

Now, there are some things that I don't think we should do. For example, there are some who call for reforming qualified immunity, a judicial doctrine that protects the discretionary acts of a government employee or government official and holds them financially responsible only if they violate an established standard. Well, the same legal doctrine that protects police officers protects school teachers as well, and I will bet that a number of our colleagues who are calling for wholesale reform of qualified immunity didn't even know that.

Well, as I said, it is important that we hear from a variety of voices, and that is why I appreciate Mayor Johnson in Dallas hosting a roundtable with a group of law enforcement leaders and faith leaders who are committed to delivering real change. I spent a few minutes talking about what we are doing here in Washington, but I spent most of my time listening. I think that is something we need to do more of—to listen. We are all pretty good at talking, but we need to do more listening.

Everyone agrees that there is a problem—a big one—that will not go away if we ignore it. As the mayor acknowledged, the fact that everyone agrees that the status quo is not sustainable represents progress in and of itself. That is the first step toward solving a problem—recognizing that you have one. But now it is time to turn that consensus into collective action.

We know that many of the changes that need to be made will happen at the local and State level. At the U.S. Congress, we have a Capitol Police, but we don't control what happens in the Minneapolis Police Department or the Dallas Police Department or San Antonio or any other locally run and controlled law enforcement agency. We know that they are not all the same. Most major law enforcement agencies, like the one in Dallas, have deescalation training. It has been mandatory for years.

So when people talk about doing that and mandating it here from Washington, the fact is that most of our major law enforcement agencies are already doing a lot of these things, like banning choke holds, for example. One of the participants in our roundtable was Frederick Frazier, a longtime law enforcement officer who actually trains officers in deescalation.

More recently, the Dallas Police Department banned choke holds, as I mentioned, and any use of force intended to restrict a person's airways. They have also embraced a policy requiring officers to intervene in a situation where use of force is unnecessary and inappropriate. For example, if a law enforcement officer sees another officer use excessive force or dealing with that use of force inappropriately, the Dallas Police Department requires the other officers who witnessed that to intervene—something we did not see happen in Minneapolis.

During our discussion, Chief Hall also discussed steps they are taking to re-

lease body camera or dash camera footage and overall increased transparency. Similar changes are being made in cities across Texas and across the country, and I think transparency is an important area where changes can and should occur. A one-size-fits-all Federal approach to policing would be, I think, a mistake.

But here in Washington, we do have a role to play. We have both the opportunity and the responsibility to ensure that America's police departments are helping public safety and are not considered to be a threat by the communities they serve. The bill being led by Senator SCOTT would take major steps in the right direction. While the final details are being ironed out, our discussions have included a range of proposals that would address everything from training to transparency, to minority hiring.

I am not interested in passing a bill for the sake of just checking a box and saying we have done something significant. That route is sure to lead to even more problems. I am interested in delivering real reforms, as I am confident all of my colleagues here in the Senate are, and I think our legislative efforts can produce a product that will be responsive to the crisis we are now experiencing—a crisis largely of trust.

Of course, for those changes to reach communities in Texas, they also need to be able to pass not only a Republican-controlled Senate but a Democratic-controlled House and be signed by President Trump, and I believe the legislation we will unveil tomorrow could deliver in each of those bodies. I think each of us has a responsibility to take action to repair and address the fear, the anger, and the lack of trust between law enforcement and our communities, and this bill does an important first step.

I am proud to have worked with Senator SCOTT and all of our colleagues in this effort, and we all will make our contribution before we are through. I am looking forward to sharing those details tomorrow during the press conference.

With that, I yield the floor.

## RECESS

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

Thereupon, the Senate, at 12:31 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mrs. CAPITO).

## TAXPAYER FIRST ACT OF 2019— Continued

H.R. 1957

Mr. GARDNER. Madam President, yesterday, we had a series of successful votes to move forward on the Great American Outdoors Act. I am excited with the votes we have taken last week and the votes last night and that we

will finally move to passage of the legislation, the Great American Outdoors Act, tomorrow. I urge my colleagues to support this bill.

We had the opportunity over the last several weeks—last week, in particular—to talk about what it means for every State in the country, what it means for every county in the country, and the significant opportunity for conservation, which is the crown jewel of conservation programs and, of course, our national parks. It is not just national parks, of course. It is our forests, and it is our BLM grounds and the efforts we have with the Bureau of Indian Education.

I thought I would talk specifically about some Colorado projects today and what the Land and Water Conservation Fund has meant for Colorado.

This is a photo of Wilson Peak in Colorado. It rises over Telluride in southwest Colorado. Wilson Peak is one of the 54 mountains in Colorado that top 14,000 feet. Climbers and hikers eager to summit the 14,500-foot peak, located in the Lizard Head Wilderness, have been frustrated for years by key land access routes being blocked, which made it impossible to get to. In addition, Wilson Peak long remained the last “fourteener” in Colorado without public access.

Through 9 years, very complex land exchange negotiations, and work to assemble suitable exchange properties and funding, the Trust for Public Land purchased 25 patented mining claims, including the summit and key portions of the main summit trail from multiple private owners. In 2011, the Trust for Public Land formally transferred ownership of land to the U.S. Forest Service, ensuring in perpetuity the public access to Wilson Peak summit.

If you go to the next one, this is a photograph of the Big Thompson River. In 1976, rains began to pour near Estes Park, CO, and caused one of the biggest natural disasters in Colorado's history. A remarkable 12 inches of rain fell in about 4 hours. As a reminder, there are areas of Colorado that only get about 14 inches of moisture a year. A remarkable 12 inches of rain fell in about 4 hours, bringing the Big Thompson River to 19 feet above its normal level, and sending 31,000 cubic feet per second of water racing downstream, down the canyon, carrying with it everything and anything in its path. The flood claimed 145 lives, 418 homes, 52 businesses, and caused millions and millions of dollars of damage in 1976.

In the aftermath of the disaster, Larimer County recognized that simply rebuilding new homes in harm's way within the floodway didn't make sense. The county turned to the Land and Water Conservation Fund as an important part of the solution. With just over \$1 million from Land and Water Conservation Fund and some other matching resources, the county acquired a number of properties along the Big Thompson River, which provided

new outdoor recreation opportunities to residents and visitors on 156 acres of land along the river, highlighted by four new county parks. This has been an incredible recreation opportunity, but it has certainly led to greater safety for Coloradans.

The Blanca Wetlands Area of Critical Environmental Concern is another incredible area of Colorado. The Bureau of Land Management has benefited. After decades of water overappropriation caused the lowering of the valley's water table, the rapid disappearance of wetlands and plummeting bird population, State and Federal agencies initiated the Wetland Restoration Effort in the 1960s, including this wetlands area. You can see the work we have done with the Land and Water Conservation Fund on this.

Red Mountain Pass is another example. It is a multiphased project completed by the Trust for Public Lands and Colorado Partners with funding from the LWCF. It is a scenic property lying above the town of Ouray that forms portions of the panoramic backdrop used by motorists from Highway 550's Red Mountain Pass and on Ouray and San Juan Counties' rugged alpine loops. It is an incredible experience. You can see the work we have done with it here.

If you go to the Uncompahgre National Forest, over the years, LWCF has invested nearly \$27 million into the Uncompahgre[-]San Juan National Forest of Colorado to protect this valley, which is a 10-year-long process that ultimately resulted in the conservation of thousands of acres surrounding the town. It is incredible for recreation and preservation—this critical habitat and environmental treasure and conservation accomplishment for all of the country.

I also want to point out some of the great news about this bill back in Colorado.

Madam President, I ask unanimous consent to have printed in the RECORD this article from the Durango Herald, which was written on June 13, and an article from the Denver Post, dated June 9, 2020.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Durango Herald, June 13, 2020]

**'HOLY GRAIL' CONSERVATION BILL ADVANCES  
IN U.S. SENATE**

(By Jacob Wallace)

A new bill funding maintenance and improvement projects for public lands is gaining steam in the U.S. Senate.

The Great American Outdoors Act would permanently fund the Land and Water Conservation Fund, a trust set up by the U.S. government to pay for park maintenance projects, and establish a consistent source of revenue for park conservation that would reduce years of maintenance backlog throughout public lands.

The bill, spearheaded by Sen. Cory Gardner, R-Colo., and Sen. Joe Manchin, D-W.Va., passed on an 80-17 vote Monday, allowing it to proceed to floor debate in the Senate.

"This is a historic opportunity for us, in a bipartisan fashion, to pass the most significant conservation measure in over 50 years," Gardner said.

