighting Irish will forgo their fall break and end the semester before Thanksgiving. Other safety measures being considered include masks, social distancing, aggressive testing, temperature checks, contact tracing, and remote options for at-risk students and staff. Father Jenkins noted that the school's decision is guided by science but also took courage and common sense.

These schools have sought the best possible medical advice. They are following Federal public health guidelines, and they are committed to protecting the vulnerable.

This is all new territory. There is no manual. Every community faces a unique set of challenges. Every school must chart its own course. Still, we can all agree that during this difficult and challenging time, America's schools must stand with their students, and not just for the well-being of the students but for others as well. Colleges are critical for the economic health of entire communities; hence the name "college towns." Universities are major employers, often the best local source of stable jobs. Many university jobs are also on the line this fall. The college shutdowns have also shut down Main Street. For many small businesses, losing graduation weekend alone was a crushing blow. Can mom-and-pop businesses sustain another lost semester?

Taking away people's educational opportunities, social supports, and livelihoods has a real, negative impact.

Here is the bottom line: We have learned that we can protect people from the virus and we can get back to normal life.

For the good of the whole society, it is so critically important that we reopen now. It is time for America to get back in the saddle again.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

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 Victor G. Mercado, of California, to be an Assistant Secretary of Defense.

Mitch McConnell, David Perdue, Jerry Moran, Rob Portman, Michael B. Enzi, Deb Fischer, Kevin Cramer, John Thune, John Boozman, Shelley Moore Capito, Marco Rubio, Todd Young, John Barrasso, James Lankford, Tim Scott, James E. Risch, Cindy Hyde-Smith.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Victor G. Mercado, of California, to be an Assistant Secretary of Defense, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from North Dakota (Mr. CRAMER), the Senator from North Dakota (Mr. HOEVEN), and the Senator from South Dakota (Mr. ROUNDS).

Further, if present and voting, the Senator from North Dakota (Mr. HOEVEN) would have voted "yea."

Mr. DURBIN. I announce that the Senator from New Mexico (Mr. HEINRICH), the Senator from Vermont (Mr. LEAHY), the Senator from Massachusetts (Mr. MARKEY), the Senator from Vermont (Mr. SANDERS), the Senator from Hawaii (Mr. SCHATZ), the Senator from Michigan (Ms. STABENOW), the Senator from Montana (Mr. TESTER), and the Senator from Rhode Island (Mr. WHITEHOUSE) are necessarily absent.

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

The yeas and nays resulted—yeas 75, nays 14, as follows:

[Rollcall Vote No. 104 Ex.]

YEAS—75

Alexander	Enzi	Murkowski
Baldwin	Ernst	Murphy
Barrasso	Feinstein	Paul
Bennet	Fischer	Perdue
Blackburn	Gardner	Peters
Blunt	Graham	Portman
Boozman	Grassley	Reed
Braun	Hassan	Risch
Brown	Hawley	Roberts
Burr	Hirono	Romney
Capito	Hyde-Smith	Rosen
Cardin	Inhofe	Rubio
Carper	Johnson	Sasse
Casey	Jones	Scott (FL)
Cassidy	Kaine	Scott (SC)
Collins	Kennedy	Shaheen
Coons	King	Shelby
Cornyn	Lankford	Sinema
Cortez Masto	Lee	Sullivan
Cotton	Loeffler	Thune
Crapo	Manchin	Tillis
Cruz	McConnell	Toomey
Daines	McSally	Warner
Duckworth	Menendez	Wicker
Durbin	Moran	Young

NAYS—14

Blumenthal	Klobuchar	Udall
Booker	Merkley	Van Hollen
Cantwell	Murray	Warren
Gillibrand	Schumer	Wyden
Harris	Smith	

NOT VOTING—11

Cramer	Markey	Stabenow
Heinrich	Rounds	Tester
Hoehn	Sanders	Whitehouse
Leahy	Schatz	

The PRESIDING OFFICER. On this vote, the yeas are 75, the nays are 14. The motion was agreed to.

DEFENSE NOMINATIONS

Mr. LEAHY. Mr. President, the President's threat of using military force against protestors is a grossly inappropriate, unnecessary, and dangerous escalation at a time when Americans are looking for constructive and enlightened leadership. America's power and strength derives, above all, not from our military might, but from the values that are at the very foundation of this country, rooted in the First Amendment of the Constitution.

Our country has a long tradition of civilian policing. It is one of the many

ways our government differs from regimes that routinely use the military to intimidate and silence their critics. The Insurrection Act was last invoked nearly three decades ago, to respond to the Rodney King riots in Los Angeles at the request of and by working closely with State authorities.

Its application is not a threat to be cavalierly bandied about, as if our Armed Forces are puppets of the President to evict peaceful protestors for purposes of a staged photo op. I am deeply disturbed that civilian and military leaders joined the President in this misuse of force.

Until the President and his senior military advisers make clear that they understand and accept this, I cannot vote to confirm further nominees to the Department of Defense.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:23 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mrs. CAPITO).

EXECUTIVE CALENDAR—Continued

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Mercado nomination?

Mrs. FISCHER. Madam President, 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 senior assistant legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from North Dakota (Mr. CRAMER), the Senator from North Dakota (Mr. HOEVEN), and the Senator from South Dakota (Mr. ROUNDS).

Further, if present and voting, the Senator from North Dakota (Mr. HOEVEN) would have voted "yea."

Mr. DURBIN. I announce that the Senator from New Mexico (Mr. HEINRICH), the Senator from Massachusetts (Mr. MARKEY), the Senator from Vermont (Mr. SANDERS), the Senator from Hawaii (Mr. SCHATZ), the Senator from Michigan (Ms. STABENOW), the Senator from Montana (Mr. TESTER), and the Senator from Rhode Island (Mr. WHITEHOUSE) are necessarily absent.

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

The result was announced—yeas 75, nays 15, as follows:

[Rollcall Vote No. 105 Ex.]

YEAS—75

Alexander	Blackburn	Brown
Baldwin	Blunt	Burr
Barrasso	Boozman	Capito
Bennet	Braun	Cardin

Carper	Hirono	Reed
Casey	Hyde-Smith	Risch
Cassidy	Inhofe	Roberts
Collins	Johnson	Romney
Coons	Jones	Rosen
Cornyn	Kaine	Rubio
Cortez Masto	Kennedy	Sasse
Cotton	King	Scott (FL)
Crapo	Lankford	Scott (SC)
Cruz	Lee	Shaheen
Daines	Loeffler	Shelby
Duckworth	Manchin	Sinema
Durbin	McConnell	Sullivan
Enzi	McSally	Thune
Ernst	Menendez	Tillis
Feinstein	Moran	Toomey
Fischer	Murkowski	Warner
Gardner	Murphy	Wicker
Graham	Paul	Young
Grassley	Perdue	
Hassan	Peters	
Hawley	Portman	

## NAYS—15

Blumenthal	Leahy	Van Hollen
Booker	Merkley	Warren
Cantwell	Murray	Wyden
Gillibrand	Schumer	
Harris	Smith	
Klobuchar	Udall	

## NOT VOTING—10

Cramer	Rounds	Tester
Heinrich	Sanders	Whitehouse
Hoeben	Schatz	
Markey	Stabenow	

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.

## 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 senior assistant 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 Brian D. Miller, of Virginia, to be Special Inspector General for Pandemic Recovery. (New Position)

Mitch McConnell, Cindy Hyde-Smith, John Boozman, Tim Scott, Marsha Blackburn, Chuck Grassley, Steve Daines, Mike Crapo, Richard Burr, John Cornyn, David Perdue, Martha McSally, John Thune, James M. Inhofe, Kevin Cramer, Ted Cruz, Cory Gardner.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Brian D. Miller, of Virginia, to be Special Inspector General for Pandemic Recovery, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from North Dakota (Mr. CRAMER), the Senator from North Dakota (Mr. HOEVEN), and the Senator from South Dakota (Mr. ROUNDS).

Further, if present and voting, the Senator from North Dakota (Mr. HOEVEN) would have voted "yea."

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. MARKEY), the Senator from Vermont (Mr. SANDERS), the Senator from Hawaii (Mr. SCHATZ), the Senator from Michigan (Ms. STABENOW), the Senator from Montana (Mr. TESTER), and the Senator from Rhode Island (Mr. WHITEHOUSE) are necessarily absent.

The yeas and nays resulted—yeas 51, nays 40, as follows:

## [Rollcall Vote No. 106 Ex.]

## YEAS—51

Alexander	Fischer	Paul
Barrasso	Gardner	Perdue
Blackburn	Graham	Portman
Blunt	Grassley	Risch
Boozman	Hawley	Roberts
Braun	Hyde-Smith	Romney
Burr	Inhofe	Rubio
Capito	Johnson	Sasse
Cassidy	Jones	Scott (FL)
Collins	Kennedy	Scott (SC)
Cornyn	Lankford	Shelby
Cotton	Lee	Sullivan
Crapo	Loeffler	Thune
Cruz	McConnell	Tillis
Daines	McSally	Toomey
Enzi	Moran	Wicker
Ernst	Murkowski	Young

## NAYS—40

Baldwin	Gillibrand	Peters
Bennet	Harris	Reed
Blumenthal	Hassan	Rosen
Booker	Heinrich	Schumer
Brown	Hirono	Shaheen
Cantwell	Kaine	Sinema
Cardin	King	Smith
Carper	Klobuchar	Udall
Casey	Leahy	Van Hollen
Coons	Manchin	Warner
Cortez Masto	Menendez	Warren
Duckworth	Merkley	Wyden
Durbin	Murphy	
Feinstein	Murray	

## NOT VOTING—9

Cramer	Rounds	Stabenow
Hoeben	Sanders	Tester
Markey	Schatz	Whitehouse

## EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Brian D. Miller, of Virginia, to be Special Inspector General for Pandemic Recovery (New Position).

The PRESIDING OFFICER. The Senator from Missouri.

## PROTESTS

Mr. BLUNT. Madam President, today we are on the Senate floor at a time when, once again, we are attempting as a country to reconcile things that should have been reconciled long ago. The deaths of George Floyd, Breonna Taylor, and Ahmaud Arbery shocked and outraged the country. The three of them, in a very short period of time, brought again this division we have in our country where we look at the country and particularly look at law enforcement in two different ways.

The discussion I have had with my sons is different from the discussion that many of my African-American friends have had—in fact, as far as I know, all of my African-American friends who ever talked to me about

this have had—with their sons. With my sons, I would say: If you get in trouble, look for a police officer.

That is not the police officer discussion that African-American fathers often have with their sons. That discussion goes more like this: If you are picked up by the police, do exactly what you are told until I get there, and we will straighten it out once I get there.

Those are the two views of what happens.

We see in all of these cases some reason to believe that those concerns are absolute and legitimate. Because of that, there is a wide support for the protests going on around the country. At our leadership stakeout today on the Republican side, everybody was great, I think, understanding the emotion and empathy, and they talked about the importance of peaceful protests as we see these things that have happened.

The problem is we have protests peacefully during the day that turn into violence and chaos at night. The peaceful protests shouldn't become a cover for violent activity. In fact, one of my good friends who planned some protest marches told me today that there has never been a peaceful protest march planned for the nighttime. Nighttime is not the time for peaceful protest marching. It might be the time for a candlelight vigil, but not a time for peaceful protests.

What we see at night are people who either weren't part of that daytime protesting activity or were there in the daytime so they could transition to violence and looting at night. It is absolutely outrageous and absolutely unacceptable.

We saw George Floyd's brother yesterday go to the place where his brother died and say: If I am not looting, if I am not rioting, if I am not destroying other people's property, why would you be doing that?

He was saying: I lost my brother, and I am not trying to destroy my neighborhood because I lost my brother. I am not trying to destroy his neighborhood because my brother is gone.

Yet we see activities happen that are unacceptable on all fronts. Last night, in St. Louis, we had four police officers shot in the line of duty. Sometime earlier in the day, it had been anticipated that at the City Justice Center there would be a planned violent activity. You don't manage to shoot four police officers unless you are thinking about it and normally thinking about it in advance, but that is what happened. Fortunately, those wounds were all survivable.

I talked to people in the police department in St. Louis today, and they had six other events last night where police were shot at during the course of the night. We need to realize that the police officers who work and the National Guard men and women who are working are out there risking their lives trying to protect others. We need



to realize that when they go to work every day, the members of their family have every reason to be concerned all day and every day of what might happen. They don't know what door the person they love may be asked to knock on, what car they may stop, or what moment may happen that makes the difficult life of being in law enforcement even more difficult.

We have certainly seen plenty of tragedies there in recent years, too. It hasn't been that long ago that police officers were being ambushed routinely and a number of police officers were killed while on duty, not while they were trying to apprehend a felon, but when somebody just walks up behind them in the car or on the street and their life is ended.

Then we see the horrifying image of George Floyd's murder. We have the same fear for people in that situation and the people whom they love. In fact, nobody should live in fear in our society of just their personal safety—not the law enforcement officers, not their families, not people who are peacefully protesting, or people who have violated the law and are being arrested, as they should be, but not with the result that we saw. Whether that arrest was appropriate or not, no arrest is appropriate to decide you are going to be the punishing officer as well as the arresting officer.

Those who are in power should be held accountable. Those who are in power should set an example.

I talked this morning to the police chief in Kansas City, Rick Smith, who tomorrow will be joining a unity march with other leaders in the community and protesters in the community. Marching along with the protesters will be Chief Smith and other officers and other elected leaders. That is one way to begin to resolve this.

I also think, having had some experience with this particular topic, that the Justice Department needs to reinstate their full review of department pattern and practice. This is something they have walked away from in recent years, but in our State we had three departments since 2014 that had a full pattern and practice review by the Justice Department. At least one of those entered into a consent decree with the Department as to how they would focus in the future.

I think one of those three—St. Louis County—asked for the review. St. Louis County, the city of Ferguson, St. Louis city—all believe they benefited from that review.

Reviewing an officer or a number of officers is just often not enough, so I am encouraging the Department of Justice to get back to having one of the options on the table a full review by the Civil Rights Division or some other division in the Justice Department, depending on the circumstances, of not only the procedures but also the pattern that a department may have fallen into.

We cannot continue over and over again to have the same thing happen,

as we as a society try to grapple with the same exact problem. This is not a new problem. It is long past the time we should have figured out how to deal with it.

If departments need help in figuring out how to deal with it, that is one of the things that—whether it was St. Louis or Baltimore—the Justice Department has shown some ability and some success in doing. I hope they will look at that again as they look at these three instances that I mentioned today and others.

