

percent of the royalties of all the oil and gas and coal and other minerals produced from Federal lands in their States. The Feds get 50 percent; the States get 50 percent.

I am happy for them. I couldn't be more pleased for my sister States. I wish we got 50 percent—"we" meaning the gulf-producing States. It seems unfair to me that we don't. We only get 37.5 percent on certain leases. Our sister States onshore get 50 percent of all leases. Their money isn't capped; ours is.

Let me talk about the Land and Water Conservation Fund. As you know, this is a fund that was set up in 1964. It had to be authorized every now and then. We made it permanent 2 years ago—"we" meaning, of course, Congress. The purpose of the Land and Water Conservation Fund is to take money appropriated by Congress and put it into that fund and use it to buy land and water to make that land and water public so that all Americans can enjoy it. I am supportive of that. I think most of us are.

The only money dedicated to the Land and Water Conservation Fund is that 12.5 percent I talked about dedicated to the fund through GOMESA. The other moneys that have been put into the fund through the years, other than the GOMESA moneys, have had to be appropriated by Congress on a year-to-year basis. Once again, I am supportive of the concept, and I am happy as a clam at high tide that my sister States out west get 50 percent. I just think it is unfair that we only get 37.5 percent.

As you know, we are going to consider a bill next week called the Great American Outdoors Act. Here is what it would do. No. 1, it will set up a dedicated automatic funding source for the Land and Water Conservation Fund. That dedicated source is going to come from oil and gas royalties produced in the Gulf of Mexico.

Remember, I told you that under GOMESA, the Federal Government automatically gets 50 percent of the royalties from the new leases. Henceforth, at least half of the 50 percent that is going into the Federal Treasury will now go into the Land and Water Conservation Fund. That is No. 1—permanent source of funding for the fund.

Some have argued that we are—I mean, we are not having to borrow this money, and that is a good thing. But this money didn't fall from Heaven. It is coming out of the moneys the U.S. Treasury would receive otherwise from oil and gas production offshore. That means if the Land and Water Conservation Fund takes this money from the share that goes to the Federal Government and uses it for the fund, somebody else is going to get screwed because the money is going to be taken from somebody else and given to the Land and Water Conservation Fund.

The Great American Outdoors Act also does something else. It sets up another sort of separate fund that a good

bit of the oil and gas money is going to flow into for deferred maintenance on public lands that we already own. Of course, we all support that. I do. A lot of our parks are falling apart. I mean, they have roads that have holes big enough for a Mack truck to fall through. They have a backlog of deferred maintenance of \$12 billion. And we are going to dedicate some money to try to chip away at that deferred maintenance. That is a good thing too.

Here is what we end up with. We end up with a lot of our States getting 50 percent of all of the oil and gas and coal produced in their State with no cap. Now these States that have national parks—again, I am happy for them; I love national parks—they are going to get an extra big slug of money from the Gulf of Mexico. In the meantime, the gulf-producing States—primarily Louisiana, but also Texas, Alabama, Mississippi—we are going to be stuck at 37.5 percent. It is capped. It is capped. It is capped at a weeny \$375 million a year from now until 2055. With inflation, by 2055, it will be worth about 7 bucks and 23 cents.

That doesn't seem fair to me. It especially doesn't seem fair to me when you consider that basically the Gulf of Mexico is producing the money—actually, oil companies are. But how do the oil companies do that? They do it with Louisiana. Most of the leases and wells are off Louisiana's coast. I am not putting down Mississippi, Alabama, or Texas because there is drilling off their coast as well. But facts are facts. Most of the drilling is off Louisiana's coast. A lot of the workers are from Louisiana.

Do you know what makes that drilling possible? Louisiana tax dollars. We pay for the roads that support Port Fourchon, which is vital and located in my State for that oil and gas production. We pay for the schools that educate the kids of the workers. We take all the risk.

We know what happened with the BP oilspill. If there is another oilspill in the Gulf, it is Louisiana and Texas and Alabama and Mississippi that are going to get slammed. It is not going to be the inland States. That is where I said I am going to talk about fairness.

Senator CASSIDY—and I don't see speak for Senator CASSIDY. Understand, he is my senior Senator. But he and I are working on a way to improve the Great American Outdoors Act. It is going to make it so much better.

I am introducing a bill tomorrow, and I am going to offer an amendment to the Great American Outdoors Act—once again, I don't speak for Senator CASSIDY, but I think he will support it—that is going to remove the cap on the amount of oil and gas royalties that the four gulf-producing States can receive under GOMESA.

Let me say it again. Right now, nobody else is capped. We are capped. The most that Louisiana, Alabama, Mississippi, and Texas can receive, split among ourselves, is \$375 million. We

are going to hit that cap in 2024, and it will remain until 2055. We all know with inflation it is not going to be worth \$375 million in 2055. It is capped.