More than 800 conservation and outdoor recreation groups have signed on to a letter published in March supporting the bill, arguing that it was a permanent fix to a long-neglected issue. The Outdoor Alliance, one of the nonprofit organizations that signed the letter, pushed to expand the legislation to include the Bureau of Land Management and other public agencies in addition to the National Park Service.

"This is definitely the biggest investment in parks and public lands that we've seen in years, in decades," said Tania Lown-Hecht, spokeswoman for the Outdoor Alliance. "This is not to be underestimated."

If passed, the bill would mandate \$1.9 billion in money raised from offshore oil and gas leases, and other energy projects would go toward outdoor maintenance and recreation projects through 2025. It would also fully fund the about \$900 million budget of the LWCF, with the money split between the National Park Service, U.S. Forest Service, Fish and Wildlife Service, Bureau of Land Management and Bureau of Indian Education, with the bulk of the money going to national parks.

Lown-Hecht and others have been making the pitch that conservation spending is a strong job creator: One study found that every \$1 million spent on the LWCF could support between 16.8 and 30.8 jobs.

"It will put people to work in public lands, and that's an investment that will bring back more than a dollar for every dollar spent," Lown-Hecht said.

The LWCF was created in 1964 and was based on the idea that the depletion of one natural resource, offshore oil and gas, should be offset by the care of other natural resources protected as parks.

Since that time, however, Congress has often failed to appropriate the full amount of money that the fund could have received each year, creating a logjam of maintenance projects in national parks across the country that have totaled to more than \$30 billion in deferred maintenance, according to the fund's own account.

The bill gained momentum after Sens. Gardner and Steve Daines, R-Mont., visited the White House in March to convince President Donald Trump to support the bill. Since then, the bill has earned the attention of Senate Majority Leader Mitch McConnell as well as other Republican senators eager to support a bipartisan bill during an election year.

Gardner also noted that the timing of the bill is especially prescient as rural communities in Southwest Colorado and elsewhere have been hard hit by a drop in tourism and job losses during the pandemic. Advocates agree, arguing park projects could be part of a broader plan for recovery.

"We see this as a way to not only address the maintenance backlog on these lands but to put jobs on the ground for people where they've lost them," said Tom Cors, policy director for The Nature Conservancy.

The Senate will continue to debate the bill throughout the week. Sen. Michael Bennet, D-Colo., has also announced his support of the bill. If it passes, the House of Representatives will then have the option to vote on an identical companion bill introduced last week.

Cors is cautiously optimistic about the bill's chances, saying it is a conservation win 55 years in the making.

"We've been working on this for years and years and this is the holy grail of the conservation community," Cors said. "We're ecstatic that this is happening."

[From the Denver Post, June 9, 2020]

**WITH CORY GARDNER LEADING THE CHARGE,  
SENATE TAKES UP GREAT AMERICAN OUTDOORS ACT**

(By Bruce Finley)

Colorado senators are leading a congressional push to pass landmark conservation legislation that would deploy \$9.5 billion to maintain overrun national parks and permanently direct \$900 million a year for outdoor recreation on public lands.

President Donald Trump has said he will sign this Great American Outdoors Act if lawmakers get it to his desk. Senators this week took up the issue, aiming for a vote next Tuesday, and around 200 House members have said they'll support similar legislation.

Conservationists for decades have prioritized these measures as crucial steps to ensure healthy public lands, increasingly seen as essential for a booming recreation industry that has become an economic mainstay, especially in Colorado and the West.

Congress has failed to provide the full \$900 million a year for land acquisition and other spending that the 1965 Land and Water Conservation Act requires. Lawmakers have approved spending between \$255 million and \$450 million a year since 2008 and only twice in 55 years provided the full \$900 million.

National Park Service officials have estimated deferred maintenance as land and facilities deteriorate will cost more than \$20 billion.

"We've been trying for decades to get this done. Now we have an historic window to actually achieve it. This is a moment where we need to capitalize to get this great achievement accomplished," Sen. Cory Gardner said in an interview Tuesday.

On March 3, Gardner, of Yuma, went to the White House and, in a discussion with Trump, showed a photo he'd taken on his iPhone of the Black Canyon of the Gunnison National Park in Colorado. Trump said it was beautiful. Gardner also said he pointed to a portrait of President Teddy Roosevelt, a leading conservationist, in suggesting that Trump support could lead to a major achievement. He said Trump gazed up at the portrait and said he would sign the legislation.

Sen. Michael Bennet of Denver is one of some 60 Senate sponsors of the Great American Outdoors Act but is proposing amending it to include the Colorado Outdoor Recreation and Economy (CORE) Act, which would protect about 400,000 acres of public land in Colorado, establishing new wilderness and recreation opportunities.

"This week, we have an opportunity to secure new protections for public lands in Colorado that were left out of the public lands bill Congress passed last year," Bennet said, urging colleagues to incorporate the CORE Act "or to quickly pass" it on its own.

Gardner said, regarding the amendment, that Bennet "may try to get a vote on that. That is his bill. The GAOA certainly will help the CORE Act."

A June 3 letter to congressional leaders from six former Department of Interior secretaries, including Ken Salazar (2009-2013) and Gale Norton (2001-2006) of Colorado, urged swift passage of the GAOA "without any amendments."

This push to provide permanent full funding for the Land and Water Conservation Fund and step up public lands maintenance reflects years of wrangling in Congress to support outdoors recreation on public land.

The Land and Water Conservation Act, passed in 1965, says money should go to federal agencies to acquire land and to states for acquisition of land and waters and to develop recreation facilities.

The Great American Outdoors Act combines two previous bills that each had strong majority bipartisan support. One part would provide full and permanent funding of \$900 million each year, the amount the fund is authorized to receive, from offshore oil and gas revenues—not tax dollars. The other aims for parks restoration by investing \$1.9 billion annually for the next five years to maintain land managed by the National Park Service, Forest Service, Fish and Wildlife Service, Bureau of Indian Education and Bureau of Land Management.

Conservation groups have welcomed the bill.

“This will be a remarkable gift for the future and also is important for the present. It’s going to put up to 100,000 people to work each year fixing our national parks,” said Tracy Stone-Manning, associate vice president for public lands at the National Wildlife Federation, a conservation group with 6 million members.

Beyond national parks and forests, the congressional spending each year could help cities such as Denver and Missoula, where urban voters are pushing leaders to acquire more land for parks and other open space.

“Our parks and open space set-asides need to grow with our population. We’ve seen, during the pandemic, the importance of the ability to be safely outside in parks,” Stone-Manning said.

“Denver could identify property that is worth acquiring and use Land and Water Conservation Fund dollars to help acquire it,” she said. “Humans have to have access to nature for our health, and we have a long-term need to protect our larger landscapes.”

Mr. GARDNER. Madam President, this article is entitled the “‘Holy Grail’ conservation bill advances in U.S. Senate.” If you take a look at the article, it quotes conservationists and people across the country who are working on the legislation, and it ends with this:

“We’ve been working on this for years and years and this is the holy grail of conservation community,” Cors said. We’re ecstatic that this is happening.

That is from a member of the Nature Conservancy.

The article from the Denver Post talks about the legislation and, again, the conservation community that supports the legislation.

“This will be a remarkable gift for the future and also is important for the present. It’s going to put up to 100,000 people to work each year fixing our national parks,” said Tracy-Stone Manning, associate vice president for public lands at the National Wildlife Federation, a conservation group with 6 million members.

It goes on to point out “cities such as Denver and Missoula, where urban voters are pushing leaders to acquire more land for parks and other open space.”

This is an opportunity for us to achieve those goals in our urban areas.

Finally, Madam President, I ask unanimous consent to have printed in the RECORD a letter from a number of Coloradans in support of the Great American Outdoors Act sent to Congress a few weeks ago.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEAR SENATORS & REPRESENTATIVES: As Colorado-based businesses and organizations, we urge you to support our state’s great out-

doors through full funding of the Land and Water Conservation Fund {LWCF}. We ask that you lend your full support to passing the Land and Water Conservation Fund Permanent Funding Act, so that our nation’s most successful conservation program can continue its long track record of success.

LWCF is built on a simple idea: that a portion of offshore drilling fees should be used to protect important land and water for all Americans. Through its over 50-year history, LWCF has invested more than \$278 million in Colorado’s public lands and outdoor recreation. Funds have gone toward public lands including Colorado crown jewels like the Black Canyon of the Gunnison and Rocky Mountain National Parks, toward healthy working forests through the public-private partnerships of the Forest Legacy Program, and toward local parks and trail projects in communities across the state.