It is time to move forward. It is well past time to move forward. It is a time when people should have a society—have confidence in the institutions of the society, and those who serve in law enforcement and public assistance of all kinds should also have the appreciation and respect that we should have for them, and, of course, that is a contract where you earn that respect, but you also get that respect when you have earned it, as well over 99.9 percent of those who serve every day do.

I yield the floor.

The PRESIDING OFFICER (Mr. BOOZMAN). The Senator from Illinois.

UNANIMOUS CONSENT REQUEST—S. 1938

Ms. DUCKWORTH. Mr. President, as if in legislative session, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 1938 and the Senate proceed to its immediate consideration; further, that the bill be read a third time and passed and that the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. GRAHAM. Yes.

The PRESIDING OFFICER. Objection is heard.

The Senator from South Carolina.

Mr. GRAHAM. Mr. President, I think we probably can get there if we talk. We just got this thing at 5:30 last night. It is a grant program to try to strive for better policing, less bias. I get that. Count me in for that concept.

There is a civilian review process about prosecutorial decisions that I don't quite understand. Senator LEE came up and asked me questions about the bill.

So with no animosity, I object at this time. I hope we can get it as part of a broader agenda. On June 16, we are going to have a hearing about all things related to police and race, and we will try to make this part of a package.

So at this time, I do object, and let it go through the committee.

The PRESIDING OFFICER. The objection is heard.

The Senator from Illinois.

Ms. DUCKWORTH. Mr. President, first he said "I can't breathe." Then he called out "Mama" for his late mother.

Last Monday, in broad daylight, George Floyd was slowly, publicly killed by someone whose responsibility it was to protect and serve. Officer

Derek Chauvin, who has since been rightfully fired, spent about 3 minutes ignoring Floyd's cries of pain, refusing to move his knee from Floyd's neck, refusing to let up, to get up, even as the man under him begged for life and lost consciousness. Then he spent roughly another 6 minutes after Floyd had fallen silent ignoring the number of growing of witnesses who begged him to see the obvious—that the man under his knee was unresponsive, that he was dying.

As a mom, there are not words to describe the visceral, gut-wrenching feeling of hearing someone cry out for their mother in a moment of such desperation.

George Floyd's death was unnecessary and heartbreaking. It was a tragedy, but horrifyingly, it was not an anomaly.

From Eric Garner, who told us 6 years ago that he, too, could not breathe, to Tamir Rice, who never made it to his 13th birthday, the senseless killing of unarmed Black Americans at the hands of law enforcement has become an all-too-common occurrence. The horror of the moment, then the outrage and sadness and, yes, anger that follow have turned into a pattern that too many people appear to believe is normal. It is not, and we cannot—must not—let ourselves become numb to the reality in front of us.

George Floyd was someone's son who with his dying breath called out for his mother who had previously passed away. He had a 6-year-old daughter who will not only grow up without a father but knowing that she, too, would face the same danger every day just because of the color of her skin.

George Floyd was born in a country built on the belief that we are all created equal, but he died in a country that still has not fully realized that we must all be treated equally as well.

It is long, long past time for action. We needed it before George Floyd; we needed it before Breonna Taylor, before Laquan McDonald, and before countless others were killed too.

We need real leaders who listen to Americans' cries for help and give those fighting for justice a platform to be heard. But sadly, although unsurprisingly, Donald Trump has done just the opposite over the past few days, trampling First Amendment rights by ordering Federal law enforcement to assault those who stood in the way of his photo-op, exploiting our military and disrespecting our troops by using them as a cudgel to silence our neighbors and further divide our country.

Donald Trump may be our Commander in Chief, but tear-gassing peaceful protestors is not leadership; it is cowardice. Threatening military force against Americans exercising their constitutional right is not Presidential; it is tin-pot dictatorial.

You know, in moments like these, it is more important than ever to recognize the privilege that many of us

have. I will never be forced to sit my daughters down and have the same talk with them that Black mothers have with their children—especially their sons—about how exactly to move and speak when interacting with police officers to preemptively reassure them that they pose no danger; or about the fundamental racism that mars our society that will question their motives and their right to be somewhere just because of the shade of their skin; or about the systemic biases that lead too many Americans, including those in positions of power, to view unarmed Black children as more threatening than White adults holding semiautomatic rifles.

I know that I will never be able to fully comprehend the fear that those parents must face every time their child steps outside, every time they dare to walk to school or play on the playground or buy some Skittles while Black. But what I do know is the burden of all this pain and trauma cannot fall and should not fall on those families alone. The responsibility, the work, the bending of the moral arc of the universe toward justice cannot just be put on the backs of the very people who have been feeling its weight this entire time.

The systemic injustices in our country are not going away by themselves, and they will not be solved if too many good, decent Americans remain silent. If we choose to avoid difficult realities and tough conversations simply because they make us uncomfortable, we are failing to do our part in achieving anything close to a more perfect union.

Those of us who have benefited from the privileges we have been afforded by society, we have a duty to recognize the costs borne by those who have been denied those same privileges for generations.

I don't claim to have all the answers, but I do know that we must do more. On a personal level, for me, that has included spending time with both of my daughters, discussing what true justice and equality means and how to practice it so that if they grow up to become police officers themselves, they don't reflexively treat Black Americans as more dangerous than anyone else; so that when they see a young Black man shopping, their first thought would never be that he is shoplifting; so that no matter what they do in life, they judge people by the content of their character and not the color of their skin.

My girls may be just 5 and 2, but it is never too early for us to talk to our kids about treating others how we want to be treated because our neighbors, our American brothers and sisters, need more vocal allies in this fight. I hope to raise two of those allies in my two girls. Today, I hope to find 99 fellow allies in my colleagues here in the Senate. It is on each of us lucky enough to serve under this great Capitol dome to use this moment to fight for justice and accountability for those

families like George Floyd's who had someone so cruelly and needlessly stolen from them.

So I have come to the floor today to request unanimous consent on S. 1938, the Police Training and Independent Review Act, the second bill I ever introduced into this august body more than 3 years ago. This bill would demand that local law enforcement agencies change use-of-force policies and that every American receive fair treatment under the law—commonsense policies that I believe responsible law enforcement officers would welcome so they could better protect and serve their communities.

It would establish a new grant program so States can implement racial bias training at police academies to help officers deescalate tense situations. It would also encourage States to establish a transparent system where independent prosecutors review police uses of force and prosecute officers who break the laws they were entrusted to enforce, because local prosecutors do have a bias. They rely on the same police departments to win other cases, which is why it is so critical that we let outside independent prosecutors do the investigating and prosecuting of our law enforcement officers who do not follow the law themselves instead.

For me, it comes down to this: We cannot let ourselves accept that, in the United States of America, in the year 2020, Black men are still being publicly executed without judge or jury. For about 9 minutes last Monday, somebody's son and somebody's father was forced to know he was dying and forced to beg for his life until he couldn't beg anymore.

George Floyd cannot breathe anymore. So it is on those of us lucky enough to still be here today, to still be breathing, to use every breath we have to fight for the justice that he was robbed of on that street in Minneapolis last week. I know I will, and I hope every other American will join me.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent to finish my remarks before the vote.

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

Ms. KLOBUCHAR. Mr. President, I come to the floor today to honor a life lost, share in the grief of a family and a Nation in pain, and call for this body to take action to reform a system that has been broken for too long.

George Floyd should be alive today, but he isn't. He was murdered by police in my State—a death both horrifying and inhumane but not unique. We literally saw his life evaporate before our eyes. The whole country saw it. The whole world saw it.

We know that our African-American community in Minneapolis and across America has seen this horror before

and has experienced injustice for far too long. They have had enough. They are angry and in pain, and they are calling out for justice.

Senators, we cannot answer with silence. That would make us complicit. We cannot answer with what the President called dominance. That would make us monsters. We cannot answer with using churches as props and Bibles as props and inflaming violence. We must answer with action. That is what makes us lawmakers.

For 13 years, here in Washington, change has come inch by inch when we should be miles ahead. I pick that time because that is when I first got here. That is when I first started doing work on crack cocaine and sentencing disparity, and I have seen those changes, but it is inch by inch.

First, there needs to be justice for George Floyd. There needs to be criminal accountability to the fullest extent of the law. Minnesota attorney general Keith Ellison, with whom I have worked closely for years, has taken over the investigation and the prosecution of the case. I have full faith in his conviction for justice in this case and beyond.

Sweeping reform starts with accountability in this individual case, but it doesn't end there. We all know that these officers work within a bigger system, so that is why I called for a full-scale investigation into the patterns and practices of racially discriminatory policing in the Minneapolis Police by the Department of Justice, in addition to ongoing local, State, and Federal investigations.

Senator SMITH and I led a request with 26 Senators asking the Justice Department to conduct what is called a pattern-and-practice investigation. This afternoon, the Minnesota Department of Human Rights announced that they are going to investigate the police department as well.

The words engraved on the Supreme Court building, "Equal Justice Under Law," we know have never really been true for millions of African Americans, Hispanics, American Indians, and other minority groups. There is systematic racism at every level of our judicial system, and that calls for systematic change.

We must take action to end unconstitutional, discriminatory policing across the country. We can start by making sure that policemen's conduct is independently investigated and that we hold officers criminally accountable when they break the law and violate the trust that is needed between law enforcement officers and the people they have sworn to protect.

We also need strong Federal requirements for State and local police to collect and report data on the use of force. Right now, a patchwork of local policies, many of which allow local police to avoid accountability, make it far too difficult to identify and address patterns of discrimination and excessive force in police departments. Better

data will help hold officers and departments accountable.

Broader criminal justice reform and the standard for use of force—all of those things must change. As I mentioned, we have done something. We passed the First Step Act when it comes to sentencing, but now we need to take on the Second Step Act to create incentives for States to restore discretion for mandatory sentencing for nonviolent offenders and reform the conditions in State prisons and local jails.

We know these conditions have gotten even worse during the coronavirus pandemic. Earlier today, we held a hearing in the Judiciary Committee about the continued injustice we are seeing in our prison system during this pandemic. While some people, like Paul Manafort, have been transferred to home confinement, others, like Andrea Circle Bear or Andrea High Bear, who is serving 26 months for a nonviolent drug offense and had just given birth while on a ventilator—why? She was exposed to the virus. So the question is, Why did a pregnant woman with a preexisting condition—an American Indian woman who was there for a nonviolent offense—why was she there in the prison system and Paul Manafort gets out?

We should also create a diverse, bipartisan clemency advisory board—one that includes victim advocates as well as prison and sentencing reform advocates—that would look at these issues from a different perspective.

We should strengthen post-conviction reviews with conviction integrity units across the country. According to data from the National Registry of Exonerations, there are currently fewer than 60 conviction integrity units in the United States, and many of those are too weak to be effective. Attorney General Ellison and I have been working with prosecutors in Minnesota to set up a conviction integrity unit in the Twin Cities with strong, strong standards for independence and transparency. This needs to happen nationally.

We should also expand post-conviction sentencing reviews. Ensuring justice isn't just looking back at a case to see whether the evidence was right; it is also looking to see whether the sentence was right in a situation.

All of this—expanding our Nation's drug courts, which is something that I have been leading on in the Senate for years, changing that conversation about drug and alcohol treatment, reforming the cash bail system—if there is anything we as a Senate can do to eliminate injustice within our justice system, we should do it, and we should do it now. Talk is no longer enough.

We know this pandemic has shed a light on the injustice we have already seen, as Senator DURBIN, who was here, and I discussed about the prison system today. We also see it in the number of people dying. In Louisiana, African Americans account for nearly 60

percent of deaths but 33 percent of the population. In Georgia, a study of eight hospitals found that 80 percent of their COVID-19 patients were African Americans yet 30 percent of the population. The workers on the frontline, the people who are working not just in the hospitals, not just in the emergency rooms, but in the grocery stores, driving the public transportation, are getting this virus—this sometimes fatal virus—at a much higher rate. This calls for not only the reforms that I laid out and that I have been advocating for years but also calls for investment, like JIM CLYBURN's plan to invest in underserved areas and impoverished areas that have been that way for a long, long time. Senator BOOKER is carrying that bill in the Senate.

Martin Luther King once said that we are “all tied in a single garment of destiny. Whatever affects one of us directly, affects all indirectly.” That means, in the long term, an economy that works for everyone, with fair wages, with childcare, and with retirement savings. It means closing the wealth gap. Black and Latino households have only about a tenth of the medium net worth right now of White households. It means voting rights.

The scene that we saw in Wisconsin where people were standing in the rain with homemade masks and garbage bags just to be able to vote, risking their lives and their health, while the President of the United States was able to vote in the luxury of 1600 Pennsylvania Avenue because he could get a mail-in ballot from Palm Beach, FL—that is a split screen for you. That is why people are out peacefully marching. That is what they are angry about. It is police misconduct. It is the murder of George Floyd. It is the longtime economic disparities, but it is also the longtime suppression of the vote and the unfairness of all of this.

This has been a devastating time for Minnesota, but as George Floyd's family, whom I had the honor to talk with at length this weekend, said: We cannot sink to the level of our oppressors, and we must not endanger others during this pandemic. We will demand and ultimately force lasting change by shining a light on treatment that is horrific and unacceptable and by winning justice.

That is what they are talking about in Minnesota today. That was the spirit that I saw when my husband and I went to drop off food, where hundreds of people were there with thousands of bags of groceries because their grocery stores in that neighborhood had been burned to the core and their stores had been looted, not by the peaceful, righteous marchers but the people who were hiding behind them.

I will end with this. A few years ago I went to Selma, AL, with Representative JOHN LEWIS, like so many Senators have done. I stood there on the bridge where he had his head beaten in. I was in awe of his persistence, his resilience, and his faith that this country

could be better, if only we put in the work. That weekend, after 48 years, the White police chief of Montgomery handed his police badge to Congressman LEWIS and publicly apologized on behalf of the police for not protecting him 48 years before and not protecting his freedom marchers.

I don't want to take 48 years for my city and my State to heal or for our Nation to fix a justice system that has been broken since it was built. I want justice now. The people of this country deserve justice now. Everyone has a role to play in coming back from these crises. The protesters are shining a light on injustice that we have pushed to the shadows for far too long. The frontline workers and volunteers are serving the communities they love, and they are looking to all of us to deliver the reforms we promised—not just in speeches, not just in campaigns, but in reality, and not just for George Floyd. His legacy should be so much more than those 9 minutes—or Philando Castile or Jamar Clark or Breonna Taylor—because we took an oath.

We took an oath, colleagues. We didn't wave a Bible in the air for a photo op. We placed our hand on that Bible, and we swore to support and defend the Constitution of the United States against all enemies, foreign and domestic. The enemy we face now is racism. The enemy we face now is injustice. I don't know what else to say because too many words have been said, and maybe it is time to stop talking. Maybe it is time to start acting. It is time to get to work. It is time to do our jobs.