All I am saying and all Senator CASSIDY is saying, and I think—I don't speak for them either, but my colleagues from the gulf-producing States—all we are saying is: Let's be a little fair here. If you don't have a cap onshore, let's don't have a cap offshore. My little old amendment would just remove that cap and make the Great American Outdoors Act even greater.

Senator CASSIDY and I and other Senators from the gulf-producing States are also working on some other ideas that I don't feel comfortable talking about today, but we have some other ways we think we can improve the Great American Outdoors Act.

I wanted to come here today and say, once again, I am not criticizing any of my sister States. I am happy as I can be for all the States that don't have caps and that do get to share in 50 percent of the royalties. I am just asking for a little fairness and equity, just a little bit for the gulf-producing States by allowing us to remove that cap.

With that, I either yield the floor or I suggest the absence of a quorum, whichever the Parliamentarian tells me to do.

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. REED. Mr. 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. REED. Mr. President, for the past week, our Nation has been engulfed by protests in dozens of cities over the senseless murder of George Floyd and Breonna Taylor at the hands of police officers. Americans are angry, frustrated, and grieving, not just for Mr. Floyd's and Ms. Taylor's deaths but for centuries of injustice and brutality against African Americans. The instances are too numerous to count. Yet these instances of violence keep happening while meaningful reforms have not taken place.

The protests are set against the backdrop of the deadly novel coronavirus pandemic. As our country copes with this crisis, African-American communities have suffered disproportionately high infection and death rates. Compounding this tragedy, we are in the midst of an economic downturn that rivals the Great Depression, with communities of color bearing the brunt of the economic fallout. Millions of hard-working Americans have lost their jobs through no fault of their own. They are struggling to provide for their families, put food on their table, and keep a roof over their head.

These protests are not isolated. They are taking place in every State in the Nation and in many other countries. Protesters are of every race and ethnicity and run the gamut in age from high school and college students to parents and grandparents. The people participating in these protests represent the diversity that is the strength of America.

The overwhelming majority of these protests are emotional but nonviolent. They embrace a fundamental tenant of civil engagement, which is the American right and tradition of peacefully protesting to make their voices heard and to rectify injustice.

On the fringes of these peaceful protests, there are opportunists who are sowing mistrust and division. Their primary goal is to loot and destroy property, that cause chaos that puts innocent lives in harm's way. Let me state clearly, theft and looting are a crime. They are unacceptable and undermine the powerful message of thousands demanding justice and change. They offer an easy way out to those who would rather turn away from this challenge of justice and simply indulge in their own petty objectives of violence, diversion, and destruction.

Our Nation is in pain. We need leaders who bring calm, unity, empathy, and aid. Instead, our Nation has a President who treats it as a field of war. He does not even attempt to bring people together, to listen to others, or to accept the reality that leaders in a democracy are neither infallible nor omnipotent.

In a tweet on May 30, President Trump said:

Mayor Jacob Frey of Minneapolis will never be mistaken for the late, great Douglas McArthur or great fighter General George Patton. . . . Get tough and fight.

In a call with our Nation's Governors, Secretary of Defense Esper said: "I think the sooner that you mass and dominate the battlespace, the quicker this dissipates and we can get back to the right normal."

These are American city streets that we are talking about, filled with Americans exercising their rights, not battlefields filled with the enemy.

Then, in a statement in the White House Rose Garden on June 1, President Trump said: "If a city or a state refuses to take the actions that are necessary to defend the life and property of their residents, then I will deploy the United States military and quickly solve the problem for them." America learned shortly thereafter what actions the President was prepared to take. The U.S. Park Police and others near Lafayette Park used tear gas, flash-bang grenades, and rubber bullets to aggressively push back a peaceful crowd 30 minutes before the DC curfew went into effect.

Why was this assault undertaken? It wasn't to step inside St. John's Church and offer a prayer for George Floyd, his family, or the countless other Americans who have been victims of police

brutality. It wasn't to reflect on the pain and division that is rife within our country and contemplate what actions he could take to heal our Nation, like President Lincoln often did during the Civil War. The President crossed a street, aggressively cleared of peaceful protesters for a photo op that was meant to say he was strong, and he was in charge. Unfortunately, for him, it had the opposite effect.

President Trump's rhetoric and some of the events that have occurred are not ones that many of us ever thought we would see on American streets or hear from an American President. They are the words and actions that happen in authoritarian states, words and actions that past American Presidents have condemned. They are words and actions that violate the democratic norms our Nation has stood for and American servicemembers have died for.