These investments not only benefit the public lands and outdoor opportunities that are a valued part of our Colorado way of life, but also promote tourism and the outdoor recreation industry which are among our state’s most important economic drivers. The Outdoor Industry Association reports that active outdoor recreation in Colorado generates \$28 billion in consumer spending, supporting 229,000 Colorado jobs. Our great outdoors isn’t just good fun—it’s good business.

Congress last year passed permanent reauthorization of the LWCF; now it is time to ensure that it is fully funded now and into the future. Please support passage of the Land and Water Conservation Fund Permanent Funding Act, to benefit Colorado’s vital outdoor recreation economy and the quality of life we enjoy as Coloradans.

Sincerely,

David Nickum, Executive Director, Colorado Trout Unlimited; Suzanne O’Neill, Executive Director, Colorado Wildlife Federation; Don Holmstrom, Co-chair, Backcountry Hunters & Anglers; April Archer, CEO, SaraBella Fishing LLC; Ben Kurtz, President, Fishpond; David Dragoo, President, Mayfly Outdoors; Julie Mach, Conservation Director, Colorado Mountain Club; Matt Rice, Director, Colorado River Basin Program, American Rivers; Corinne & Garrison Doctor, Co-owners, Rep Your Water; Henry Wood, VP of Sales & Marketing, Upslope Brewing; Randy Hicks, Owner, Rocky Mountain Anglers, Boulder; Buck Skillen, President, Five Rivers Chapter, Durango; Mark Seaton, President, San Luis Valley Chapter, Alamosa.

Michele White, Owner, Tumbling Trout Fly Shop, Lake George; Pete Ashman, President, Grand Valley Anglers, Grand Junction; Johnny Spillane, Owner, Steamboat Fly Fishing, Steamboat Springs; Erik Myhre, Founder & President, Basin + Bend, Evergreen; Allyn Kratz, President, Pikes Peak Chapter, Colorado Springs; Christopher Smith, Board President, Left Hand Watershed Group, Longmont; Dan Chovan, President, Yampa Valley Fly Fishers, Steamboat Springs; Nick Noesen, President, Eagle Valley Chapter, Eagle; Mike Larned, President, Alpine Anglers, Estes Park; Brandon Mathis, Marketing Coordinator, Backcountry Experience, Durango; Tucker Ladd, President/Owner, Trout Fly Fishing, Denver; Brendan Besetzny, President, Boulder Flycasters; Mike Kruike, Owner, Laughing Grizzly Fly Shop, Longmont.

Mickey McGuire, President, Rocky Mountain Flycasters, Ft. Collins; Barbara Luneau, President, St. Vrain Anglers, Longmont; Steve Wolfe, President, Southern Colorado Greenbacks Chapter, Pueblo; Chris Keeley, Principal, Anglers All, Littleton; David Leinweber, Owner, Angler’s Covey, Colorado Springs; Trent Hannafious, President, Gun-

nison Gorge Anglers, Montrose; Jack Llewellyn, Executive Director, Durango Chamber of Commerce; Rob Schmidt, Manager, Duranglers, Durango; Grant Smith, Owner, Riverwalk Theater, Edwards; Edwards Supply Company, Edwards; Kirk Klancke, President, Colorado River Headwaters Chapter, Fraser; Cole Glenn, Manager, San Juan Angler, Durango; Karla Baise, CSR Community Engagement Specialist, Odell Brewing Company, Ft. Collins; Jake Jones, Managing Director, Eleven Outdoors, Crested Butte.

Charlie Craven, Owner, Charlie’s Fly Box, Arvada; Jackson Streit, Owner, The Mountain Angler, Breckenridge; Kyle Perkins, Fishing Manager, Golden River Sports, Golden; Allen Adinoff, President Cutthroat Chapter, Littleton; Jeff Poole, President, North Fork Ranch Guide Service, Shawnee; Ed Calmus, President, West Denver Chapter, Golden; Bill Dvorak, Owner, Dvorak Expeditions, Nathrop; Greg Hardy, President, Gore Range Anglers, Silverthorne; Dennis Steinbeck, President/Co-owner, Blue Quill Angler, Evergreen; Jeremy Dakan, Owner, Pine Needle Mountaineering, Durango; Shaun Hargerave, Partner, Boulder Boat Works, Carbondale; Peter Stitche, Owner, Ascent Fly Fishing, Littleton; Greg Felt, Chaffee County Commissioner.

Mr. GARDNER. Madam President, this is signed by David Nickum, executive director of Colorado Trout Unlimited; Suzanne O’Neill, executive director of Colorado Wildlife Federation; and Colorado Mountain Club, Backcountry Hunters & Anglers, Odell Brewing Company in Fort Collins, on and on, talking about the LWCF being built on a simple idea and the fact that we can help restore our national parks and our greatest treasures with the combined efforts of the Land and Water Conservation Fund and the Great American Outdoors Act in this legislation.

As Members prepare for this vote tomorrow, I hope they will consider the impact this will have on generations to come.

Yesterday, we talked about a letter written by the great-grandson of President Teddy Roosevelt. The fact that we are continuing today that legacy to build on the conservation and the environmental successes that started well over 100 years ago in this country and our public lands is an incredible treasure that this country has and that we can build on for generations to come.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

JUSTICE IN POLICING ACT

Mrs. GILLIBRAND. Madam President, I rise to speak about an overwhelming and urgent need to reform the way our country approaches policing. The death of Eric Garner, Michael Brown, Breonna Taylor, George Floyd, Tony McDade, Andrew Kearsse, and countless others are deeply disturbing and, most unfortunately, nothing new.

The truth is, for every name we know, there are countless more that we don’t. This type of oppression and brutality has been part of Black-American lives for far too long. It should not happen, and in the horrific instances when it does, it should not take a viral video

and a nationwide protest to get some measure of justice.

We are at a moment of moral reckoning in this country, and we must take action. Our country needs bold reforms to address the systemic and institutional racism that plagues our criminal justice system. The Justice in Policing Act of 2020, introduced by my colleagues Senators BOOKER and HARRIS, would make crucial and much needed changes to address our Nation's policing practices and policies. We should pass this bill as soon as possible.

We were reminded, sadly, of the urgency of this legislation on Friday, when Rayshard Brooks was shot in the back by police in Atlanta. It is clear that we don't have time to waste. Lives are on the line today. We need reform now. We need accountability, and we need it to happen now.

The Justice in Policing Act of 2020 would ban the no-knock warrant police used to enter Breonna Taylor's apartment before killing her. It would prevent unnecessary deaths like Rayshard Brooks by requiring that officers use deescalation techniques and resort to deadly force only as the last resort.

It also includes a provision that I worked on with Congressman HAKEEM JEFFRIES, the Eric Garner Excessive Force Prevention Act. It would ban the types of choke holds and carotid holds that killed George Floyd and Eric Garner by making the use of these dangerous maneuvers a Federal civil rights violation.

Black Americans are killed by police at more than twice the rate of White Americans, despite accounting for less than 13 percent of our population. This legislation would not only end racial and religious profiling, but it would mandate training on racial bias and on an officer's duty to intervene.

The bill would also improve accountability by requiring Federal uniform police officers to wear body cameras and require State and local law enforcement to use existing Federal funding to ensure their officers use body cameras as well.

Too often, after these unthinkable incidents of brutality, we learn that law enforcement officers responsible had a history of misconduct. This bill would collect better and more accurate data on police misconduct and the use of force and create a national registry that would track officers' complaint records throughout their careers. And it would improve the use of pattern and practice investigations into unconstitutional and discriminatory policing practice at the Federal, State, and local levels.

The fact is that 99 percent of killings by police do not result in any charges. Convictions on those charges are even rarer. This bill would amend the Federal criminal statute that has made it extremely difficult to prosecute law enforcement officers.

Finally, the bill would take the long overdue step of making lynching a Fed-

eral crime. After the killing of Ahmaud Arbery, it is clear that this problem must be addressed. We can never bring back those who we have been lost in these horrific killings or even begin to make these families whole. But we can and must take steps toward making sure that these tragedies never happen again.

An Executive order that merely restates the law that Congress passed in 1994 is clearly not enough. Establishing justice is at the heart of the preamble of our Constitution, and we must deliver on the promise that we made as a nation. We must match the efforts of those working to change the system from the outside with the efforts of those who are changing the system from the inside, with efforts to change it for good. We have a lot of work ahead of us, and this bill will ensure that we start on the right foot.

I would like to read a passage of Scripture that informs me on this issue. Matthew 25, verse 44:

They also will answer: Lord, when did we see you hungry or thirsty or a stranger or needing clothes or sick or in prison, and did not help you?