I yield the floor.

The PRESIDING OFFICER (Mr. CASIDY). The Democratic leader is recognized.

#### UNANIMOUS CONSENT REQUEST

Mr. SCHUMER. Mr. President, first I would thank my friend and colleague, the senior Senator from Minnesota, for her eloquent, passionate words that tell the story of how she has done so much good and is working so hard to heal the wounds of Minnesota. We all appreciate it, Minnesotans and many Americans.

Now, last night, as peaceful citizens exercised their constitutional right to protest in Lafayette Park, across from the White House, Federal law enforcement officers were ordered to clear out the crowds with tear gas and rubber bullets so that President Trump could walk from the White House to a nearby church for a photo op.

He did not enter the church. He did not offer words of prayer. The crowds were dispersed with force so that he could get his picture taken with a Bible that wasn't his and was held upside down in front of a church he never asked to visit.

I spoke at length about these events this morning. The aggressive use of force on law-abiding protesters was appalling. It was an abuse of Presidential power. It may have been illegal. It was certainly a violation of the constitutional rights of American citizens. The

protesters, some of them children, many of them families, there in the public park to peacefully protest were met with rubber bullets and tear gas. This has no place in American society or any democracy worthy of the name. The President must cease his behavior.

The images from last night should disturb all of us and must be condemned by the United States Senate. They cannot go unanswered, less the President be encouraged to do even greater abuse because he has no self-restraint.

In a few minutes, I will ask the Senate's consent to pass a simple resolution that says three things: first, that the constitutional rights of Americans must be respected; second, that violence and looting are unlawful and unacceptable; and, third, that Congress condemns the order to have Federal officers use gas and rubber bullets on peaceful protesters.

This resolution is not a substitute for critical law enforcement and racial justice reforms that are badly needed, but this unconstitutional action by this lawless President requires a response from this body.

I hope all Senators will support this resolution. Democrats are outraged. Republicans should be outraged as well. For my friends on the other side who claim they have not seen the events of last night, I suggest you find a moment and turn on the television.

Our Republican colleagues cannot be objecting to our resolution on the false grounds that it doesn't reject violence. It does. Let me read you the words again in the resolution: "Violence and looting are unlawful, unacceptable, and contrary to the purpose of peaceful protest." It is right there in the resolution.

What other reason would any Republican Senator have to object to the things in this resolution? If a Senator objects, they should be asked which of these things do they disagree with. Do they believe Americans do not have the constitutional right to exercise the freedom of speech, the freedom of assembly, and the right to petition their government? Do they believe Americans do not have the right to peacefully protest? Do they disagree with the statement that violence and looting are unlawful and unacceptable, or do they support the President's use of tear gas against people, including families, who are peacefully protesting in a public park? Which is it?

Any objector should explain why the simple resolution I offer today is so unacceptable to them.

Mr. President, as if in legislative session, I ask unanimous consent that the Senate proceed to the immediate consideration of a concurrent resolution expressing the sense of the Congress that the constitutional rights of Americans must be respected; that violence and looting are unlawful and unacceptable; and that Congress condemns the President for ordering Federal officers to use gas and rubber bullets against

peaceful protesters in Lafayette Square in Washington, DC, on June 1, 2020; that the concurrent resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The majority leader.

Mr. McCONNELL. Mr. President, reserving the right to object, first and foremost, I am a First Amendment absolutist. The right to peaceful protest is absolutely sacrosanct. It is a core American liberty. When peaceful demonstrations occur within the bounds of the law and with respect to the needs of law enforcement, leadership at every level has an obligation to respect and honor them.

Our Nation must not turn a deaf ear to the anger, pain, or frustration of Black Americans. Our Nation needs to hear them. There is no question that the killing of George Floyd was horrific. In my view, it absolutely appears to have been a heinous act of criminal violence. It is totally unacceptable that Mr. Floyd is dead. There is no doubt that residual racism continues to be a stain on our country. We need to do more to address it.

Over the last few days, we have seen peaceful protests hijacked on a nightly basis into a rolling series of riots that engulfed great American cities in wanton destruction and violent crime.

These are the two issues the American people are focused on: justice for Black Americans in the face of unjust violence and peace for our country in the face of looting, riots, and domestic terror. Those are the two issues that Americans want addressed: racial justice and ending riots.

Unfortunately, this resolution from my friend the Democratic leader does not address either one of them. Instead, it just indulges in the myopic obsession with President Trump that has come to define the Democratic side of the aisle. It pays more attention to the precise ways that Federal law enforcement protects Presidential movements around the White House than to the fact that great American cities, including my colleague's beloved New York, have been consumed by rioting, looting, and violence against police for several nights in a row, with no end in sight.

Outside of the Washington, DC, bubble, there is no universe where Americans think Democrats' obsession with condemning President Trump is a more urgent priority than ending the riots or advancing racial justice. There is no universe in which the dynamics of Lafayette Park before the President seeks to exit the White House is a more urgent national priority than the shattered glass, destroyed businesses, and brutal attacks on law enforcement that are happening nationwide in places like Lafayette Street in New York City.

I will object to my distinguished colleague's thin resolution and will offer

something more full-throated in its place.

My resolution would condemn a long pattern of unjust police violence toward Black Americans. It would champion the First Amendment and praise the peaceful protests that followed Mr. Floyd's death. It would clearly condemn the violent rioting that has paralyzed places like New York City and insist that local authorities finally get serious about protecting the innocent.

I hope my distinguished colleague will not object. America is united and outraged at the death of Mr. Floyd, and I hope we can unite to condemn these senseless riots and move forward together as one Nation. Therefore, I object.

The PRESIDING OFFICER. Objection is heard.

UNANIMOUS CONSENT REQUEST—S. RES. 601

Mr. McCONNELL. Mr. President, as in if legislative session, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 601 submitted earlier today. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. SCHUMER. Reserving the right to object.

The PRESIDING OFFICER. The Democratic leader.

Mr. SCHUMER. Mr. President, it is very simple why the Republican leader objected to our resolution and offers this one instead. It is because they do not want to condemn what the President did, though every fair-minded American of any political party would.

We certainly should condemn violence. Let me repeat: This resolution condemns violence. But it is insufficient, in the light of what happened yesterday, to just condemn violence and not condemn what the President did as well, so I will object to my colleague's resolution.

The PRESIDING OFFICER. Objection is heard.

VOTE ON MILLER NOMINATION

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

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

Mr. PORTMAN. 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 senior assistant legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from North Dakota (Mr. CRAMER), the Senator from North Dakota (Mr. HOEVEN), and the Senator from South Dakota (Mr. ROUNDS).

Further, if present and voting, the Senator from North Dakota (Mr. HOEVEN) would have voted "yea."

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. MARKEY), the Senator from Vermont (Mr. SANDERS), the Senator from Hawaii (Mr. SCHATZ), the Senator from Michigan (Ms. STABENOW), the Senator from Montana (Mr. TESTER), and the Senator from Rhode Island (Mr. WHITEHOUSE) are necessarily absent.

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

The result was announced—yeas 51, nays 40, as follows:

[Rollcall Vote No. 107 Ex.]

YEAS—51

Alexander	Fischer	Paul
Barrasso	Gardner	Perdue
Blackburn	Graham	Portman
Blunt	Grassley	Risch
Boozman	Hawley	Roberts
Braun	Hyde-Smith	Romney
Burr	Inhofe	Rubio
Capito	Johnson	Sasse
Cassidy	Jones	Scott (FL)
Collins	Kennedy	Scott (SC)
Cornyn	Lankford	Shelby
Cotton	Lee	Sullivan
Crapo	Loeffler	Thune
Cruz	McConnell	Tillis
Daines	McSally	Toomey
Enzi	Moran	Wicker
Ernst	Murkowski	Young

NAYS—40

Baldwin	Gillibrand	Peters
Bennet	Harris	Reed
Blumenthal	Hassan	Rosen
Booker	Heinrich	Schumer
Brown	Hirono	Shaheen
Cantwell	Kaine	Sinema
Cardin	King	Smith
Carper	Klobuchar	Udall
Casey	Leahy	Van Hollen
Coons	Manchin	Warner
Cortez Masto	Menendez	Warren
Duckworth	Merkley	Wyden
Durbin	Murphy	
Feinstein	Murray	

NOT VOTING—9

Cramer	Rounds	Stabenow
Hoeven	Sanders	Tester
Markey	Schatz	Whitehouse

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 action.

The Senate majority leader.

ORDER OF PROCEDURE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that notwithstanding the provisions of rule XXII, the cloture motions with respect to the Anderson and Tipton nominations ripen at 12 noon tomorrow; I further ask unanimous consent that if cloture is invoked on the Anderson nomination, the postcloture time expire at 2:15 tomorrow; further I ask unanimous consent that if cloture is invoked on the Tipton nomination, the postcloture expire at 4:30 p.m. tomorrow; finally, if either of the nominations are confirmed, the motions to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's actions.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MCCONNELL. 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.

REMEMBERING PETER M. PINO

Mr. HEINRICH. Madam President, it is an honor to recognize the enormously impactful life of Governor Peter M. Pino. The Pueblo of Zia, and New Mexico as a whole, have lost one of our greatest leaders.

Peter M. Pino devoted his entire life to serving the people of the Pueblo of Zia. For more than four decades, he served the Pueblo of Zia as Governor, War Chief, Tribal council member, Tribal administrator, and treasurer. He was also a traditional spiritual leader and held a lifetime appointment as one of the Pueblo's Keeper of Songs. As a traditional artist, Governor Pino employed techniques passed down to him by his Puebloan ancestors to craft works in rock, tan deer hides, and make moccasins, bows, arrows, digging sticks, rabbit sticks, and bone tools.

He also played an instrumental role in the Pueblo's ongoing effort to repatriate and protect a treasured part of Zia's heritage and cultural property, its sacred sun symbol. Almost a century after the State of New Mexico appropriated this sacred symbol on its flag, Pino helped lead the Pueblo's actions to seek compensation, public education and engagement, and permission for commercial uses. Thanks to this work, Eastern New Mexico University changed the name of its women's athletic teams, and multiple companies have voluntarily sought permission and advice from the Pueblo on how they will depict the symbol and contributed proceeds from sales to a scholarship fund for Zia youth.

Governor Pino also used his deep historical and archaeological knowledge to serve on boards and committees that advised the Crow Canyon Archaeological Center, Mesa Verde National Park, and the Native American Rights Fund. Governor Pino also served as vice chair of the New Mexico Office of Indian Affairs and was the first Native American to serve on the New Mexico Game and Fish Commission.

On a personal note, Governor Pino was one of my first mentors in public service in New Mexico and dear friend. He shared traditional knowledge and perspectives with me that helped form the foundation of my respect for Tribal governments, religions, and culture. I am heartbroken that I did not spend more time learning directly from Governor Pino because his generosity knew no bounds. I was, however, fortunate enough to attend a number of feast

days at the Pueblo of Zia and left the Pino home with a tighter belt and great appreciation for the delicious and healthy traditional food that Peter and his wife Stella embraced.

When I began advocating for land conservation in New Mexico, Governor Pino showed me how important sacred sites and cultural landscapes are to the Tribal nations in our State. He was also an example of statesmanship to whom I will always look. In fact, I was able to travel to Washington, DC, with Governor Pino when I was just a city councilor. Observing how he interacted with my State's congressional delegation was a very formative experience.

Watching him work to protect the Ojito Wilderness and reclaim lands from the Bureau of Land Management that contained cultural sites also taught me how critical it is for Tribes to have a meaningful seat at the table in conservation and land management decisions.

My thoughts are with Governor Pino's family and the Pueblo of Zia during this time of mourning. His legacy will never be forgotten.

ADDITIONAL STATEMENTS

RECOGNIZING IDEAL ALUMINUM PRODUCTS, LLC

● Mr. RUBIO. Madam President, as chairman of the Senate Committee on Small Business and Entrepreneurship, each week I recognize a small business that exemplifies the American entrepreneurial spirit at the heart of our country. It is my privilege to recognize a small business that is known for excellence in its industry, outstanding craftsmanship, and creating dignified work in their community. This week, it is my pleasure to recognize Ideal Aluminum Products, LLC of St. Augustine, FL, as the Senate Small Business of the Week.

In 2010, Michael Siegel and Doug Brady purchased Ideal Aluminum Products. Based in DeLand, FL, this fence, gate, and railing manufacturing company had recently gone out of business. Doug, an alumnus of the University of South Florida, had also worked with Michael at Ideal Gas, LLC. Together, the two planned to turn this new company around.

Over the next decade, Michael and Doug grew Ideal Aluminum into an industry leader. A favorable business environment and proximity to I-95 spurred Ideal Aluminum's relocation to St. Augustine in 2015. Their success as a local manufacturer and commitment to job creation was honored by then-Governor Rick Scott, who issued a monthly job report at their facility in 2016.

Ideal Aluminum has been an ardent supporter of community development. In 2011, Ideal Aluminum manufactured, donated, and installed railings for ABC's "Extreme Makeover: Home Edition." They were recognized in 2015 by

GrowFL, which spotlights businesses that create quality jobs, enrich their communities, and broaden new industries throughout Florida. Ideal Aluminum was nominated for the Florida Sterling Manufacturing Business Award in 2017 for business excellence in Florida's manufacturing community. Michael and Doug were finalists for the Ernst & Young Entrepreneur of the Year award in 2017 and 2018. Ideal Aluminum has also been featured in the St. Augustine Record and industry publications.

Like many other small businesses, Ideal Aluminum stepped up to help their community during the coronavirus pandemic. When Michael and Doug heard about the shortage of blood donations, they organized a blood drive at Ideal Aluminum and collected donations for Feeding Northeast Florida. The company matched every dollar collected, resulting in a \$3,000 donation to feed the hungry in the St. Augustine area.

When the U.S. Small Business Administration—SBA—launched the Paycheck Protection Program—PPP—Michael and Doug applied immediately. The PPP provides forgivable loans to impacted small businesses and non-profits who maintain their payroll during the COVID-19 pandemic. In late April, Ideal Aluminum received a PPP loan and an Economic Injury Disaster Loan from the SBA. As a result, they were able to keep all of their employees paid.

Ideal Aluminum Products exemplifies how crucial small businesses are in creating jobs and building the local community. I commend their efforts to create jobs in the critical manufacturing sector.

Congratulations to Michael, Doug, and the entire team at Ideal Aluminum. I look forward to watching your continued growth and success.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Ridgway, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

In executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-4609. A communication from the Federal Register Liaison Officer, Office of the

Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Indebtedness of Military Personnel" (RIN0790-AK33) received in the Office of the President of the Senate on May 19, 2020; to the Committee on Armed Services.