While the President does have the authority to call up military personnel under the Insurrection Act, it does not mean he should. It was last invoked in 1992 when California Governor Pete Wilson requested Federal military assistance from President George Herbert Walker Bush to respond to the L.A. riots following the acquittal of police officers for the beating of Rodney King. Before that instance, the act was invoked in the 1950s and 1960s to enforce civil rights laws and end segregation in the South.

The Insurrection Act serves as an exception to posse comitatus and to the broad principle embedded deeply in American democracy and history that the Active Armed Forces should not be used to enforce State laws or to exercise police power reserved to the States unless absolutely necessary as a last resort. The act is, by design and tradition, rarely invoked.

The Insurrection Act envisions that, when Active military forces are used to supplement State police forces to enforce State laws, they do so only at the request of the Governor or legislature, which is ultimately responsible for the execution of the laws within the States. In the present moment, I am not aware of any Governor or legislature calling for the Federal Government to step in and take control. Put simply, if they need help, I have no doubt they will ask for it.

The President's ability to invoke the Insurrection Act without the Governor or State legislature requesting assistance rests on the need to enforce or protect Federal law, which is not the case here. If President Trump were to invoke the Insurrection Act today, absent a request from a State, it would only be to further his own political interests. He would be using Active military forces as a political and propaganda tool in contravention of everything our military stands for.

Using the Insurrection Act on a whim risks politicizing the military. The military's mission is to defend and serve the Constitution and the Amer-

ican people regardless of who is in office. Bringing the military into domestic politics risks a rupture in the sacred trust between the civilian and military leadership and undermines fundamental American values.

As former Chairman of the Joint Chiefs of Staff GEN Martin Dempsey stated shortly after the 2016 Presidential conventions, "If senior military leaders—active and retired—begin to self-identify as members or supporters of one party or another, then the inherent tension built into our system of government between the executive branch and the legislative branch will bleed over into suspicion of military leaders by Congress and a further erosion of civil-military relations."

Over the last few years, that erosion has increased steadily as recent events have made eminently clear. This erosion is a toxic force that will undermine one of the most essential ethics of the American military. Soldiers, sailors, marines, airmen, and coastguardsmen serve the Constitution, not the President. That is the oath many of us took as young men and women. That is the oath that defines the military of the United States, unlike many other countries, fortunately, for us.

According to press reports, Secretary of Defense Esper told senior military leaders to "stay apolitical during these turbulent days," but I would urge Secretary Esper to heed his own advice. Traditionally, the Secretary of Defense, while a Cabinet member and appointed by the President, has taken a nonpolitical stand—staying away from campaign events and avoiding even the potential of a political photo op. As General Milley discovered Monday evening, once the civilian leader of the military joins the political fray, it is difficult for the military to stay neutral.

Our Nation is in crisis, but it is not a crisis that can or should be solved by American military force against its own citizens. I think, if you ask any young man or woman who took the oath to join the forces of the United States—whatever branch—was he or she doing it to go fight Americans, they would answer no. He or she is doing everything they can to protect Americans, to protect the system of government, and, ultimately, the Constitution. That is the oath we take.

The strength of this Nation and of the great American experiment in representative democracy goes far beyond our military strength. It goes to our civil traditions, our Constitution, our sense of civic responsibility, and our ability to constantly evolve and improve ourselves even from our earliest days stained with slavery. We need leaders who will listen and commit to change and then implement that change. We need leaders who will not exacerbate the problem but will seek to solve it and bring people together as our greatest Presidents have done throughout history. In short, we need leaders who are builders, not destroyers, and until those leaders emerge, I

am afraid the tumult will continue. It is my fervent hope that this Nation finds a way to peace soon.

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. McCONNELL. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CRAMER). Without objection, it is so ordered.

PAYCHECK PROTECTION PROGRAM

Mr. McCONNELL. Mr. President, back in March, as the coronavirus pandemic began to grip our country, the Senate's historic CARES Act set up the Paycheck Protection Program to help protect American workers from layoffs during the crisis.

Thanks especially to its chief architects, Senator RUBIO and Senator COLLINS, the PPP has literally saved tens of millions of American jobs. Our colleagues' bold policy has meant the mailboxes of working families in all 50 States have continued to bring people their regular paychecks instead of pink slips.

Through the end of May, this remarkable program has delivered more than half a trillion dollars to keep American workers on payroll all across our country.

One recent survey found that more than three-quarters—three-quarters—of all small business owners have applied for a PPP loan and more than 90 percent of those applicants have received one.

The Senate has always committed to standing behind this popular program. Back in April when it ran low on funds, we worked together to add more resources, and today we are passing another piece of legislation that makes a few targeted changes to the program.