He will reply: Truly, I tell you, whatever you did not do for one of the least of these, you did not do for me.

Then, they will go away to eternal punishment but the righteous to eternal life.

We have a moral obligation. We have an obligation given our shared commitment to upholding the Constitution. We have a moral responsibility to not let this moment pass.

Who are we? What defines us? What kind of people are we? If we refuse to act now when the country is raging—rightfully so—we decline to do what is right.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

REMEMBERING LARRY WALSH, SR.

Ms. DUCKWORTH. Madam President, earlier this month, Illinois lost a local legend after a courageous 5-year battle against cancer.

A lifelong Illinoisan and a 50-year public servant, Larry Walsh, Sr., was known for his booming voice and big smile. He was a warm, welcoming presence in my life and the lives of his family, friends, and countless others.

Larry, much like the communities he would come to represent on the local, county, and State levels, embodied the spirit and ethos of Illinois. He was born in Elwood, into a family with deep roots in the farming community. Dedicating his early life to the family trade, he graduated Joliet Junior College, class of 1968, earning his associate's degree in agriculture.

In 1970, at only the age of 21, he made his foray into politics, winning an election to the local school board. Just 3 years later, he was elected as Jackson Township supervisor—a position he took great pride in and continued to hold until December of 2004.

He was first elected to the Will County Board in 1974—a county he would ul-

timately lead as county executive for the last 16 years of his life.

Will County is a great cross-section of Illinois. It is where the farmlands of Central and Southern Illinois converge with the industry of Chicago and Joliet. It is not only home to over 100,000 acres of farmland, but it is also a booming transportation hub anchored by North America's largest inland port, the CenterPoint Intermodal Center—a project that Larry helped to land. Larry was one of the few Illinois politicians who could credibly represent and be an advocate for both Illinois's farming community and understand the region's need for industrial expansion.

Throughout his career in public service, he was steadfastly committed to bipartisanship—an absolute must for a leader who would help guide Will County's development into the fastest growing county in our State.

Before he returned to the county board in 2004, Larry served in the Illinois Senate, representing the 43rd District. In Springfield, he befriended a fellow freshman Senator and seatmate on the floor, Barack Obama. Their friendship would prove critical, as Larry helped introduce him to the farming community in Will, Kankakee, and Iroquois Counties and then became the first State senator to endorse him in what was then considered a long-shot run for the U.S. Senate in 2004.

Larry's list of accomplishments is quite long and spans a crucial time in Will County's development. During Larry's time in the State senate and his return to lead the Will County Board, the county experienced a 53-percent growth in size and now is the fourth largest county in the State. Throughout his 16-year tenure as Will County executive—the longest Will County executive tenure ever—he redoubled his commitment to bipartisan, responsible community development. In addition to helping land CenterPoint Intermodal, he helped establish the Midewin National Tallgrass Prairie Reserve, championed the construction of a new Will County sheriff's office law enforcement center, and broke ground on the new Will County Courthouse that will open this fall.

Beyond elected service, he remained deeply rooted in and dedicated to his community. He was a member of the Joliet Exchange Club, the Elwood Lions Club, Friends of Hospice, and many local chambers of commerce. He passionately contributed to local charities, like MorningStar Mission, Make-A-Wish Foundation, Boy Scouts of America, and Cornerstone, among many others.

He was a lifelong parishioner of St. Rose of Lima Catholic Church in Wilmingon. He attended daily Mass and was a Eucharistic minister and a member of the Knights of Columbus.

I can't begin to do justice to the legacy that Larry leaves behind, but to his wife, Irene, of 50 years, his six children, and all the rest of his loved ones, please know how much we all cared for

and how much we all respected Larry and how greatly he will be missed.

Thank you.

I yield back.

The PRESIDING OFFICER. The Senator from Tennessee.

#### SENATE LEGISLATIVE AGENDA

Mrs. BLACKBURN. Madam President, as I do every week, this past weekend, I went back to Tennessee. I will tell you, it really did my heart a lot of good to see people who are out and about and enjoying beautiful weather and enjoying our beautiful State. Nashville is beginning to open the doors of our music venues. Our church bells are ringing, people are attending services, and our hikers are back exploring our beautiful State parks and the Smokies.

Here on Capitol Hill, though, things really do look a lot different. When we come back into town, we still return to empty offices and emptier hallways. I will tell you, I have had a lot of people ask me: What in the world is happening in Washington these days? Well, even though the Chamber will look empty to those who are watching on TV, I want everybody who is watching to know that the Senate is here, and the Senate is at work.

Before the pandemic sent everyone home, we had made great progress repairing our Nation's judiciary and filling empty seats at important Federal agencies. The Senate has placed 198 well-qualified, constitutionalist judges on the Federal bench. This week, we are going to hit that 200 number. We will be considering more of our district court nominations in coming weeks.

We are also preparing to consider the nomination of a former member of our House Republican Study Committee team. Russ Vought has been serving as OMB's Acting Director since January of 2019, and soon we will decide whether to make that position permanent. I will tell you, I think Russ is more than worthy of that honor, and I encourage my colleagues to support his confirmation when the time comes for that vote.

#### CHINA

At this point, we know for a fact that the Chinese Government withheld information about the novel coronavirus that could have spared the American people a lot of heartache and even prevented the COVID-19 outbreak from escalating into a global pandemic. Their lies have already had catastrophic effects on the American economy, on loss of life, on people's livelihoods, and on their well-being. But I think it is important to reiterate that this kind of behavior from China is not new. It is not new. It is just newly realized.

For a long time now, corporations, educational institutions, and even Members of this body have been happy to ignore the problem because of profits. I have spoken at length about the many ways that Big Tech's entanglement with Beijing has jeopardized our privacy, intellectual property, and our Nation's security.

Everyone here is familiar with the Chinese Communist Party's shameless use of political violence against the Uighurs, the Tibetans, and the Hong Kong freedom fighters, but what many don't know is that the Chinese Communist Party has been using their Confucius Institute program to fly under the radar at American colleges and universities and to suppress information about the true nature of the Chinese Government's role.

These so-called institutes are pitched as opportunities to promote cultural studies, but in reality they are propaganda mills directly funded by the Chinese Communist Party. By design, they threaten academic liberty and free speech. But somehow Beijing has managed to place 72 Confucius Institutes on American college campuses. It is hard to believe, but 72 of our Nation's colleges and universities are hosts to these Chinese Communist Party-funded Confucius Institutes. They even say that this is part of their soft power and their propaganda.

American students deserve to know who is really talking to them at these institutes. Last week, we took the first step toward protecting the integrity of our universities by passing the bipartisan CONFUCIUS Act by unanimous consent. The bill would grant full managerial authority to the universities that host Confucius Institutes and prohibit the application of any foreign law on any campus of a host institution. This is one piece of a larger effort to expose the Chinese Communist Party's efforts to pollute the minds of our young people. We thank Senator KENNEDY for his leadership in passing this legislation last week.

Earlier this year, I introduced the Transparency for Confucius Institutes Act, which would require "program participation agreements" between these institutes and their American hosts to address the way Chinese officials influence what can and cannot be taught in these programs.

I also led a group of colleagues in urging Education Secretary Betsy DeVos to increase agency oversight of these programs so that we—the American people, the American taxpayer, students, and their families—know what is being taught and the programs that are being offered in these institutes and, also, know who is paying for this.

Since March, life in America has changed dramatically, but the challenges and threats this country faces have not gone away. Because of that, it is important that, yes, we keep our attention on these issues that are still out there. Even though our attention has been placed on the crisis and the matter at hand, we still have a duty to govern and to protect the country and her institutions from destructive influences at home and those that come from far away.

I encourage my colleagues to remember this and to stay focused as we begin another week of negotiations and votes.

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

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

#### BOSTOCK V. CLAYTON COUNTY, GEORGIA

Mr. HAWLEY. Madam President, I rise today to offer a few thoughts about the Bostock case handed down by the Supreme Court yesterday. I have it here. I have now had a chance to read the case, the decision by the majority of the Court, and the two dissenting opinions.

I have to say I agree with the news reports that have said that this is truly a seismic decision. It is truly a historic decision. It is truly a historic piece of legislation.

This piece of legislation changes the scope of the 1964 Civil Rights Act. It changes the meaning of the 1964 Civil Rights Act. It changes the text of the 1964 Civil Rights Act. In fact, you might well argue it is one of the most significant and far-reaching updates to that historic piece of legislation since it was adopted all of those years ago.

Make no mistake, this decision, this piece of legislation will have effects that range from employment law to sports to churches.