EC-4610. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Sudan that was declared in Executive Order 13067 of November 3, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC-4611. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to the situation in or in relation to the Democratic Republic of the Congo that was declared in Executive Order 13413 of October 27, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC-4612. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to significant foreign narcotics traffickers centered in Colombia that was declared in Executive Order 12978 of October 21, 1995; to the Committee on Banking, Housing, and Urban Affairs.

EC-4613. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Yemen that was declared in Executive Order 13611 of May 16, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-4614. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to the situation in and in relation to Syria that was declared in Executive Order 13894 of October 14, 2019; to the Committee on Banking, Housing, and Urban Affairs.

EC-4615. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Syria that was declared in Executive Order 13338 of May 11, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC-4616. A communication from the President of the United States, transmitting, pursuant to law, a report on the continuation of the national emergency that was originally declared in Executive Order 13303 of May 22, 2003, with respect to the stabilization of Iraq; to the Committee on Banking, Housing, and Urban Affairs.

EC-4617. A communication from the Secretary of Energy, transmitting, pursuant to law, a legislative proposal entitled "Authorization for the Disposal of Waste by the National Nuclear Security Administration"; to the Committee on Energy and Natural Resources.

EC-4618. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Community Right-to-Know; Corrections to Toxics Release Inventory (TRI) Reporting Requirements" (FRL No. 10007-23-OCSP) received in the Office of the President of the Senate on May 21, 2020; to the Committee on Environment and Public Works.

EC-4619. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Implementing Statutory Addition of Certain Per- and Polyfluoroalkyl Substances; Toxic Chemical Release Reporting" (FRL No. 10008-08-OCSP) received in the Office of the President of the Senate on May 21,

2020; to the Committee on Environment and Public Works.

EC-4620. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Ocean Dumping; Cancellation of Final Designation for an Ocean Dredged Material Disposal Site" (FRL No. 10009-39-Region 4) received in the Office of the President of the Senate on May 21, 2020; to the Committee on Environment and Public Works.

EC-4621. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Significant New Use Rules on Certain Chemical Substances (19-4.B)" (FRL No. 10008-71-OCSP) received in the Office of the President of the Senate on May 21, 2020; to the Committee on Environment and Public Works.

EC-4622. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Air Plan Approval; Georgia; 2010 1-Hour SO<sub>2</sub> NAAQS Transport Infrastructure" (FRL No. 10009-69-Region 4) received in the Office of the President of the Senate on May 19, 2020; to the Committee on Environment and Public Works.

EC-4623. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Air Plan Approval; Minnesota; Revision to the Minnesota State Implementation Plan" (FRL No. 10007-92-Region 5) received in the Office of the President of the Senate on May 19, 2020; to the Committee on Environment and Public Works.

EC-4624. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Air Plan Approval; New Hampshire; Negative Declaration for the Oil and Gas Industry; Withdrawal of Direct Final Rule" (FRL No. 10010-00-Region 1) received in the Office of the President of the Senate on May 19, 2020; to the Committee on Environment and Public Works.

EC-4625. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Air Plan Approval; Texas; Approval of Substitution for Dallas-Fort Worth Area Transportation Control Measures" (FRL No. 10009-40-Region 6) received in the Office of the President of the Senate on May 19, 2020; to the Committee on Environment and Public Works.

EC-4626. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Air Plan Approval; Wisconsin; Redesignation of the Newport State Park Area in Door County to Attainment of the 2015 Ozone NAAQS" (FRL No. 10009-61-Region 5) received in the Office of the President of the Senate on May 19, 2020; to the Committee on Environment and Public Works.

EC-4627. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Regulatory Updates to Allegheny County Nonattainment New Source Review (NNSR) Permitting Requirements for 2012 PM<sub>2.5</sub> National Ambient Air Quality Standard (NAAQS)" (FRL No. 10009-51-Region 3) received in the Office of the President of the Senate on May 19, 2020; to the Committee on Environment and Public Works.

EC-4628. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Flonicamid; Pesticide Tolerances" (FRL No. 10009-26-OCSPP) received in the Office of the President of the Senate on May 19, 2020; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4629. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Florida; Final Authorization of State Hazardous Waste Management" (FRL No. 10008-85-Region 4) received in the Office of the President of the Senate on May 19, 2020; to the Committee on Environment and Public Works.

EC-4630. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Indoxacarb; Pesticide Tolerances" (FRL No. 9995-89-OCSPP) received in the Office of the President of the Senate on May 19, 2020; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4631. A communication from the Director of Congressional Affairs, Office of Nuclear Reactor Regulation, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "American Society of Mechanical Engineers 2015-2017 Code Editions Incorporation by Reference" (RIN3150-AJ74) received in the Office of the President of the Senate on May 19, 2020; to the Committee on Environment and Public Works.

EC-4632. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Guidance on Application of Section 305 to Stock Distributions by REITs and RICs" (Rev. Proc. 2020-19) received in the Office of the President of the Senate on May 20, 2020; to the Committee on Finance.

EC-4633. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "The Treatment of Certain Interests in Corporations as Stock or Indebtedness" (RIN1545-BN68) (TD 9897) received in the Office of the President of the Senate on May 20, 2020; to the Committee on Finance.

EC-4634. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Convention on Cultural Property Implementation Act, a report relative to new cultural property agreements with Belize, Bulgaria, Egypt, and Libya and the extension of existing agreements with Bolivia, Cambodia, China, Colombia, Cyprus, El Salvador, Greece, Guatemala, Honduras, Italy, Mali, Nicaragua, and Peru; to the Committee on Finance.

EC-4635. A communication from the Chief of the Border Security Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Period of Admission and Extensions of Stay for Representatives of Foreign Information Media Seeking to Enter the United States" (RIN1651-AB38) received in the Office of the President of the Senate on May 20, 2020; to the Committee on the Judiciary.

EC-4636. A communication from the Chief Privacy and Civil Liberties Officer, Federal Bureau of Investigation, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Federal Bureau of Investigation National Crime Information Cen-

ter (NCIC)" (28 CFR Part 16) received in the Office of the President of the Senate on May 20, 2020; to the Committee on the Judiciary.

EC-4637. A communication from the Secretary of the Treasury, transmitting, pursuant to section 1705(e) (6) of the Cuban Democracy Act of 1992, as amended by Section 102(g) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, a semi-annual report relative to telecommunications-related payments made to Cuba during the period from July 1, 2019 through December 21, 2019; to the Committee on Foreign Relations.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. GARDNER (for himself, Ms. SINEMA, and Mrs. CAPITO):

S. 3862. A bill to increase the penalties applicable under the Federal Trade Commission Act during the COVID-19 emergency, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CARDIN (for himself and Mr. VAN HOLLEN):

S. 3863. A bill to direct the Architect of the Capitol to replace the bust of Roger Brooke Taney in the Old Supreme Court Chamber of the United States Capitol with a bust of Thurgood Marshall to be obtained by the Joint Committee on the Library, and for other purposes; to the Committee on Rules and Administration.

By Ms. COLLINS (for herself and Ms. SMITH):

S. 3864. A bill to amend title XVIII of the Social Security Act to eliminate the 190-day lifetime limit on inpatient psychiatric hospital services under the Medicare Program; to the Committee on Finance.

By Mr. PORTMAN (for himself, Mr. CARDIN, Mr. LANKFORD, and Mr. BOOKER):

S. 3865. A bill to provide for the treatment of certain criminal violations under the paycheck protection program, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. WICKER:

S. 3866. A bill to amend title 49, United States Code, to improve the Federal Aviation Administration's aircraft certification process, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. SINEMA (for herself and Mr. CRAMER):

S. 3867. A bill to require the Secretary of Defense to establish a program to carry out minor military construction projects to construct child development centers; to the Committee on Armed Services.

By Ms. KLOBUCHAR (for herself, Mr. ROUNDS, Ms. DUCKWORTH, and Mr. SULLIVAN):

S. 3868. A bill to require the Secretary of Defense and the Secretary of Veterans Affairs to evaluate members of the Armed Forces and veterans who have tested positive for a virus certified as a pandemic for potential exposure to open burn pits and toxic airborne chemicals or other airborne contaminants, to conduct a study on the impact of such a pandemic on members and veterans with such exposure, and for other purposes; to the Committee on Veterans' Affairs.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MCCONNELL:

S. Res. 601. A resolution expressing the sense of the Senate that order must be immediately restored to the cities of the United States so that citizens may have peace and the legitimate grievances of peaceful protestors may be heard and considered; to the Committee on the Judiciary.

By Mr. BOOKER (for Mr. MARKEY (for himself, Mr. BOOKER, Ms. WARREN, Mr. VAN HOLLEN, and Mr. SANDERS)):

S. Res. 602. A resolution recognizing that the murder of George Floyd by officers of the Minneapolis Police Department is the result of pervasive and systemic racism that cannot be dismantled without, among other things, proper redress in the courts; to the Committee on the Judiciary.

By Ms. KLOBUCHAR (for herself, Mr. BLUNT, Mr. KAINE, Mrs. CAPITO, Ms. ROSEN, Mr. LANKFORD, Mr. MORAN, Mrs. LOEFFLER, Mr. INHOFE, and Mr. TILLIS):

S. Res. 603. A resolution expressing the sense of the Senate that State agencies and other providers of foster care services should make every effort to ensure that siblings remain together in the foster care system; to the Committee on Health, Education, Labor, and Pensions.

#### ADDITIONAL COSPONSORS

S. 286

At the request of Mr. BARRASSO, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 286, a bill to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services and mental health counselor services under part B of the Medicare program, and for other purposes.

S. 685

At the request of Mr. LEE, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 685, a bill to amend the Inspector General Act of 1978 relative to the powers of the Department of Justice Inspector General.

S. 939

At the request of Mr. KENNEDY, the name of the Senator from Alabama (Mr. JONES) was added as a cosponsor of S. 939, a bill to establish limitations regarding Confucius Institutes, and for other purposes.

S. 2815

At the request of Mr. SCHUMER, the name of the Senator from Tennessee (Mrs. BLACKBURN) was added as a cosponsor of S. 2815, a bill to require the Secretary of the Treasury to mint coins in commemoration of the National Purple Heart Honor Mission.

S. 2948

At the request of Mr. TILLIS, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. 2948, a bill to direct the Secretary of Veterans Affairs to carry out a pilot program for work therapy using service dog training.

S. 3312

At the request of Mr. CORNYN, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from North Carolina (Mr. TILLIS) were added as cosponsors of S. 3312, a bill to establish a crisis stabilization and community reentry grant program, and for other purposes.

S. 3599

At the request of Mr. PERDUE, the names of the Senator from South Dakota (Mr. THUNE), the Senator from Kansas (Mr. ROBERTS), the Senator from Hawaii (Ms. HIRONO), the Senator from Arkansas (Mr. BOOZMAN) and the Senator from Massachusetts (Mr. MARKKEY) were added as cosponsors of S. 3599, a bill to enhance our Nation's nurse and physician workforce during the COVID-19 crisis by recapturing unused immigrant visas.

S. 3620

At the request of Mr. REED, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 3620, a bill to establish a Housing Assistance Fund at the Department of the Treasury.

S. 3624

At the request of Mr. COONS, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S. 3624, a bill to amend the national service laws to prioritize national service programs and projects that are directly related to the response to and recovery from the COVID-19 public health emergency, and for other purposes.

S. 3628

At the request of Ms. ERNST, the name of the Senator from Florida (Mr. SCOTT) was added as a cosponsor of S. 3628, a bill to prohibit the use of Federal funds for purchasing dogs and cats from wet markets in China, and for other purposes.

S. 3636

At the request of Mr. GRAHAM, the names of the Senator from North Carolina (Mr. BURR) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 3636, a bill to transfer the United States Secret Service to the Department of the Treasury.

S. 3665

At the request of Mr. ALEXANDER, the names of the Senator from Arkansas (Mr. BOOZMAN) and the Senator from Mississippi (Mrs. HYDE-SMITH) were added as cosponsors of S. 3665, a bill to amend the title XVIII of the Social Security Act to preserve access to rural health care by ensuring fairness in Medicare hospital payments.

S. 3671

At the request of Mr. REED, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 3671, a bill to amend title VI of the Social Security Act to provide additional funding for States, Tribal Governments, and local communities due to

the Coronavirus Disease 2019 (COVID-19) public health emergency, and for other purposes.

S. 3756

At the request of Mr. GRASSLEY, the name of the Senator from Iowa (Ms. ERNST) was added as a cosponsor of S. 3756, a bill to direct the Secretary of Agriculture to establish a renewable fuel feedstock reimbursement program.

S. 3798

At the request of Mr. TOOMEY, the names of the Senator from North Dakota (Mr. CRAMER), the Senator from Alabama (Mr. JONES), the Senator from South Carolina (Mr. GRAHAM) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S. 3798, a bill to impose sanctions with respect to foreign persons involved in the erosion of certain obligations of China with respect to Hong Kong, and for other purposes.

S. 3804

At the request of Mr. CARDIN, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 3804, a bill to clarify that the "one-touch make-ready" rules of the Federal Communication Commission for utility pole attachments do not supersede the National Labor Relations Act or collective bargaining agreements.

S. 3833

At the request of Mr. RUBIO, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 3833, a bill to extend the loan forgiveness period for the paycheck protection program, and for other purposes.

S.J. RES. 49

At the request of Mr. DAINES, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S.J. Res. 49, a joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States.

S. RES. 509

At the request of Mr. TOOMEY, the names of the Senator from Connecticut (Mr. MURPHY) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. Res. 509, a resolution calling upon the United Nations Security Council to adopt a resolution on Iran that extends the dates by which Annex B restrictions under Resolution 2231 are currently set to expire.

S. RES. 539

At the request of Mr. CARDIN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. Res. 539, a resolution supporting the rights of the people of Iran to determine their future, condemning the Iranian regime for its crackdown on legitimate protests, and for other purposes.

S. RES. 596

At the request of Mr. HAWLEY, the names of the Senator from Oregon (Mr.

MERKLEY) and the Senator from Arkansas (Mr. BOOZMAN) were added as cosponsors of S. Res. 596, a resolution expressing the sense of the Senate that the Hong Kong national security law proposed by the Government of the People's Republic of China would violate the obligations of that government under the 1984 Sino-British Joint Declaration and the Hong Kong Basic Law and calling upon all free nations of the world to stand with the people of Hong Kong.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTION

By Ms. COLLINS (for herself and Ms. SMITH):

S. 3864. A bill to amend title XVIII of the Social Security Act to eliminate the 190-day lifetime limit on inpatient psychiatric hospital services under the Medicare Program; to the Committee on Finance.