To help workers and small businesses through these lengthy shutdowns that are just now beginning to ease, we are increasing the loan forgiveness period from 8 weeks to 6 months.

Since keeping workers on payroll obviously requires small businesses to stay afloat in the first place, we are expanding firms' ability to use these funds to meet obligations like their rent, their mortgage, or their utility bills, but we maintain the overall requirement to avoid layoffs to keep the strong protection for workers in place. And we are providing payroll tax deferral for the small businesses involved.

This is a bipartisan bill that passed the House overwhelmingly. I am proud the Senate is sending it on to the President's desk to become law.

I want to thank Senator COLLINS and Senator RUBIO once more for their leadership in authoring this historic program in the first place. They have kept right on with their essential leadership, carefully monitoring the policy as it has taken effect.

I know they have identified further technical fixes in addition to the issues we are addressing today, and I hope and anticipate the full Congress will look at addressing those as well in the future.

I also want to thank Senator DAINES, Senator TILLIS, and Senator GARDNER for their hard work on these modifications.

The Senate delivered for workers and small businesses when we first passed the CARES Act. We delivered again when we added more money to this popular program back in April, and we are delivering again today.

The PRESIDING OFFICER. The Democratic leader.

Mr. SCHUMER. Mr. President, this is a very good day because very much needed improvements to the PPP program will now pass the Senate as they passed the House, 417 to 1. The PPP program is desperately needed by small business, and it was not in the original proposal of our Republican friends or of the President. We worked very hard and pushed hard to get this done, and I want to salute Senators CARDIN and SHAHEEN for their efforts.

The program was not at all perfect. When it first rolled out, too many of the big shots got money and not enough of the small businesses—the mom and pops, the butcher, baker, and candlestick maker. And nonprofits were not entitled. I pushed very hard to get nonprofits, including church-related nonprofits, religious-related nonprofits, in the bill. They can now benefit from the bill just like the small businesses can.

We Democrats said, there has to be some money set aside—not just to give more money in COVID 3.5—to the existing businesses that had connections with bankers but to the smaller businesses, and \$125 billion was set aside. That was a very good thing. Now it has changed from a program that has gone mainly to those that had good connections to bankers that were well connected to many smaller businesses as well.

In the second round, States that really needed the help got a greater percentage of the help, like my State of New York. So this program has been one that Democrats have been, initially, very positive about and helped propose and write but constantly worked on improving to make it better, better, and better. That improvement continues today. The House Democrats put together a bill that would deal with the kinds of problems we continue to see.

Eight weeks is running out soon. Yet small businesses may not get all the money—may not be able to use the money when the program runs out, and extending it to 24 weeks is vital. In many States, like mine in New York, only 25 percent of the money could go to OTSPS expenses, other than personnel expenses. That wasn't enough. A lot of businesses didn't want to apply.

This bill moves it up to 40. Our Republican friends had resisted that. I am glad now they have seen the light.

You will have the loan—if you go to convert your loans and get them forgiven, it will be 5 years that you have to pay back, not 2. Lots of small businesses said they couldn't dare be able to pay them back in 2. These are among the most important changes in the bill, as well as some others.

I am glad our Republican friends have relented and passed the bill here as we are about to close session for this week. It passed the House. We Democrats have been pushing to get it done. For the last 3 days, there were some problems on the other side, and I am glad they have been worked out. I want to thank Senator JOHNSON. He had problems, but we talked on the phone repeatedly and worked those problems out with the help of Senator CARDIN. And this is an improvement that is much needed and comes at the last minute but not too late. So many businesses—8 weeks—will expire so soon, and now it is extended to 24 weeks.

So I am glad this bill passes. I am glad we can do it by unanimous consent. We Democrats are fully in support of this, every Democrat. We have no problems moving it forward. I know it will help a lot of small businesses.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

PAYCHECK PROTECTION PROGRAM FLEXIBILITY ACT OF 2020

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 7010, which was received from the House.

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

The senior assistant legislative clerk read as follows:

A bill (H.R. 7010) to amend the Small Business Act and the CARES Act to modify certain provisions related to the forgiveness of loans under the paycheck protection program, to allow recipients of loan forgiveness under the paycheck protection program to defer payroll taxes, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. McCONNELL. Mr. President, I appreciate the good faith efforts of Senator JOHNSON to make sure the terms of the program and its legislative intent are properly understood. In addition, I commend his leadership in looking at the program overall, and making suggestions about reforms should Congress determine that additional money is needed in the future for the program. The program was designed intentionally to get money into the hands of small businesses quickly as government took the extraordinary and unprecedented step of shutting down the economy because of the pandemic. However, should we need to replenish the fund, he is absolutely correct that we should ensure that money