There is only one problem with this piece of legislation. It was issued by a court, not by a legislature. It was written by judges, not by the elected representatives of the people. And it did what this Congress has pointedly declined to do for years now, which is to change the text and the meaning and the application and the scope of a historic piece of legislation.

I think it is significant for another reason as well. This decision, this Bostock case and the majority who wrote it, represents the end of something. It represents the end of the conservative legal movement or the conservative legal project as we know it. After Bostock, that effort as we know it, as it has existed up to now, is over. I say this because if textualism and originalism give you this decision, if you can invoke textualism and originalism in order to reach a decision, an outcome fundamentally that changes the scope—meaning and application of statutory law—then textualism, originalism, and all of those phrases don't mean much at all.

Those are the things we have been fighting for. That is what I thought we had been fighting for. Those who call ourselves legal conservatives, if we have been fighting for legalism and textualism and this is the result of that, then I have to say that it turns out we haven't been fighting for very much, or maybe we have been fighting for quite a lot, but it has been exactly the opposite of what we thought we were fighting for.

This is a very significant decision. It marks a turning point for every conservative, and it marks a turning point for the legal conservative movement. The legal conservative project has always depended on one group of people in particular, in order to carry the weight of the votes, to actually support this out in public, to get out there and make it possible electorally, and those are religious conservatives. I am one myself.

Evangelicals, conservative Catholics, conservative Jews—they are the ones—let's be honest—they are the ones who have been the core of the legal conservative effort. The reason for that is—it dates back decades now, back to the 1970s. The reason for that is these religious conservatives are from different backgrounds, but what they have consistently sought together was protection for their right to worship, for their right to freely exercise their faith, as the First Amendment guarantees, for their right to gather in their communities, for their right to pursue the way of life that their scriptures variously command and that the Constitution absolutely protects. That is what they have asked for, that is what they have sought all these years.

Yet, as to those religious conservatives, how do they fare in yesterday's decision? What will this decision mean, this rewrite of Title VII? What will it mean for churches? What will it mean for religious schools? What will it mean for religious charities?

Well, in the many pages of its opinion—33 pages to be exact—the majority does finally get around to say something about religious liberty on one page. What does it say? Here is the substance of the Court's analysis: How “doctrines protecting religious liberty interact with Title VII,” as reinterpreted now by the Court, “are questions for future cases.” Let's have that again. How “doctrines protecting religious liberty interact with Title VII are questions for future cases.” No doubt they are huge questions.

We eagerly await what our super-legislators across the street in the Supreme Court building there at One First Street will legislate on this question. What will become of church-hiring liberty? What will become of the policies of religious schools? What will become of the fate of religious charities? Who knows? Who is to say? They are questions for future cases.

I will say this in defense of the Court: It is difficult to anticipate in one case all future possible implications. That is why courts are supposed to leave legislating to legislators. That is why article III does not give the U.S. Supreme Court or any Federal court the power to legislate but only the judicial power to decide cases and controversies, not to decide policies.

I will also say this: Everybody knows—every honest person knows that the laws in this country today are made almost entirely by unelected bureaucrats and courts; they are not

made by this body. Why not? Because this body doesn't want to make law, that is why not. In order to make law, you have to take a vote. In order to vote, you have to be on the record, and to be on the record is to be held accountable, and that is what this body fears above all else. This body is terrified of being held accountable for anything on any subject. So can we be surprised that where the legislature fears to tread, where the article I body—this body that is charged by the Constitution for legislating—refuses to do its job, courts rush in and bureaucrats too? Are they accountable to the people? No, not at all. Do we have any resource? Not really. What should we do? Now we must wait to see what the super-legislators will say about our rights in future cases.

If this case makes anything clear, it is that the bargain that has been offered to religious conservatives for years now is a bad one. It is time to reject it. The bargain has never been necessarily explicitly articulated, but religious conservatives know what it is. The bargain is that you go along with the party establishment, you support their policies and priorities—or at least keep your mouth shut about it—and in return, the establishment will put some judges on the bench who supposedly will protect your constitutional right to freedom of worship and freedom of exercise. That is what we have been told for years now. We were told that we are supposed to shut up while the party establishment focuses more on cutting taxes and handing out favors to corporations—multinational corporations that don't share our values, that will not stand up for American principles, and that are only too happy to ship American jobs overseas. But we are supposed to say nothing about that.

We are supposed to keep our mouths shut because maybe we will get a judge out of the deal. That was the implicit bargain. We are supposed to keep our mouths shut while the party establishment opens borders and while the party establishment pursues ruinous trade policies. We are supposed to keep our mouths shut while those at the upper end of the income bracket get all of the attention while working families and college students and those who don't want to go to college but can't get a good job—they get what attention?

Workers. Children. What about parents looking for help with the cost of raising children; looking for help with the culture in which they have to raise children; looking for help with the communities, rebuilding the communities in which they must carry out their family life? What about college students trying to find an education that isn't ruinously expensive and then trying to figure out some way to pay back that ruinous debt? What about those who don't have a college degree and don't want one but would like to get a good job? What about them?

We are supposed to stay quiet about all of that and more because there will

be pro-constitutional religious liberty judges—except that there aren't; except that these judges don't follow the Constitution; except that these judges invoke textualism and originalism in order to reach their preferred outcome.

I want to be clear. I am not personally criticizing any Justice who joined the majority opinion or wrote it. I believe 100 percent that the Justice who principally offered this—Justice Gorsuch—and those who joined him are sincere and were writing to the best of their ability, reasoning to the best of their ability. Whatever else you might say about the opinion, it is not sloppily reasoned. I think they were doing what they thought was best and using all of the skills and gifts they have.

I question how we got here. I question how judges who hold to this philosophy ended up on that bench. I question the bargain that people of faith have been offered and asked to hold to for all of these years.

The truth is, to those who have objected to my own questioning of judicial nominees in this body, to those who said I was wrong to question judges who came before the Judiciary Committee, to those who chided me for asking tough questions even of nominees by a Republican President, to those who said I was slowing down the process and I was out of line, and to the supposedly conservative groups who threatened to buy television time in my own State to punish me for asking questions about conservative judges, I just have this to say: This is why I ask questions. This is why I won't stop. And I wish some more people would ask some harder questions because this outcome is not acceptable, and the bargain religious conservatives have been offered is not tenable.

I would just say it is not the time for religious conservatives to shut up. We have done that for too long. It is time for religious conservatives to stand up and to speak out. It is time for religious conservatives to bring forward the best of our ideas on every policy affecting this Nation. We should be out in the forefront leading on economics, on trade, on race, on class, on every subject that matters for what our Founders called the “general welfare” because we have a lot to offer, not just to protect our own rights but for the good of all of our fellow citizens.

As religious believers, we know that serving our fellow citizens—whatever their religious faith or whatever their commitments may be—we know that serving them, aiding them, working for them is one of the signature ways we show a love of neighbor. It is time for religious conservatives to do that. It is time for religious conservatives to take the lead rather than being pushed to the back. It is time for religious conservatives to stand up and speak out rather than being told to sit down and shut up.

I am confident that people of faith and good will all across this country are ready to do that and want to do



that and have something to offer this country and every person in this country, whatever their background or income or race or religion, and because of that, I am confident in the future. I am also confident that the old ways will not do. Let this be a departure. Let this be a new beginning. Let this be the start of something better.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

DR. MARTIN LUTHER KING, JR.'S LETTER FROM BIRMINGHAM JAIL

Mr. JONES. Madam President, one of the greatest indictments I believe ever written was written on scraps of paper in a lonely jail cell in Birmingham, AL, in 1963. The letter from a Birmingham jail written by Dr. Martin Luther King is a call to action.

Last year, for the first time in the history of this body, the entire letter was read on the Senate floor by three Republicans, three Democrats—a bipartisan effort, a bipartisan reading of a letter that is so important, the words of which still resonate today.

Today, we do it again. I am pleased that we have once again three Republicans and three Democrats to take part in this historic reading. At this point, as we get to that letter, I would like to yield the floor to my friend from South Carolina, Senator SCOTT, for a special introduction for this important reading.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. SCOTT of South Carolina. Madam President, we are at a critical time in our Nation's history. I think we can all sense the opportunity that is before us. Through the challenges of COVID and the death of George Floyd and its aftermath, we can affect real, lasting change.

Perhaps the most famous line in Dr. King's letter from Birmingham jail is "Injustice anywhere is a threat to justice everywhere." Let me say that one more time. "Injustice anywhere is a threat to justice everywhere." More than at any time I can remember, people of all ages and races are standing up together for the idea that Lady Justice must be blind.