Ms. COLLINS. Mr. President, I rise today to introduce the Medicare Mental Health Inpatient Equity Act, legislation that eliminates Medicare's arbitrary 190-day lifetime cap on inpatient services in psychiatric hospitals. This change is long overdue given the steps that Congress has taken to improve coverage of mental health services. I am pleased to be joined by Senator TINA SMITH (D-MN), who has been a champion for greater access to mental health care.

Left untreated, mental illnesses are some of the most disabling and destructive illnesses afflicting Americans. Unfortunately, our current mental health system is fragmented, and family members with serious mental illness all too often lack access to the care that they need. That is why I have worked consistently and vigorously to improve mental health services across the lifespan.

I was an original cosponsor of the Senator Paul Wellstone Mental Health Parity Act, a landmark law that generally prevents group health plans and health insurance issuers that provide mental health or substance use disorder benefits from imposing less favorable benefit limitations on those benefits than on medical and surgical benefits. I was a longtime supporter of the Excellence in Mental Health Act, which increased Americans' access to community mental health and substance use treatment services through the Certified Community Behavioral Health Clinic (CCBHC). I have also worked with my colleagues Senator DURBIN and Senator PORTMAN to support greater residential treatment options by modifying Medicaid's restrictive Institute of Mental Disease exclusion as part of the Substance Use-Disorder Prevention that Promotes Opioid Recovery and Treatment for Patients and Communities Act (the "SUPPORT Act").

As chairman of the Aging Committee, I also recognize that seniors have significant unmet mental health



needs and that their Medicare coverage can be greatly improved. I was an original cosponsor of the Medicare Mental Health Copayment Equity Act, which was signed into law in 2008, that eliminated higher outpatient copayments for mental health services I have also recently re-introduced legislation with Senator BROWN that would update the Medicare program by recognizing clinical psychologists as independent care providers, thus expanding mental health care options and access for Medicare beneficiaries.

The legislation I am introducing today breaks down another barrier in Medicare, the 190-day lifetime cap on inpatient services in psychiatric hospitals. No other Medicare inpatient service has these types of arbitrary caps, which is why elimination of Medicare's lifetime cap was a recommendation of the 2016 White House Mental Health and Substance Use Disorder Parity Task Force.

I recognize that this cap was originally intended to limit the federal government's role in paying for long-term custodial support of the mentally ill. And no one wants to go back to the abusive days of long term institutionalization, which is why I have championed so many measures to help bolster community mental health resources. At the same time, keeping a cap on inpatient days at psychiatric hospitals—particularly for patients who have been living with serious mental illness from a young age—undermines patient treatment options and can lead to disruptive transitions of care. Many general hospitals lack psychiatric capacity and there are countless examples across the country of psychiatric boarding in emergency departments. Skilled nursing facilities may not be best suited to provide the complex and specialized psychiatric care these beneficiaries need. Finally, too many patients find themselves receiving care in prisons.

According to a 2019 Mathematica report commissioned by the Department of Health and Human Services, most fee-for-service Medicare beneficiaries who use inpatient psychiatric facilities have primary diagnoses of schizophrenia, major depressive disorder, and bipolar disorder, but Alzheimer's and related diagnoses are also common. We need to help patients with serious mental illness recover regardless of the setting where they are receiving care. The Medicare Mental Health Inpatient Equity Act is supported by a wide range of mental health groups, including the National Association of Behavioral Healthcare, the American Psychiatric Association, the American Psychological Association, and Mental Health America.

I urge my colleagues to support this legislation.

## SUBMITTED RESOLUTIONS

SENATE RESOLUTION 601—EXPRESSING THE SENSE OF THE SENATE THAT ORDER MUST BE IMMEDIATELY RESTORED TO THE CITIES OF THE UNITED STATES SO THAT CITIZENS MAY HAVE PEACE AND THE LEGITIMATE GRIEVANCES OF PEACEFUL PROTESTORS MAY BE HEARD AND CONSIDERED

Mr. MCCONNELL submitted the following resolution; which was referred to the Committee on the Judiciary:

## S. RES. 601

Whereas the killing of George Floyd (referred to in this preamble as "Mr. Floyd") by a police officer in Minneapolis, Minnesota, was a deeply immoral and reprehensible act for which justice must be done under the law;

Whereas other apparent instances of unjust police violence, such as the recent killing of Breonna Taylor in Louisville, Kentucky, must be met with immediate, thorough investigations and full justice;

Whereas the United States cannot fully realize the constitutional promise of equal protection and equal justice under the law until unjust police violence against Black Americans has been further addressed;

Whereas the peaceful demonstrations for justice and change following the death of Mr. Floyd are noble and patriotic;

Whereas it is the sacrosanct constitutional right of all people of the United States to demonstrate peacefully in favor of social and political change;

Whereas the constitutional rights of citizens unequivocally do not include any right to—

- (1) loot, pillage, burn, or destroy property;
- (2) attack police officers; or
- (3) disobey lawful orders of the police;

Whereas the violent rioting and mayhem that has descended on cities of the United States in the week preceding the date of introduction of this resolution is unjustifiable and immoral;

Whereas it is the fundamental responsibility of all governments to secure domestic tranquility and protect the lives and property of their citizens so that those citizens may exercise their rights and liberties in peace;

Whereas State and local governments bear primary responsibility for restoring order and suppressing these violent riots;

Whereas the Federal Government should stand ready to provide whatever aid is requested or necessary to restore order and tranquility in the streets of the United States; and

Whereas the men and women of local and Federal law enforcement agencies and the National Guard have acted with tremendous bravery and honor across the United States in the face of rioting, mayhem, and brutal attacks: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that order must be immediately restored to the cities of the United States so that—

- (1) citizens may have peace; and
- (2) the legitimate grievances of peaceful protestors may be heard and considered.

SENATE RESOLUTION 602—RECOGNIZING THAT THE MURDER OF GEORGE FLOYD BY OFFICERS OF THE MINNEAPOLIS POLICE DEPARTMENT IS THE RESULT OF PERVASIVE AND SYSTEMIC RACISM THAT CANNOT BE DISMANTLED WITHOUT, AMONG OTHER THINGS, PROPER REDRESS IN THE COURTS

Mr. BOOKER (for Mr. MARKEY (for himself, Mr. BOOKER, Ms. WARREN, Mr. VAN HOLLEN, and Mr. SANDERS)) submitted the following resolution; which was referred to the Committee on the Judiciary:

## S. RES. 602

Whereas Black people in the United States are disproportionately the victims of shootings, chokeholds, and other uses of excessive force by law enforcement officers;

Whereas the use of excessive force during an arrest or investigatory stop constitutes an unreasonable seizure under the Fourth Amendment to the Constitution of the United States, which guarantees the right of every person in the United States to be free from unreasonable searches and seizures at the hands of law enforcement officers;

Whereas the use of excessive force during a period of pretrial detention constitutes the deprivation of due process under the Fifth and 14th Amendments to the Constitution of the United States, which guarantee the right of every person in the United States to be free from arbitrary interference with the liberty of that person at the hands of law enforcement officers;

Whereas the use of excessive force during a term of imprisonment constitutes the use of cruel and unusual punishment under the Eighth Amendment to the Constitution of the United States, which guarantees the right of every person in the United States to be free from cruel and unusual punishment at the hands of law enforcement officers;

Whereas section 1979 of the Revised Statutes (42 U.S.C. 1983), which is derived from the first section of the Act of April 20, 1871 (commonly known as and referred to in this preamble as the "Civil Rights Act of 1871") (17 Stat. 13, chapter 22), makes liable "every person", including police officers, correctional officers, and other law enforcement officers, who, under color of law, deprives another person of civil rights;

Whereas the judicial doctrine of qualified immunity wrongly and unjustly precludes the victims of police violence from vindicating the rights of those victims under section 1979 of the Revised Statutes (42 U.S.C. 1983)—

(1) by effectively immunizing law enforcement officers from civil suit unless a prior court case has "clearly established" that the challenged use of excessive force is illegal; and

(2) by narrowly construing the "clearly established" standard so that any factual or contextual distinctions between the challenged use of excessive force and the use of excessive force in a prior case, even small or insignificant distinctions, are cause for qualified immunity with respect to the challenged use of excessive force;

Whereas the defense of qualified immunity has no historical common law basis;

Whereas the intent of Congress in enacting the Civil Rights Act of 1871 was to hold State and local law enforcement officers accountable for intimidating, harming, and murdering Black people in the United States after the Civil War;

Whereas, in 2017, Supreme Court Justice Clarence Thomas recognized that the defense

of qualified immunity has no textual basis in section 1979 of the Revised Statutes (42 U.S.C. 1983) and thereby represents “precisely the sort of freewheeling policy choice” that courts “have previously disclaimed the power to make”;

Whereas the courts of appeals of the United States are more likely than not to grant qualified immunity to law enforcement officers;

Whereas, in 2018, Supreme Court Justice Sonia Sotomayor acknowledged that the Supreme Court of the United States “routinely displays an unflinching willingness” to reverse decisions of the courts of appeals of the United States denying qualified immunity to law enforcement officers;

Whereas the lack of accountability that results from qualified immunity arouses frustration, disappointment, and anger throughout the United States, which discredits and endangers the vast majority of law enforcement officers, who do not engage in the use excessive force;

Whereas a civil action under section 1979 of the Revised Statutes (42 U.S.C. 1983) is often the only viable solution for victims of police violence and the families of those victims to hold law enforcement officers accountable for the use of excessive force because criminal prosecutors are reluctant to charge, and juries are hesitant to convict, law enforcement officers; and

Whereas the Government of the United States has established itself as a government of laws, and not of men, but will cease to be so if it does not furnish a viable remedy for all civil rights violations: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes and acknowledges the legal and racial inequities inherent in the judicial doctrine of qualified immunity as that doctrine is applied to law enforcement officers;

(2) recognizes and acknowledges that the doctrine of qualified immunity rests on a mistaken judicial interpretation of a statute enacted by Congress; and

(3) recognizes and acknowledges that, to correct that mistaken judicial interpretation, Congress should amend section 1979 of the Revised Statutes (42 U.S.C. 1983) to eliminate the qualified immunity defense for law enforcement officers as that defense exists as of June 1, 2020.

**SENATE RESOLUTION 603—EX-PRESSING THE SENSE OF THE SENATE THAT STATE AGENCIES AND OTHER PROVIDERS OF FOSTER CARE SERVICES SHOULD MAKE EVERY EFFORT TO ENSURE THAT SIBLINGS REMAIN TOGETHER IN THE FOSTER CARE SYSTEM**

Ms. KLOBUCHAR (for herself, Mr. BLUNT, Mr. KAINE, Mrs. CAPITO, Ms. ROSEN, Mr. LANKFORD, Mr. MORAN, Mrs. LOEFFLER, Mr. INHOFE, and Mr. TILLIS) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 603

Whereas sibling relationships are important and should be recognized and respected;

Whereas sibling relationships provide needed continuity and stability during the placement of a child in foster care;

Whereas the sibling bond is unique and separate from the parent-child bond, and may include relations with people not linked by blood;

Whereas siblings share similar history, heritage, culture, and often biology;

Whereas the Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public Law 110-351; 122 Stat. 3949) requires that States make reasonable efforts—

(1) to place siblings removed from their home in the same foster care, kinship guardianship, or adoptive placement, unless the State documents that such a joint placement would be contrary to the safety or well-being of any of the siblings; and

(2) in a case where siblings are removed from their home and not placed jointly, to provide for frequent visitation or interaction between the siblings, unless the State documents that frequent visitation or interaction would be contrary to the safety or well-being of any of the siblings;

Whereas sibling separation is a significant and distinct loss that must be ameliorated by frequent and regular contact; and

Whereas all foster children deserve the right to know and be actively involved in the lives of their siblings absent extraordinary circumstances: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that State agencies and other providers of foster care services should—

(1) make every effort to ensure that children are placed in homes with their siblings;

(2) ensure that siblings who are not placed together are provided with ample opportunities to communicate with each other and remain connected; and

(3) in a case where siblings are not placed jointly, document the reasons why.

**AUTHORITY FOR COMMITTEES TO MEET**

Mr. CORNYN. Mr. President, I have 5 requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

**COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS**

The Committee on Banking, Housing, and Urban Affairs is authorized to meet during the session of the Senate on Tuesday, June 02, 2020, at 10:30 a.m., to conduct a hearing.

**COMMITTEE ON FINANCE**

The Committee on Finance is authorized to meet during the session of the Senate on Tuesday, June 02, 2020, at 2:30 p.m., to conduct a hearing.

**COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS**

The Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of the Senate on Tuesday, June 02, 2020, at 10:30 a.m., to conduct a hearing on the following nominations: Russell Vought to be Director, Office of Management and Budget and Craig E. Leen to be Inspector General, Office of Personnel Management.

**COMMITTEE ON THE JUDICIARY**

The Committee on the Judiciary is authorized to meet during the session of the Senate on Tuesday, June 02, 2020, at 10 a.m., to conduct a hearing on the nomination of Justin R. Walker, to be

U.S. Circuit Judge for District of Columbia Circuit.

**SUBCOMMITTEE ON INTELLECTUAL PROPERTY**

The Subcommittee on Intellectual Property of the Committee on the Judiciary is authorized to meet during the session of the Senate on Tuesday, June 02, 2020, at 2:30 p.m., to conduct a hearing.

**ORDERS FOR WEDNESDAY, JUNE 3, 2020**

Mr. MCCONNELL. Now, Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Wednesday, June 3; further that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; further, that following leader remarks, the Senate proceed to executive session to resume consideration of the Anderson nomination under the previous order.

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

**ORDER FOR ADJOURNMENT**

Mr. MCCONNELL. So if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order, following the remarks of Senators BOOKER and VAN HOLLEN.

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

The Senator from New Jersey.

**RACISM**

Mr. BOOKER. Mr. President, I rise today with difficulty. I admit I am like so many other Americans who are hurting right now and feeling a torrent of emotions that I wish I could say it was the first time I felt like this.

I want to begin my remarks in a different way because the names that we are hearing shouted on streets—George Floyd, Ahmaud Arbery, Breonna Taylor—are like so many other names of people that we did not know as a Nation. They were not household names. Their names now are mixed into names that we have heard throughout my entire lifetime. But their names—and the way we say them mixed with horror and sadness and tragedy—it does not speak to their beauty, their humanity, the fullness, the texturedness of their lives. I just want to say that Ahmaud Arbery was a man, and he was 25 years old when he was murdered. He went out jogging where he was hunted by two White men who walked free for weeks after killing him.

This man, this child of God, his loved ones talked to his humanity. They said he was a loving son, a brother, an uncle, a nephew, a cousin, and a friend. He was humble. He was kind. He was

well mannered. He always made sure that he never departed his loved ones without saying “I love you.”

Breonna Taylor, before we knew her name—an extraordinary American, an extraordinary servant—she was a first responder. In a pandemic, like so many of our first responders, she showed a courage and humble heroism. She was 26 years old when she was shot and killed by police, asleep in her home. She was an emergency medical technician in Louisville.

Her loved ones, too, shared the truth of her spirit. They said Breonna Taylor was full of life. She loved social gatherings with her friends and especially her family. She loved life and all it had to offer. She continued to find ways to better herself and all of the people around her.

George Floyd, he was a man that was raised in Texas. He was a Houston man. To his friends and loved ones, he was known as Floyd. In high school—I know this—he was an athlete, playing both basketball and football. He played the position I played; he was a tight end. He went on to play basketball at South Florida State College, a pathway I know to college ball. His girlfriend called him “an angel that was sent to us on Earth.” His family remembered him as being family oriented, loving, and godly.

Floyd was a loving father. He was a devoted brother. He was a partner, and he was a friend. He is dead at 46 years old, on May 25, 2020, when he was restrained, pinned by his neck, and killed by law enforcement officers.

The killings of George Floyd, of Breonna Taylor, of Ahmaud Arbery are singular in their pain, are singular in their particular details in the anguish and the horror, but this is a terror that is familiar. It is a fear that is baked now, cemented into our culture.

For so many Americans, especially Black Americans, this has not just not been a tough few weeks. It has not just been an emotional time because of what we are seeing, the protests all around the country. This has been a tough life. This is the story of day after day after day that punctuates our consciousness only when someone captures on videotape what is a regular part of the fabric of our country.

We have a long and wretched and disturbing history in this country of Black people being murdered by law enforcement. Our systems of accountability, our systems of transparency, our ability to end this has improved impotent and feeble. These killings for so many Black Americans today are searing reminders that Black people in this country, as I have heard from dozens of people in my life, as we hear from people on our media, that this could have been me; that this even would have been me in the same circumstances. To hear people at all stations of life—African-Americans saying—“I am alive,” but questioning for how long, slipping into the savage reality of despair for your life and your safety.

To be Black in America is to know that a misunderstanding, that an implicit racial bias, that an interaction that should be everyday and routine can become a moment where your life is turned upside down, where your body becomes broken or when you are killed. It is a common experience. This has been a stretch where bird watching in a park, to jogging in your neighborhood, to going to a corner store, it is a jarring reminder that is reinforced by personal experiences that it could be you.

I was born to two civil rights activist parents. I was a big kid. I was over 6 feet by the time I was in seventh or eighth grade, and it was a time in my life that is a coming of age for so many people and cultures across our Nation. But something began happening to me in that period, and it was marked by the fear of my elders. Family members with jarring personal stories for a preteen or a teen would tell me what it meant to be Black, to be male in America. They were instilling fear in me as a survival mechanism. They were trying to make me aware of my surroundings.

I have difficult memories of trips to the malls with elder Black men in my family and being lectured about what I couldn't do, what I shouldn't do, and what the consequences could be. I remember that talk with my parents where I tried to joke about it, but they got chillingly angry with me about what it meant to have a driver's license in America and what could happen to me. They told me stories of friends, of family members, of others and their experiences with the police.

I spent those years of 12 and 13 in an America in the '70s and '80s where the words of my parents and elders were backed up with tragic and terrible stories of their experiences in generations before and were reinforced by my own experiences: being followed by mall security guards, being accused or stopped, being looked at with suspicion, and experience after experience after experience with police.

I remember as a college student—and it all came to a head where I wrote a column in Stanford's newspaper: Why have I lost control? I remember that night writing that column like it was yesterday. I was so overcome with emotion and rage, and I would like to submit for the RECORD that column and read right now pieces of what I wrote that night that when I look at young men on the streets of America today and I see their anger and I see their rage, it brings me back, not to that moment, but to the own feelings that have churned within me for years.

I will read from the column: Why have I lost control?

How can I write, when I have lost control of my emotions? Not guilty. Not guilty. Not guilty.

Not shocked. Why not?

Turn off the engine! Put your keys, driver's license, registration and insurance on the hood now! Put your hands on the steering wheel and don't even think of moving.

Five police cars. Six officers surrounded my car, guns ready. Thirty minutes I sat,

praying and shaking, only interrupted by the command, “I said, don't move!”

Finally, “Everything checks out, you can go.”

Sheepishly I asked, why.

“Oh, you fit the description of a car thief.”

Not guilty. Not shocked. Why not.

In the jewelry store, they lock the case when I walk in.

In the shoe store, they help the White man who walks in after me.

In the shopping mall, they follow me—in the Stanford shopping mall. Last month I turned and faced their surreptitious security: “Catch any thieves today?”

Not guilty. Not shocked. Why not?

I am a black man. I am 6 foot 3 inches tall and 230 pounds, just like Rodney King. Do I scare you? Am I a threat? Does your fear justify your actions? Twelve people [a jury] believed it did.

Black male: Guilty until proven innocent.

Reactions to my kind are justified. Scrutiny is justified. Surveillance is justified. Search is justified. Fifty-six blows justified. Justice? Dear God.

I graduated from Stanford last June. I was elated. I was one of four presidents of my class—I was proud. In the fall, I received a Rhodes Scholarship. I approached arrogance.

But late one night, as I walked the streets of Palo Alto, as the police car slowed down while passing me, as his steely glare met me, I realized that to him and to so many others I am and [may] always be—

And I substitute now—

—I am and may always be the [N-word]: Guilty until proven innocent.

I am struggling to be articulate, loquacious, positive, constructive, but for the first time in so long, I have lost control of my emotions: Rage, frustration, bitterness, animosity, exasperation, sadness. Emotions once suppressed, emotions once channeled, now are let loose. Why?

Not guilty. Not shocked.

Poverty, alienation, estrangement, continuously aggravated by racism, overt and institutional. Can you leave your neighborhood without being stopped? Can you get a loan from your bank? Can you be trusted at your store?

Can you get an ambulance dispatched to your neighborhood? Can you get the police to come to your house? Can you get an education at your school? Can you get a job? Can you stay alive past 25? Can you get respect? Can you be heard?

No! Not until someone catches on video one small glimpse of your everyday reality and even then, can you get justice?

Why have I lost control of my emotions? Why do my hands shake as I write? Tonight, I have no answers.

Dear God, help us to help ourselves before we become our own undoing.

That was three decades ago. That was me as an early 20-something, writing about another one of those names that has become household. We remember it decades later. I wish I could stand here and tell you that much has changed for the experience of that young Black man. I wish I could tell you that that was the end of names becoming household words, but it has not.

This is a cycle of violence in our country; these spasms jerk us from our comfort and pull us into the world that is faced by so many African-Americans and then we go back. So many of us go back to what is now normal in America, what has been normal in America.

This cycle—I hear people now talking about the violence, the rioters. I condemn it in the same way that the other

99 Members are. It is awful, it is despicable, it is contrary to the aims of this Nation and the movements of our past. But to condemn the violence of those out there doing such awful, destructive, condemnation-worthy actions, but to only condemn them and not to condemn the fullness of that cycle of violence because there is violence going on even when we don't see it in the streets.

Peace, even, is not just the absence of violence; it is the presence of justice. This is an unjust cycle in our country that we seem to be stuck in that makes the names of children like Tamir Rice household names. It is connected with the violence that is pervasive in our Nation that demands all of us to speak out against with the same fervor and enthusiasm and energy that people are condemning the violence we are seeing in America today. To fail to do that leaves us in a state of imbalance. To fail to condemn the totality of violence in our country leaves us far from the beloved community. We need to somehow find a way out of that cycle.

There is violence in our Nation seen and our environment, that we still are a Nation where a person's race is the single biggest factor of whether they live near a toxic site or not. Ask the mother of a child who drank lead water for months and months and has had their brain permanently damaged if that was not violence. It is violence to not have access to quality care. Ask the woman who has lost her child because of lack of prenatal care. Ask the Black woman in America, who today is four times more likely to die, herself, in childbirth if this isn't a violence in our society that needs condemnation. It is violence we see from our healthcare system, to our criminal justice system, to environmental injustice, to the denial, as one author says, of the savage inequalities within our education systems.

It is why so many Black Americans scream out: Do you see me? I do not have your equal justice under law. Do you see me? I do not have justice for all. Do you see me? I matter. I matter. Black lives matter. Black bodies matter. America, I love you. Do you see me? Do you know my experiences? Do you see the failings of our ideals?

The murder of a Black man by multiple cops who knew they were being filmed in broad daylight is not the extent of the problem of racism in America. It is a final and deadly manifestation of that racism of a nation where everything about us is interwoven, it is interconnected, and we are in relationship with each other.

This ideal that we are one Nation is not a quaint ideal. It is an inescapable fact of American society. The pain and the hurt of our brothers or sisters is our pain. I can show you that economically. I can show you that by every ideology that is expressed here on the floor of this Senate.

The cycle of violence has to stop, the cycle of wretchedness and hurt. Our an-

cestors scream out at us now. Millions of Americans scream out right now, and I know we have an obligation in this body to do something.

I have heard words from people on both sides of the aisle speaking toward the injustice of racism that exists in our country. I have heard words. But for generations what they sought from this body—greater men and women than any of us—what they sought on the streets, what they sought in front of the White House, from Alice Paul, the first person to protest out there, was legislative changes. That is what they sought.

The march on Washington. Disability activists were throwing themselves out in front of buses. They fought for tangible legislation.

Martin Luther King said:

While it may be true that morality cannot be legislated, behavior can be regulated. It may be true that the law cannot change the heart but it can restrain the heartless. It may be true that the law cannot make a man love me but it can keep him from lynching me.

It is on us. The cries for justice in the street, it is on us. The pain being made manifest for all America to see, it is on us. Those who have been comfortable for too long are now pulled from their seats as they stare at a television that shows them a window into a nation that is not at rest. It is on us in this body to do something, to change the law. We can do that.

In the coming days, Senator KAMALA HARRIS and I have partnered together on a comprehensive police reform proposal that takes into account the incredible work of Congressional Black Caucus members, many of them who have been in this congressional body much longer than I have. They have been working on these issues much longer than I have. It takes the work of so many people in both of the bodies that make up our Congress and pulls them together.

There are so many injustices, but this comprehensive package is about police accountability. It is an answer to the pain, to the hurt, and the agony. It speaks to the young children whose parents right now are teaching them fear as an art of survival, teaching them not to be a threat to anyone who could kill you, to try to shrink from the fullness of your body so that they don't take your body, they don't harm your body, and they don't kill your body. It creates accountability and transparency and practices that can repair police community relations. It can give faith back to those who have lost it. It can rescue people who are slipping into a deeper despair about this Nation and perhaps cobble together some semblance of hope.

This is a moment in American history where we must recognize the hurt and the pain and do something about it where this body that has so nobly acted in past years to pass legislation—the 1964 Civil Rights Act, the 1965 Voting Rights Act, and the spasms of 1968. Fair housing laws were passed.

I said I come to you today torn up inside. As so many Americans, the soil of our souls have been plowed up in pain, hoping for seeds of possibility, hoping that somehow, borne out of agony and despair, can sprout a new harvest for America.

As a man who believes in this country and believes in the ideals of hope and love and faith and charity and kindness, I want to confess to you something, that right now hope is essential, but it is not enough. I confess to you, right now, words of kindness and grace are essential to America, but they are not enough right now. I confess to you even something that is hard to admit, that the spirit of courage and grit being shown by people on the streets—not in the comfortable hallways of the Senate—who in one of the most noble traditions of our Nation are protesting, are petitioning their government, are peacefully gathering, I want to tell you, right now, that that is not enough. It is essential, but it is not enough. These things are necessary, but not sufficient.

So how? How do we go forward? In Washington, the people talk about being so savagely broken. How? At a time that I worry about King's ideal of a beloved community, how do we create that out of this moment? I do not know.

But I want to tell you this: When I find myself disturbed and sad, when I find my heart that, on most days, has an invincible hope for our Nation, I turn to our history, but I don't need to turn too far.

I know the heroes whose names are hailed from generations past. I don't know how Harriet Tubman, Ella Baker, and Fannie Lou Hamer mustered their strength and courage. They were marvelous magicians that could turn the most wretched of times into progress.

So at a time that I need hope, I tell you I turn to the spiritual alchemists of our day. I met them. I have been to a church in South Carolina where White supremacists stormed in and murdered nine blessed souls. I have watched on a TV screen this spiritual alchemist who somehow turned the most unimaginable grief into forgiveness and a lesson for our Nation.

I visited a church just a few months ago in Tulsa, OK. It was the last structure that was left standing out of one of the greatest acts of domestic terrorism we had ever seen—the torching, the bombing of Black Wall Street—and I met a pastor there, Pastor Turner. He is a great spiritual alchemist, who somehow turned the only remaining structure—after horrific violence—he somehow turned it into a symbol of struggle.

I have talked to mothers of the movement. These are these great Black women whose sons were murdered and are names we now know. I learned from them this unbelievable demonstration of spiritual alchemy, that somehow they turned their tragedies into a grit and guts and a determination to never

stop fighting as long as they have breath in their body and blood in their veins. They will fight for this Nation, even when it so savagely lets them down.

I get strength from those in our Nation today who demonstrated alchemy greater than any power I can possess, that somehow, in our darkest of times, we still are a Nation that can find a way to ignite the world, in a Nation where so many people have been so thoroughly failed, that they can still manifest the ability to fight for the ideals that have been denied for them. They are the ones right now whose spirit we all must try to summon.

We will come up short, but we must try to summon it. It is the only way forward that, somehow, this Nation that shares one spirit can find a way to put enough indivisible into this one nation under God, that somehow this great country can find a way in this time of our generation's great crisis—that we, like those before us, those magicians, those alchemists of love and spirit and sweat and struggle—that out of this time of crisis, we can make this Nation truly one of liberty and justice for all.

Madam President, I yield the floor.

The PRESIDING OFFICER (Ms. MCSALLY). The Senator from Maryland.

#### RACISM

Mr. VAN HOLLEN. Madam President, let me start by saying to our colleague, the Senator from New Jersey who just spoke on the floor, that we are all thankful for his passion to make sure that this country lives up to its promise and for sharing with this body his personal testimony about racism and the need for all of us to move urgently to address the fundamental inequities at the heart of our society and institutions. I don't think it is an overstatement to say that we are at a pivotal point in our country. It is a moment of reckoning. Historians will carefully examine this moment to see how our country responded to see which path we took, how the Senate responded, how each Senator responded.