Although COVID has delayed this now-annual reading of Dr. King's letter, it has truly never been more important than it is right now.

I want to thank all of my colleagues from both sides of the aisle for reading today and Senator JONES for putting this together again.

Every time we hear them, the words of Dr. King teach us something new. I hope the Nation hears these words with an open mind and an open heart and we all come together unified for a bigger purpose.

Senator JONES, let me close by saying that the letter from the Birmingham jail was a letter written to the clergy of the time. As Senator HAWLEY was speaking about the importance of standing up for our religious liberties, the one thing he said at the

end was that we should stand up now for all the issues facing our Nation—the economic issues, the racial issues.

I thought it important and appropriate that following that speech, you have the reading of the letter from the Birmingham jail to the leaders, the religious leaders, to become involved and engaged in this current struggle. That is how change comes to America. Thank you for leading this process.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. KENNEDY. Madam President, with me today is one of my colleagues from my office, Mr. Blain Callas.

In the words of Dr. King's letter from a Birmingham jail:

APRIL 16, 1963.

MY DEAR FELLOW CLERGYMEN:

While confined here in the Birmingham city jail, I came across your recent statement calling my present activities "unwise and untimely." Seldom do I pause to answer criticism of my working ideas. If I sought to answer all of the criticisms that cross my desk, my secretaries would have little time for anything other than such correspondence in the course of a day, and I would have no time for constructive work. But since I feel you are men of genuine good will and that your criticisms are sincerely set forth, I will try to answer your statement in what I hope will be patient and reasonable terms.

I think I should indicate why I am here in Birmingham, since you have been influenced by the view which argues against "outsiders coming in." I have the honor of serving as president of the Southern Christian Leadership Conference, an organization operating in every southern state, with headquarters in Atlanta, Georgia. We have some eighty five affiliated organizations across the South, and one of them is the Alabama Christian Movement for Human Rights. Frequently we share staff, educational and financial resources with our affiliates. Several months ago the affiliate here in Birmingham asked us to be on call to engage in a non-violent direct action program if such were deemed necessary. We readily consented, and when the hour came we lived up to our promise. So I, along with several members of my staff, am here because I was invited here. I am here because I have organizational ties here.

But more basically, I am in Birmingham because injustice is here. Just as the prophets of the eighth century B.C. left their villages and carried their "thus saith the Lord" far beyond the boundaries of their home towns, and just as the Apostle Paul left his village of Tarsus and carried the gospel of Jesus Christ to the far corners of the Greco Roman world, so am I compelled to carry the gospel of freedom beyond my home town. Like Paul, I must constantly respond to the Macedonian call for aid.

Moreover, I am cognizant of the interrelatedness of all communities and states. I cannot sit idly by in Atlanta and not be concerned about what happens in Birmingham. Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly, affects all indirectly. Never again can we afford to live with the narrow, provincial "outside agitator" idea.

Anyone who lives inside the United States can never be considered an outsider anywhere within its bounds.

Now, you deplore the demonstrations taking place in Birmingham. But your statement, I am sorry to say, fails to express a

similar concern for the conditions that brought about the demonstrations. I am sure that none of you would want to rest content with the superficial kind of social analysis that deals merely with effects and does not grapple with underlying causes. It is unfortunate that demonstrations are taking place in Birmingham, but it is even more unfortunate that the city's white power structure left the [African-American] community with no alternative.

In any nonviolent campaign there are four basic steps: collection of the facts to determine whether injustices exist; negotiation; self purification; and direct action. We have gone through all these steps in Birmingham. There can be no gainsaying the fact that racial injustice engulfs this community. Birmingham is probably the most thoroughly segregated city in the United States. Its ugly record of brutality is widely known. [African Americans] have experienced grossly unjust treatment in the courts. There have been more unsolved bombings of [African-American] homes and churches in Birmingham than in any other city in the nation. These are the hard, brutal facts of the case. On the basis of these conditions, [African-American] leaders sought to negotiate with the city fathers. But the latter consistently refused to engage in good faith negotiation.

Then, last September, came the opportunity to talk with leaders of Birmingham's economic community. In the course of the negotiations, certain promises were made by the merchants—for example, to remove the stores' humiliating racial signs. On the basis of these promises, the Reverend Fred Shuttlesworth and the leaders of the Alabama Christian Movement for Human Rights agreed to a moratorium on all demonstrations. As the weeks and months went by, we realized that we were the victims of a broken promise. A few signs, briefly removed, returned; the others remained. As in so many past experiences, our hopes had been blasted, and the shadow of deep disappointment settled upon us. We had no alternative except to prepare for direct action, whereby we would present our very bodies as a means of laying our case before the conscience of the local and the national community. Mindful of the difficulties involved, we decided to undertake a process of self purification. We began a series of workshops on nonviolence, and we repeatedly asked ourselves: "Are you able to accept the blows without retaliating?" "Are you able to endure the ordeal of jail?"

We decided to schedule our direct action program for the Easter season, realizing that except for Christmas, this is the main shopping period of the year. Knowing that a strong economic-withdrawal program would be the by product of direct action, we felt that this would be the best time to bring pressure to bear on the merchants for the needed change.

Then it occurred to us that Birmingham's mayoral election was coming up in March, and we speedily decided to postpone action until after election day. When we discovered that the Commissioner of Public Safety, Eugene "Bull" Connor, had piled up enough votes to be in the run off, we decided again to postpone action until the day after the run off so that the demonstrations could not be used to cloud the issues.

Like many others, we waited to see Mr. Connor defeated, and to this end, we endured

postponement after postponement. Having aided in this community need, we felt our direct action program could be delayed no longer.

The words of Dr. King. A letter from a Birmingham jail, April 16, 1963.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. JONES. Madam President, continuing reading the letter from Birmingham jail:

You may well ask: "Why direct action? Why sit ins, marches and so forth? Isn't negotiation a better path?" You are quite right in calling for negotiation. Indeed, this is the very purpose of direct action. Nonviolent direct action seeks to create such a crisis and foster such a tension that a community which has constantly refused to negotiate is forced to confront the issue. It seeks so to dramatize the issue that it can no longer be ignored. My citing the creation of tension as part of the work of the nonviolent resister may sound rather shocking. But I must confess that I am not afraid of the word "tension." I have earnestly opposed violent tension, but there is a type of constructive, non-violent tension which is necessary for growth. Such as Socrates felt that it was necessary to create a tension in the mind so that individuals could rise from the bondage of myths and half truths to the unfettered realm of creative analysis and objective appraisal, so must we see the need for non-violent gadflies to create the kind of tension in society that will help men rise from the dark depths of prejudice and racism to the majestic heights of understanding and brotherhood. The purpose of our direct action program is to create a situation so crisis packed that it will inevitably open the door to negotiation. I therefore concur with you in your call for negotiation. Too long has our beloved Southland been bogged down in a tragic effort to live in a monologue rather than dialogue.

One of the basic points in your statement is that the action that I and my associates have taken in Birmingham is untimely. Some have asked: "Why didn't you give the new city administration time to act?" The only answer that I can give to this query is that the new Birmingham administration must be prodded about as much as the outgoing one, before it will act. We are sadly mistaken if we feel that the election of Albert Boutwell as mayor will bring the millennium to Birmingham. While Mr. Boutwell is a much more gentle person than Mr. Connor, they are both segregationists, dedicated to the maintenance of the status quo. I have hoped that Mr. Boutwell will be reasonable enough to see the futility of massive resistance to desegregation. But he will not see this without pressure from devotees of civil rights. My friends, I must say to you that we have not made a single gain in civil rights without determined legal and nonviolent pressure. Lamentably, it is an historical fact that privileged groups seldom give up their privileges voluntarily. Individuals may see the moral light and voluntarily give up their unjust posture; but as Reinhold Niebuhr has reminded us, groups tend to be more immoral than individuals.

We know through painful experience that freedom is never voluntarily given by the oppressor; it must be demanded by the oppressed. Frankly, I have yet to engage in a direct action campaign that was "well timed" in the view of those who have not suffered unduly from the disease of segregation. For years now I have heard the word "Wait!" It rings in the ear of every Negro with piercing familiarity. This "Wait" has

almost always meant "Never." We must come to see, with one of our distinguished jurists, that "justice too long delayed is just denied."