The immediate spark for this moment was the brutal murder of George Floyd by agents of government. In Minneapolis, a police officer aided and abetted by three other officers—we all witnessed the horror of George Floyd gasping "I can't breathe" as a White officer kept his knee on his neck for 8 minutes and 46 seconds; three other officers participated in the crime. All four need to be brought to justice, but the murder of George Floyd was not an isolated event in the United States of America. It is not the first time a Black man has called out "I can't breathe" as he was choked or lynched. We can draw a straight line that runs from slavery to Jim Crow to legal segregation to de facto segregation to institutional racism to the killings of Michael Brown, Tamir Rice, Eric Gar-

ner, Freddie Gray, Breonna Taylor, and George Floyd, as well as the vigilante killings of Trayvon Martin and Ahmaud Arbery and others.

The White police officer who looked at the video as he kept his knee on the neck of George Floyd thought he would get away with his actions because he and so many others had not been held accountable before. He thought he could get away with it, based on his experience. We must change that. As Senator BOOKER said, we can have our moments of silence, we can have vigils, but that is not enough. It is not nearly enough. This is a moment that demands real action, real change, and real results, starting with changes in police practices and the systemic racism and institutions that have shielded those who engage in misconduct from accountability.

Those changes must include establishing truly independent oversight mechanisms to ensure that those police officers who betrayed the public trust are held accountable. We must ban outright the use of chokeholds unless the officer's life is in imminent danger, and we must use Federal leverage to incentivize deescalatory practices over escalatory ones. We need national standards backed up by real consequences for those who do not comply, and we must establish a Federal databank that tracks reports of police misconduct—not simply unjustified killings by police, but all forms of misconduct. These and others changes are required to ensure the protection of citizens, communities, and an overwhelming number of police officers who are meeting their sworn oaths to protect our communities. Bad cops are bad for good cops, and we need to make sure we have a system in place to punish misconduct and reward those who are upholding their sworn duty.

Now, while the murder of George Floyd and others has, again, exposed the need for systemic change in police accountability, it also cries out for systemic change to address racism embedded in our institutions. The need for additional change does not mean we have not made progress in our country on key issues of civil rights and political rights, but it does mean we have a very long unfinished road ahead to achieve the promise of equal justice, equal rights, and equal opportunity in America. The murder of George Floyd comes in the middle of a pandemic that has inflicted disproportionate harm on communities of color, especially the Black community, because of deep underlying disparities in our society that have been well documented. It comes amid a pandemic that has shone a harsh light on deep inequality in our education systems, including the digital divide and the homework gap, but so much more.

The reality is we must put all of our systems under the microscope and very intentionally root out racial bias and discriminatory impact. In the city of Baltimore, in my State of Maryland,

we have a terrible legacy of housing segregation. Baltimore City had an explicit committee on segregation, which was followed by harsh and restrictive covenants and redlining that blocked our Black community from economic mobility. That may seem like a long time ago, but the harmful impact of those laws is lasting, and you can still trace those red lines separating our neighborhoods today.

So let us be very clear here that these disparities can be directly traced to policies that were designed to discriminate. For decades, Federal, State, and local policies covering issues from housing to banking amounted to nothing less than state-sponsored efforts to deny African-Americans the basic equal rights they are owed under our Constitution. While many of these policies are off the books today, their legacy endures and practices endure, and it is our obligation at every level of government to uproot and destroy those embedded policies with the same kind of deliberation that they were put in place in the first place.

Now, the protests taking place in Minneapolis and all across the country are an expression of the deep pain caused by the continued death toll and other harms caused by our failure as a nation to address the underlying inequities in our society and in our institutions. That is why people have taken to the streets to protest. It was Dr. King who said: There can be no justice without peace, and there can be no peace without justice. Real justice and real peace is long overdue.

Last night, in response to those protests, we witnessed something I never thought we would see in the United States of America. We had the President of the United States call up and order military police to fire tear gas and rubber bullets at peaceful protesters to clear a path for him to conduct a photo op in front of Saint John's Episcopal church, a historic church close by to the White House.

Here is what Mariann Budde, the bishop of the Episcopal archdiocese of Washington, had to say about what the President did. She made a statement that outlined the President's abuse of their church for his political purposes, and then the church itself issued the following statement—I should point out that the pastor of the church and many of the parishioners were at the protest and providing water and nutrition to some of the protesters.

Here is what the leaders of the church said:

We at St. John's Church were shocked at the surprise visit from the President this evening and even more appalled at the violent clearing of Lafayette Square to make the visit possible. St. John's is a community that welcomes all—from powerful presidents to the homeless—to worship God. We fully espouse the words of our Baptismal Covenant, which says, in part, that we "will strive for justice and peace among all people and respect the dignity of every human being."

Living that covenant, we stand with those peacefully protesting the tragic and unnecessary death of George Floyd, and the far too many who came before him.

We pray that our nation finally confronts its history of racism and, as a result, can fully embrace the peace of God that passes all understanding.

Those are really words that we should have heard from our President. Instead, they came from religious leaders responding to the President's use of their church for political purposes—and, in the process, violating the First Amendment rights of peaceful protesters, the rights of those protesters to peacefully assemble, as the President ordered up military police to clear a peaceful crowd.

We also listened in disbelief as Mark Esper, the Secretary of Defense, talked about turning public places into “battle spaces” to be dominated. This is the Secretary of Defense, who is charged with defending our country, talking about turning rubber bullets and tear gas against peaceful protesters here in the United States.

We witnessed General Milley, Chairman of the Joint Chiefs of Staff, in full military uniform, presiding over the breakup of this peaceful demonstration.

I remind Secretary Esper and Chairman Milley that their oath is to support and defend the Constitution of the United States, and they are not permitted by that oath to follow illegal orders, even from the President of the United States.

The President of the United States can give them what orders he chooses, but the Constitution and their oath requires that their first loyalty be to the United States of America and not to any one individual.

So I think it is important that we investigate this incident and the role that the Secretary and the Joint Chiefs of Staff played in following the President's illegal orders, illegal because they represented a gross violation of the First Amendment rights of citizens of the United States to peacefully assemble.

Let me close with this. I said at the outset that this is a moment when our country has different paths to choose and this Senate is very much a part of deciding which path we will take. Will we take the path that Senator BOOKER said of not only having moments of silence, but working together to pass true reform to address police accountability, to address other forms of systemic racism? Will we be willing to stand up to the President of the United States when he violates the civil rights and First Amendment rights of American citizens?

That is really a test for this institution, whether we are willing to do our job and uphold our oath to the Constitution of the United States.

Thank you, Madam President.

I yield the floor.

## ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 10 a.m. tomorrow. Thereupon, the Senate, at 6:20 p.m., adjourned until Wednesday, June 3, 2020, at 10 a.m.

## NOMINATIONS

Executive nominations received by the Senate:

### DEPARTMENT OF DEFENSE

LUCAS N. POLAKOWSKI, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE GUY B. ROBERTS, RESIGNED.

### SECURITIES INVESTOR PROTECTION CORPORATION

THOMAS M. MISTELE, OF FLORIDA, TO BE A DIRECTOR OF THE SECURITIES INVESTOR PROTECTION CORPORATION FOR A TERM EXPIRING DECEMBER 31, 2023. (REAPPOINTMENT)

THOMAS M. MISTELE, OF FLORIDA, TO BE A DIRECTOR OF THE SECURITIES INVESTOR PROTECTION CORPORATION FOR A TERM EXPIRING DECEMBER 31, 2020, VICE ORLAN JOHNSON, RESIGNED.

### SECURITIES AND EXCHANGE COMMISSION

HESTER MARIA PEIRCE, OF OHIO, TO BE A MEMBER OF THE SECURITIES AND EXCHANGE COMMISSION FOR A TERM EXPIRING JUNE 5, 2025. (REAPPOINTMENT)

### EXECUTIVE OFFICE OF THE PRESIDENT

DEREK KAN, OF CALIFORNIA, TO BE DEPUTY DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET, VICE RUSSELL VOUGHT.

### DEPARTMENT OF STATE

C. KEVIN BLACKSTONE, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE DEMOCRATIC REPUBLIC OF TIMOR-LESTE.

### UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY

CHARLES L. GLAZER, OF CONNECTICUT, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 2023. (REAPPOINTMENT)

### DEPARTMENT OF STATE

MICHAEL A. MCCARTHY, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF LIBERIA.

WILLIAM W. POPP, OF MISSOURI, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF GUATEMALA.

### THE JUDICIARY

EDMUND G. LACOUR, JR., OF ALABAMA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF ALABAMA, VICE ANDREW LYNN BRASHER, ELEVATED.

### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

#### To be lieutenant general

MAJ. GEN. CARL E. SCHAEFER

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

#### To be lieutenant general

MAJ. GEN. KIRK S. PIERCE

### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

#### To be major general

BRIG. GEN. ALEX B. FINK

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

#### To be brigadier general

COL. EDWARD H. BAILEY

COL. MARY V. KRUEGER  
COL. ANTHONY L. MCQUEEN

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT AS DIRECTOR, ARMY NATIONAL GUARD, AND FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 10506:

#### To be lieutenant general

MAJ. GEN. JON A. JENSEN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

#### To be brigadier general

COL. JED J. SCHAERTL

### IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

#### To be lieutenant general

LT. GEN. ROBERT F. HEDELUND

### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

#### To be lieutenant colonel

KIRK W. GREENE

### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY CHAPLAIN CORPS UNDER TITLE 10, U.S.C., SECTION 624:

#### To be lieutenant colonel

MAURO QUEVEDO, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 7064:

#### To be colonel

SHAHIN NASSIRKHANI

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

#### To be major

ALFREDO CARINORIVERA

### IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

#### To be captain

SUZETTE INZERILLO

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

#### To be captain

THOMAS G. CHEKOURAS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

#### To be captain

RYAN P. ANDERSON

SEAN M. ANDREWS

DONALD E. BAKER

MARK S. BOWMER

PATRICK W. BROWN

CHRISTOPHER M. BUCZKOWSKI

KEITH A. CAPPER

STEFAN EDWARDS

VINCENT V. ERNO

DALE A. HANEY

RONALD L. HOAK II

PETER J. HOLDORF

DAVID J. HUBER

KENNETH J. JACKSON

CARL W. KOCH

SHAN S. LEBLANC

CASS K. MADSON

CRAIG A. MIHALIK

FRANK D. MILLER

CHRISTOPHER A. NEWELL

DAVID W. PAVLIK

RYAN M. PERRY

JOSEPH C. PESTAR, JR.

JOSEPH H. PETH

ALLEN RIVERA

DAVID W. RODEBUSH

PHOEBE U. TAMAYO

JAMES A. TROUT

JUAN C. URIBE

KRISTIAN L. WAHLGREN

SHANNON W. WALKER

ALEXANDER D. WALLACE III

MELISSA A. WILLIAMS

MICHELLE M. WILLIAMS

DARYL M. WILSON

GLENN A. WRIGHT

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be captain*

MICHAEL D. AMEDICK  
JOHN G. ANDERSON  
MICHAEL R. BAKER  
MATTHEW K. BERRENS  
STEPHEN M. COATES  
DAVID D. DINKINS  
THOMAS A. IANUCCI  
ROBERT A. MOORE  
WILLIAM S. RILEY  
SANTIAGO RODRIGUEZ  
DENNIS M. WHEELER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be captain*

JEREMY P. ADAMS  
DEAN E. ALLEN  
RYAN P. CAREY  
FRANK W. CARROLL  
CHRIS M. COGGINS  
JASON A. CROSBY  
BOBBY D. DASHER, JR.  
CHARLES B. KUBIC  
ANDREW L. LITTEAL  
MICHAEL K. OBEIRNE  
BRENT C. PAUL  
ANGEL L. SANTIAGO  
ATIM D. SENTHILL  
CONSTANCE L. SOLINA  
SUSANNE M. WIENRICH  
ALLEN E. WILLEY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be captain*

MARCO A. AYALA  
ANDREW J. BALDWIN  
THOMAS M. BALDWIN  
MICHAEL M. BARNA  
KENNETH O. BONAPARTE  
ZACHARY W. BROWN  
HUGH M. DAINER  
TRAVIS G. DEATON  
HAMMA A. DIALLO  
TODD J. ENDICOTT  
CHRISTIN M. B. FOSTER  
GREGORY H. FREITAG, JR.  
DIANA C. FU  
CORY P. GACONNET  
SATYEN M. GADA  
ALEXANDER B. GALIFIANAKIS  
ROGER M. GALINDO  
JEFFREY W. GERTNER  
ADOLFO GRANADOS, JR.  
MARION A. GREGG  
HEATHER J. GROTE  
NOA C. HAMMER  
BRADLEY W. HICKEY  
ARLENE J. HUDSON  
KERRY A. HUDSON  
JEFFERY C. JOHNSON  
MICKAILA J. JOHNSTON  
MICHAEL J. KAVANAUGH  
MICHEL J. KEARNS  
BRIAN T. KLEYENSTEUBER  
JOSEPH G. KOTORA  
LEONARD J. KUSKOWSKI  
ALAN S. LAM  
SHANNON V. LAMB  
RACHEL U. LEE  
ELIZABETH A. LEONARD  
JASON J. LONGWELL

VINH Q. MAI  
WENDY G. MANCUSO  
MATTHEW R. MATIASEK  
KARLWIN J. MATTHEWS  
MICHAEL G. MERCADO  
JOSEPHINE C. NGUYEN  
MARK M. NGUYEN  
THOMAS W. NIPPER II  
SHAUNA F. OSULLIVAN  
AUSTIN L. PARKER  
JOEL N. PETERSON  
LISA A. PETERSON  
DOUGLAS E. PITTMER  
TIMOTHY A. PLATZ  
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SONYA N. WATERS  
DAVID A. WEIS  
SHARESE M. WHITE  
RASHAD C. WILKERSON  
PAUL J. WISNIEWSKI  
DAVID M. YOU

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be captain*

WILLIAM M. ANDERSON  
YASIR F. BAHRANI  
CECILIA M. BROWN  
KATHLEEN D. BUSS  
SHERRY A. CARAVEO  
BART M. CRAGEN  
JEFFREY A. DRAUDE  
KRISTIE E. ERICKSON  
PATRICK J. FOX, JR.  
GREGORY L. KOONTZ  
GARIN M. LIU  
KEITH R. MERCHANT  
JOHN J. NEAL  
SENNAY M. STEFANOS  
RASHA H. WELCH  
DAVID S. WELDON

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be captain*

JERRY J. BAILEY  
WILLIE D. CARTER  
SCOTT D. COON  
NOEL M. CORPUS  
RICHARD GILLIARD, JR.  
MICHAEL J. GRANDE  
MATTHEW H. JAMERSON  
WILLIAM E. KELLY  
MELISSA D. H. LAUBY  
MICHAEL A. LOWE  
ROBERT T. MCMAHON III  
STACIE A. MILAVEC  
MARCY M. MORLOCK  
ERIN R. WILFONG

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be captain*

PHILLIP A. CHOCKLEY  
PHILIP J. HAMON  
ELIZABETH H. JOSEPHSON  
AMANDA R. MYERS

STEVEN R. OBERT  
PETER P. PASCUCCI  
KATHERINE S. PASIETA  
MARY B. POHANKA  
RYAN STORMER  
ANGELA J. TANG  
DANIEL WERNER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be captain*

KENNETH R. BASFORD  
KAREN A. BELCAR  
PHILLIP A. BOYER  
JULIE A. CONRARDY  
CHARLES E. DICKERSON  
BRIDGETTE D. FERGUSON  
KATHRYN A. GARNER  
KAREN M. GRAY  
ERIC C. GRYN  
CHRISTOPHER D. KEITH  
MATHEW R. LOE  
SALEE J. P. OBOZA  
DANIEL F. RICE  
SUSAN M. TILLMON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant commander*

ROBERT C. BIRCH

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant commander*

TORI J. MOFFITT

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant commander*

MATTHEAU B. WILLSEY

## CONFIRMATIONS

Executive nominations confirmed by the Senate June 2, 2020:

## DEPARTMENT OF THE TREASURY

BRIAN D. MILLER, OF VIRGINIA, TO BE SPECIAL INSPECTOR GENERAL FOR PANDEMIC RECOVERY.

## DEPARTMENT OF DEFENSE

VICTOR G. MERCADO, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE.

## WITHDRAWAL

Executive Message transmitted by the President to the Senate on June 2, 2020 withdrawing from further Senate consideration the following nomination:

THOMAS M. MISTELE, OF FLORIDA, TO BE A DIRECTOR OF THE SECURITIES INVESTOR PROTECTION CORPORATION FOR A TERM EXPIRING DECEMBER 31, 2022, VICE GREGORY KARAWAN, TERM EXPIRED, WHICH WAS SENT TO THE SENATE ON JANUARY 28, 2020.

# Daily Digest

## Senate

### Chamber Action

*Routine Proceedings, pages S2635–S2657*

**Measures Introduced:** Seven bills and three resolutions were introduced, as follows: S. 3862–3868, and S. Res. 601–603. **Page S2649**

**Pack Nomination—Cloture:** Senate began consideration of the nomination of Michael Pack, of Maryland, to be Chief Executive Officer of the Broadcasting Board of Governors. **Page S2636**

A motion was entered to close further debate on the nomination, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur upon disposition of the nomination of Drew B. Tipton, of Texas, to be United States District Judge for the Southern District of Texas. **Page S2636**

Prior to the consideration of this nomination, Senate took the following action:

Senate agreed to the motion to proceed to Legislative Session. **Page S2636**

Senate agreed to the motion to proceed to Executive Session to consider the nomination. **Page S2636**

**Anderson and Tipton Nominations—Agreement:** A unanimous-consent agreement was reached providing that notwithstanding the provisions of Rule XXII, the cloture motions with respect to the nominations of James H. Anderson, of Virginia, to be a Deputy Under Secretary of Defense, and Drew B. Tipton, of Texas, to be United States District Judge for the Southern District of Texas, ripen at 12 noon, on Wednesday, June 3, 2020; provided further, that if cloture is invoked on the nomination of James H. Anderson, the post-cloture time expire at 2:15 p.m., on Wednesday, June 3, 2020; and if cloture is invoked on the nomination of Drew B. Tipton, the post-cloture time expire at 4:30 p.m., on Wednesday, June 3, 2020. **Page S2647**

A unanimous-consent agreement was reached providing that at approximately 10 a.m., on Wednesday, June 3, 2020, Senate resume consideration of the nomination of James H. Anderson, of Virginia, to be a Deputy Under Secretary of Defense. **Page S2652**

**Nominations Confirmed:** Senate confirmed the following nominations:

By 75 yeas to 15 nays (Vote No. EX. 105), Victor G. Mercado, of California, to be an Assistant Secretary of Defense. **Pages S2636–42**

During consideration of this nomination today, Senate also took the following action:

By 75 yeas to 14 nays (Vote No. EX. 104), Senate agreed to the motion to close further debate on the nomination. **Page S2641**

By 51 yeas to 40 nays (Vote No. EX. 107), Brian D. Miller, of Virginia, to be Special Inspector General for Pandemic Recovery. **Pages S2642–47**

During consideration of this nomination today, Senate also took the following action:

By 51 yeas to 40 nays (Vote No. EX. 106), Senate agreed to the motion to close further debate on the nomination. **Page S2642**

**Nominations Received:** Senate received the following nominations:

Lucas N. Polakowski, of Virginia, to be an Assistant Secretary of Defense.

Thomas M. Mistele, of Florida, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 2023.

Thomas M. Mistele, of Florida, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 2020.

Hester Maria Peirce, of Ohio, to be a Member of the Securities and Exchange Commission for a term expiring June 5, 2025.

Derek Kan, of California, to be Deputy Director of the Office of Management and Budget.

C. Kevin Blackstone, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador to the Democratic Republic of Timor-Leste.

Charles L. Glazer, of Connecticut, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 2023.

Michael A. McCarthy, of Virginia, to be Ambassador to the Republic of Liberia.

William W. Popp, of Missouri, to be Ambassador to the Republic of Guatemala.



Edmund G. LaCour, Jr., of Alabama, to be United States District Judge for the Middle District of Alabama.

2 Air Force nominations in the rank of general.

6 Army nominations in the rank of general.

1 Marine Corps nomination in the rank of general.

Routine lists in the Air Force, Army, and Navy.

**Pages S2656–57**

**Nomination Withdrawn:** Senate received notification of withdrawal of the following nomination:

Thomas M. Mistele, of Florida, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 2022, which was sent to the Senate on January 28, 2020.

**Page S2657**

**Executive Communications:**

**Pages S2648–49**

**Additional Cosponsors:**

**Pages S2649–50**

**Statements on Introduced Bills/Resolutions:**

**Pages S2650–52**

**Additional Statements:**

**Pages S2647–48**

**Authorities for Committees to Meet:**

**Page S2652**

**Record Votes:** Four record votes were taken today. (Total—107)

**Pages S2641–42, S2647**

**Adjournment:** Senate convened at 10 a.m. and adjourned at 6:20 p.m., until 10 a.m. on Wednesday, June 3, 2020. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S2652.)

## Committee Meetings

(Committees not listed did not meet)

### TITLE IV OF THE CARES ACT

*Committee on Banking, Housing, and Urban Affairs:* Committee concluded a hearing to examine implementation of Title IV of the CARES Act, including S. 3752, to amend title VI of the Social Security Act to establish a Coronavirus Local Community Stabilization Fund, after receiving testimony from Thomas Quaadman, U.S. Chamber of Commerce Center for Capital Markets Competitiveness, Washington, D.C.; Douglas Holtz-Eakin, American Action Forum, Pittsburgh, Pennsylvania; and Heidi Shierholz, Economic Policy Institute, Muskogee, Oklahoma.

### COVID-19 AND FDA

*Committee on Finance:* Committee concluded a hearing to examine the Food and Drug Administration's foreign drug manufacturing inspection process, focusing on COVID-19 and beyond, after receiving testimony

from Judith McMeekin, Associate Commissioner for Regulatory Affairs, Mark Abdo, Associate Commissioner for Global Policy and Strategy, and Douglas C. Throckmorton, Deputy Director for Regulatory Programs, Center for Drug Evaluation and Research, all of the Food and Drug Administration, Department of Health and Human Services; Mary Denigan-Macauley, Director, Health Care, Government Accountability Office, Washington, D.C.; Martin VanTrieste, Civica, Inc., Lehi, Utah; and David Light, Valisure, New Haven, Connecticut.

### NOMINATIONS

*Committee on Homeland Security and Governmental Affairs:* Committee concluded a hearing to examine the nominations of Russell Vought, of Virginia, to be Director of the Office of Management and Budget, and Craig Edward Leen, of the District of Columbia, to be Inspector General, Office of Personnel Management, after the nominees testified and answered questions in their own behalf.

### INCARCERATION AND DETENTION DURING COVID-19

*Committee on the Judiciary:* Committee concluded a hearing to examine best practices for incarceration and detention during COVID-19, after receiving testimony from Michael D. Carvajal, Director, and Jeffery Allen, Medical Director, both of the Federal Bureau of Prisons, Department of Justice; Henry Lucero, Executive Associate Director, Enforcement and Removal Operations, and Ada Rivera, Deputy Assistant Director for Clinical Services, Health Services Corps, both of Immigration and Customs Enforcement, Department of Homeland Security; Bryan Stirling, South Carolina Department of Corrections Director, Columbia; and Scott A. Allen, University of California, Riverside.

### DIGITAL MILLENNIUM COPYRIGHT ACT

*Committee on the Judiciary:* Subcommittee on Intellectual Property concluded a hearing to examine the Digital Millennium Copyright Act's notice-and-takedown system, after receiving testimony from Jonathan Berroya, Internet Association, Abigail A. Rives, Engine Advocacy and Research Foundation, and Meredith Rose, Public Knowledge, all of Washington, D.C.; Douglas J. Preston, The Authors Guild, Inc., Santa Fe, New Mexico; David Hansen, Duke University, Durham, North Carolina; Kerry Muzzey, Kirbyko Music LLC, Los Angeles, California; Jeffrey Sedlik, Sedlik Photography, Pasadena, California; and Don Henley, Dallas, Texas.

# House of Representatives

## Chamber Action

The House was not in session today. The House is scheduled to meet at 10 a.m. on Thursday, June 4, 2020.

## Committee Meetings

### ON THE FRONT LINE: HOW GOVERNORS ARE BATTLING THE COVID-19 PANDEMIC

*Committee on Energy and Commerce:* Subcommittee on Oversight and Investigations held a hearing entitled “On the Front Line: How Governors are Battling the COVID-19 Pandemic”. Testimony was heard from Jared Polis, Governor, Colorado; Gretchen Whitmer, Governor, Michigan; and Asa Hutchinson, Governor, Arkansas.

## Joint Meetings

No joint committee meetings were held.

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## NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, p. D376)

H.R. 943, to authorize the Director of the United States Holocaust Memorial Museum to support Holocaust education programs. Signed on May 29, 2020. (Public Law 116-141)

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## COMMITTEE MEETINGS FOR WEDNESDAY, JUNE 3, 2020

(Committee meetings are open unless otherwise indicated)

### Senate

*Committee on the Budget:* to hold hearings to examine the nomination of Russell Vought, of Virginia, to be Director of the Office of Management and Budget, 2:30 p.m., SR-301.

*Committee on Commerce, Science, and Transportation:* to hold hearings to examine the state of transportation and critical infrastructure, focusing on the impact of the COVID-19 pandemic, 2:30 p.m., SD-G50.

*Committee on Health, Education, Labor, and Pensions:* business meeting to consider the nominations of Keith E. Sonderling, of Florida, Andrea R. Lucas, of Virginia, and Jocelyn Samuels, of Maryland, each to be a Member of

the Equal Employment Opportunity Commission, Marvin Kaplan, of Kansas, and Lauren McGarity McFerran, of the District of Columbia, both to be a Member of the National Labor Relations Board, Sethuraman Panchanathan, of Arizona, to be Director of the National Science Foundation, Julie Elizabeth Hocker, of Pennsylvania, to be an Assistant Secretary of Labor, and Richard Giacalone, of Virginia, to be Federal Mediation and Conciliation Director, 9:30 a.m., SD-430.

*Committee on Homeland Security and Governmental Affairs:* to hold hearings to examine the nominations of Donald Lee Moak, of Florida, and William Zollars, of Kansas, both to be a Governor of the United States Postal Service, and Mark A. Robbins, Carl Ezekiel Ross, and Elizabeth J. Shapiro, each to be an Associate Judge of the Superior Court of the District of Columbia, 9 a.m., VTC.

*Committee on the Judiciary:* to hold an oversight hearing to examine the Crossfire Hurricane investigation, 10 a.m., SD-G50.

*Committee on Small Business and Entrepreneurship:* to hold hearings to examine COVID-19's impact on small business, focusing on perspectives from Main Street, 10 a.m., SR-301.

*Committee on Veterans' Affairs:* to hold hearings to examine the President's proposed budget request for fiscal year 2021, advance appropriations requests for fiscal year 2022, and fiscal year 2020 enacted CARES Act supplemental appropriations for the Department of Veterans Affairs, 3 p.m., SD-106.

*Select Committee on Intelligence:* closed business meeting to consider pending intelligence matters, 2 p.m., SVC-217.

### House

*Committee on the Budget,* Full Committee, hearing entitled “Addressing the Economic Impacts of COVID-19: Views from Two Former CBO Directors”, 1 p.m., Webex.

*Committee on Financial Services,* Subcommittee on Consumer Protection and Financial Institutions, hearing entitled “Promoting Inclusive Lending During the Pandemic: Community Development Financial Institutions and Minority Depository Institutions”, 12 p.m., Webex.

*Committee on the Judiciary,* Subcommittee on the Constitution, Civil Rights, and Civil Liberties, hearing entitled “Protecting the Right to Vote During the COVID-19 Pandemic”, 10 a.m., Webex.

*Committee on Veterans' Affairs,* Subcommittee on Health, hearing entitled “Mission Readiness: VA's Preparedness for Natural Disasters During a Pandemic”, 2 p.m., Webex.

*Next Meeting of the SENATE*

10 a.m., Wednesday, June 3

## Senate Chamber

**Program for Wednesday:** Senate will resume consideration of the nomination of James H. Anderson, of Virginia, to be a Deputy Under Secretary of Defense, with a vote on the motion to invoke cloture thereon at 12 noon, and if cloture is invoked, Senate will vote on confirmation of the nomination at 2:15 p.m. Following which, Senate will vote on the motion to invoke cloture on the nomination of Drew B. Tipton, of Texas, to be United States District Judge for the Southern District of Texas. If cloture is invoked, Senate will vote on confirmation of the nomination at 4:30 p.m.

*Next Meeting of the HOUSE OF REPRESENTATIVES*

10 a.m., Thursday, June 4

## House Chamber

**Program for Thursday:** House will meet in Pro Forma session at 10 a.m.



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