We have waited for more than 340 years for our constitutional and God given rights. The nations of Asia and Africa are moving with jetlike speed toward gaining political independence, but we still creep at horse and buggy pace toward gaining a cup of coffee at a lunch counter. Perhaps it is easy for those who have never felt the stinging darts of segregation to say, "Wait." But when you have seen vicious mobs lynch your mothers and fathers at will and drown your sisters and brothers at whim; when you have seen hate filled policemen curse, kick and even kill your black brothers and sisters; when you see the vast majority of your twenty million Negro brothers smothering in an airtight cage of poverty in the midst of an affluent society . . . when you take a cross country drive and find it necessary to sleep, night after night, in the uncomfortable corners of your automobile because no motel will accept you; when you are humiliated day in and day out by nagging signs reading "white" and "colored"; when your first name becomes [an expletive], your middle name becomes "boy" (however old you are) and your last name becomes "John," and your wife and mother are never given the respected title "Mrs."; when you are harried by day and haunted by night by the fact that you are a Negro, living constantly at tiptoe stance, never quite knowing what to expect next, and are plagued with inner fears and outer resentments; when you are forever fighting a degenerating sense of "nobodiness"—then you will understand why we find it difficult to wait.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. LANKFORD. "There comes a time when the cup of endurance runs over, and men are no longer willing to be plunged into the abyss of despair. I hope, sirs, you can understand our legitimate and unavoidable impatience. You express a great deal of anxiety over our willingness to break laws. This is certainly a legitimate concern. Since we so diligently urge people to obey the Supreme Court's decision of 1954 outlawing segregation in the public schools, at first glance it may seem rather paradoxical for us consciously to break laws. One may well ask: 'How can you advocate breaking some laws and obeying others?' The answer lies in the fact that there are two types of laws: Just and unjust. I would be the first to advocate obeying just laws. One has not only a legal but a moral responsibility to obey just laws. Conversely, one has a moral responsibility to disobey unjust laws. I would agree with St. Augustine that 'an unjust law is no law at all.'"

Now, what is the difference between the two? How does one determine whether a law is just or unjust? A just law is a man made code that squares with the moral law or the law of God. An unjust law is a code that is out of harmony with the moral law. To put it in the terms of St. Thomas Aquinas: An unjust law is a human law that is not rooted in eternal law and natural law. Any law that uplifts human personality is just. Any law that degrades human personality is unjust. All segregation statutes are unjust because segregation distorts the soul and damages the personality. It gives the segregator a

false sense of superiority and the segregated a false sense of inferiority. Segregation, to use the terminology of the Jewish philosopher Martin Buber, substitutes an "I it" relationship for an "I though" relationship and ends up relegating persons to the status of things. Hence, segregation is not only politically, economically and sociologically unsound, it is morally wrong and sinful. Paul Tillich has said that sin is separation. Is not segregation an existential expression of man's tragic separation, his awful estrangement, his terrible sinfulness? Thus it is that I can urge men to obey the 1954 decision of the Supreme Court, for it is morally right; and I can urge them to disobey segregation ordinances, for they are morally wrong.

Let us consider a more concrete example of just and unjust laws. An unjust law is a code that a numerical or a power majority group compels a minority group to obey but does not make binding on itself. This is difference made legal. By the same token, a just law is a code that a majority compels a minority to follow and that it is willing to follow itself. This is sameness made legal. Let me give another explanation. A law is unjust if it is inflicted on a minority that, as a result of being denied the right to vote, had no part in enacting or devising the law. Who can say that the legislature of Alabama which set up that State's segregation laws was democratically elected? Throughout Alabama all sorts of devious methods are used to prevent Negroes from becoming registered voters, and there are some counties in which, even though Negroes constitute a majority of the population, not a single Negro is registered. Can any law enacted under such circumstances be considered democratically structured?

Sometimes a law is just on its face and unjust in its application. For instance, I have been arrested on a charge of parading without a permit. Now, there is nothing wrong in having an ordinance which requires a permit for a parade. But such an ordinance becomes unjust when it is used to maintain segregation and to deny citizens the First Amendment privilege of peaceful assembly and protest.

I hope you are able to see the distinction I am trying to point out. In no sense do I advocate evading or defying the law, as would the rabid segregationist. That would lead to anarchy. One who breaks an unjust law must do so openly, lovingly, and with a willingness to accept the penalty. I submit that an individual who breaks a law that conscience tells him is unjust, and who willingly accepts the penalty of imprisonment in order to arouse the conscience of the community over its injustice, is in reality expressing the highest respect for the law.

Of course, there is nothing new about this kind of civil disobedience. It was evidenced sublimely in the refusal of Shadrach, Meshach, and Abednego to obey the laws of Nebuchadnezzar, on the ground that a higher moral law was at stake. It was practiced superbly by the early Christians, who were willing to face hungry lions and the excruciating pain of chopping blocks rather than submit to certain unjust laws of the Roman Empire. To a degree, academic freedom is a reality today because Socrates practiced civil disobedience. In our own nation, the Boston Tea Party represented a massive act of civil disobedience.

We should never forget that everything Adolf Hitler did in Germany was "legal" and everything the Hungarian freedom fighters did in Hungary was "illegal." It was "illegal" to aid and comfort a Jew in Hitler's Germany. Even so, I am sure that had I lived in Germany at the time, I would have aided and comforted my Jewish brothers. If today I lived in a Communist country where certain principles dear to the Christian faith



are suppressed, I would openly advocate disobeying that country's antireligious laws.

I must make two honest confessions to you, my Christian and Jewish brothers. First, I must confess that over the past few years I have been gravely disappointed with the white moderate.

I have almost reached the regrettable conclusion that the Negro's great stumbling block in his stride toward freedom is not the White Citizen's Council or the Ku Klux Klanner, but the white moderate, who is more devoted to "order" than to justice; who prefers a negative peace which is the absence of tension to a positive peace which is the presence of justice; who constantly says: "I agree with you in the goal you seek, but I cannot agree with your methods of direct action"; who paternalistically believes he can set the timetable for another man's freedom; who lives by a mythical concept of time and who constantly advises the Negro to wait for a "more convenient season." Shallow understanding from people of goodwill is more frustrating than absolute misunderstanding from people of ill will. Lukewarm acceptance is much more bewildering than outright rejection.

I had hoped that the white moderate would understand that law and order exist for the purpose of establishing justice and that when they fail in this purpose they become the dangerously structured dams that block the flow of social progress.

I had hoped that the white moderate would understand that the present tension in the South is a necessary phase of the transition from an obnoxious negative peace, in which the Negro passively accepted his unjust plight, to a substantive and positive peace, in which all men will respect the dignity and worth of human personality. Actually, we who engage in nonviolent direct action are not the creators of tension. We merely bring to the surface the hidden tension that is already alive. We bring it out in the open, where it can be seen and dealt with. Like a boil that can never be cured so long as it is covered up but must be opened with all its ugliness for the natural medicines of air and light, injustice must be exposed, with all the tension its exposure creates, to the light of human conscience and the air of national opinion before it can be cured.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Madam President, a letter from Birmingham jail by Dr. Martin Luther, Jr.:

In your statement you assert that our actions, even though peaceful, must be condemned because they precipitate violence. But is this a logical assertion? Isn't this like condemning a robbed man because his possession of money precipitated the evil act of robbery? Isn't this like condemning Socrates because his unswerving commitment to truth and his philosophical inquiries precipitated the act by the misguided populace in which they made him drink hemlock? Isn't this like condemning Jesus because his unique God consciousness and never ceasing devotion to God's will precipitated the evil act of crucifixion? We must come to see that, as the federal courts have consistently affirmed, it is wrong to urge an individual to cease his efforts to gain his basic constitutional rights because the quest may precipitate violence. Society must protect the robbed and punish the robber. I had also hoped that the white moderate would reject the myth concerning time in relation to the struggle for freedom. I have just received a letter from a white brother in Texas. He writes: "All Christians know that the col-

ored people will receive equal rights eventually, but it is possible that you are in too great a religious hurry. It has taken Christianity almost two thousand years to accomplish what it has. The teachings of Christ take time to come to earth." Such an attitude stems from a tragic misconception of time, from the strangely irrational notion that there is something in the very flow of time that will inevitably cure all ills. Actually, time itself is neutral; it can be used either destructively or constructively. More and more I feel that the people of ill will have used time much more effectively than have the people of good will. We will have to repent in this generation not merely for the hateful words and actions of the bad people but for the appalling silence of the good people. Human progress never rolls in on wheels of inevitability; it comes through the tireless efforts of men willing to be coworkers with God, and without this hard work, time itself becomes an ally of the forces of social stagnation. We must use time creatively, in the knowledge that the time is always ripe to do right. Now is the time to make real the promise of democracy and transform our pending national elegy into a creative psalm of brotherhood. Now is the time to lift our national policy from the quicksand of racial injustice to the solid rock of human dignity.

You speak of our activity in Birmingham as extreme. At first I was rather disappointed that fellow clergymen would see my nonviolent efforts as those of an extremist. I began thinking about the fact that I stand in the middle of two opposing forces in the Negro community. One is a force of complacency, made up in part of Negroes who, as a result of long years of oppression, are so drained of self respect in the sense of "somebodiness" that they have adjusted to segregation; and in part of a few middle-class Negroes who, because of a degree of academic and economic security and because in some ways they profit by segregation, have become insensitive to the problems of the masses. The other force is one of bitterness and hatred, and it comes perilously close to advocating violence. It is expressed in the various black nationalist groups that are springing up across the nation, the largest and best known being Elijah Muhammad's Muslim movement. Nourished by the Negro's frustration over the continued existence of racial discrimination, this movement is made up of people who have lost faith in America, who have absolutely repudiated Christianity, and who have concluded that the white man is an incorrigible "devil."

I have tried to stand between these two forces, saying that we need emulate neither the "do nothingism" of the complacent nor the hatred and despair of the black nationalist. For there is the more excellent way of love and nonviolent protest. I am grateful to God that, through the influence of the Negro church, the way of nonviolence became an integral part of our struggle. If this philosophy had not emerged, by now many streets of the South would, I am convinced, be flowing with blood. And I am further convinced that if our white brothers dismiss as "rabble rousers" and "outside agitators" those of us who employ nonviolent direct action, and if they refuse to support our nonviolent efforts, millions of Negroes will, out of frustration and despair, seek solace and security in black nationalist ideologies—a development that would inevitably lead to a frightening racial nightmare.

Oppressed people cannot remain oppressed forever. The yearning for freedom eventually manifests itself, and that is what has happened to the American Negro. Something within has reminded him of his birthright of freedom, and something without has reminded him that it can be gained. Con-

sciously or unconsciously, he has been caught up by the Zeitgeist, and with his black brothers of Africa and his brown and yellow brothers of Asia, South America and the Caribbean, the United States Negro is moving with a sense of great urgency toward the promised land of racial justice. If one recognizes this vital urge that has engulfed the Negro community, one should readily understand why public demonstrations are taking place. The Negro has many pent up resentments and latent frustrations, and he must release them. So let him march; let him make prayer pilgrimages to the city hall; let him go on freedom rides—and try to understand why he must do so. If his repressed emotions are not released in nonviolent ways, they will seek expression through violence; this is not a threat but a fact of history.

So I have not said to my people: "Get rid of your discontent." Rather, I have tried to say that this normal and healthy discontent can be channeled through into the creative outlet of nonviolent direct action. And now this approach is being termed extremist. But though I was initially disappointed at being categorized as an extremist, as I continued to think about the matter I gradually gained a measure of satisfaction from the label. Was not Jesus an extremist for love: "Love your enemies, bless them that curse you, do good to them that hate you, and pray for them which spitefully use you, and persecute you." Was not Amos an extremist for justice: "Let justice roll down like waters and righteousness like an ever flowing stream." Was not Paul an extremist for the Christian gospel: "I bear in my body the marks of the Lord Jesus." Was not Martin Luther an extremist: "Here I stand; I cannot do otherwise, so help me God." And John Bunyan: "I will stay in jail to the end of my days before I make a butchery of my conscience." And Abraham Lincoln: "This nation cannot survive half slave and half free." And Thomas Jefferson: "We hold these truths to be self evident, that all men are created equal . . ." So the question is not whether we will be extremists, but what kind of extremists we will be. Will we be extremists for hate or for love? Will we be extremists for the preservation of injustice or for the extension of justice? In that dramatic scene on Calvary's hill three men were crucified. We must never forget that all three were crucified for the same crime—the crime of extremism. Two were extremists for immorality, and thus fell below their environment. The other, Jesus Christ, was an extremist for love, truth and goodness, and thereby rose above his environment. Perhaps the South, the nation and the world are in dire need of creative extremists.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. ROMNEY. Madam President, I continue reading the letter from the Birmingham jail by Dr. Martin Luther King, Jr.:

I had hoped the white moderate would see this need. Perhaps I was too optimistic; perhaps I expected too much. I suppose I should have realized that few members of the oppressor race can understand the deep groans and passionate yearnings of the oppressed race, and still fewer have the vision to see that injustice must be rooted out by strong, persistent and determined action. I am thankful, however, that some of our white brothers in the South have grasped the meaning of this social revolution and committed themselves to it. They are still all too few in quantity, but they are big in quality. Some—such as Ralph McGill, Lillian

Smith, Harry Golden, James McBride Dabbs, Ann Braden and Sarah Patton Boyle—have written about our struggle in eloquent and prophetic terms. Others have marched with us down nameless streets of the South. They have languished in filthy, roach infested jails, suffering the abuse and brutality of policemen who view them as “dirty niggerlovers.” Unlike so many of their moderate brothers and sisters, they have recognized the urgency of the moment and sensed the need for powerful “action” antidotes to combat the disease of segregation. Let me take note of my other major disappointment. I have been so greatly disappointed with the white church and its leadership. Of course, there are some notable exceptions. I am not unmindful of the fact that each of you has taken some significant stands on this issue. I commend you, Reverend Stallings, for your Christian stand on this past Sunday, in welcoming Negroes to your worship service on a nonsegregated basis. I commend the Catholic leaders of this state for integrating Spring Hill College several years ago.

But despite these notable exceptions, I must honestly reiterate that I have been disappointed with the church. I do not say this as one of those negative critics who can always find something wrong with the church. I say this as a minister of the gospel, who loves the church; who was nurtured in its bosom; who has been sustained by its spiritual blessings and who will remain true to it as long as the cord of life shall lengthen.

When I was suddenly catapulted into the leadership of the bus protest in Montgomery, Alabama, a few years ago, I felt we would be supported by the white church. I felt that the white ministers, priests and rabbis of the South would be among our strongest allies. Instead, some have been outright opponents, refusing to understand the freedom movement and misrepresenting its leaders; all too many others have been more cautious than courageous and have remained silent behind the anesthetizing security of stained glass windows. In spite of my shattered dreams, I came to Birmingham with the hope that the white religious leadership of this community would see the justice of our cause and, with deep moral concern, would serve as the channel through which our just grievances could reach the power structure. I had hoped that each of you would understand. But again I have been disappointed.

I have heard numerous southern religious leaders admonish their worshipers to comply with a desegregation decision because it is the law, but I have longed to hear white ministers declare: “Follow this decree because integration is morally right and because the Negro is your brother.” In the midst of blatant injustices inflicted upon the Negro, I have watched white churchmen stand on the sideline and mouth pious irrelevancies and sanctimonious trivialities. In the midst of a mighty struggle to rid our nation of racial and economic injustice, I have heard many ministers say: “Those are social issues, with which the gospel has no real concern.” And I have watched many churches commit themselves to a completely other worldly religion which makes a strange, un-Biblical distinction between body and soul, between the sacred and the secular.

I have traveled the length and breadth of Alabama, Mississippi and all the other southern states. On sweltering summer days and crisp autumn mornings I have looked at the South's beautiful churches with their lofty spires pointing heavenward. I have beheld the impressive outlines of her massive religious education buildings. Over and over I have found myself asking: “What kind of people worship here? Who is their God? Where were their voices when the lips of Governor Barnett dripped with words of

interposition and nullification? Where were they when Governor Wallace gave a clarion call for defiance and hatred? Where were their voices of support when bruised and weary Negro men and women decided to rise from the dark dungeons of complacency to the bright hills of creative protest?”

Yes, these questions are still in my mind. In deep disappointment I have wept over the laxity of the church. But be assured that my tears have been tears of love. There can be no deep disappointment where there is not deep love. Yes, I love the church. How could I do otherwise? I am in the rather unique position of being the son, the grandson and the great grandson of preachers. Yes, I see the church as the body of Christ. But, oh! How we have blemished and scarred that body through social neglect and through fear of being nonconformists.

There was a time when the church was very powerful—in the time when the early Christians rejoiced at being deemed worthy to suffer for what they believed. In those days the church was not merely a thermometer that recorded the ideas and principles of popular opinion; it was a thermostat that transformed the mores of society. Whenever the early Christians entered a town, the people in power became disturbed and immediately sought to convict the Christians for being “disturbers of the peace” and “outside agitators.” But the Christians pressed on, in the conviction that they were “a colony of heaven,” called to obey God rather than man. Small in number, they were big in commitment. They were too God-intoxicated to be “astronomically intimidated.” By their effort and example they brought an end to such ancient evils as infanticide and gladiatorial contests. Things are different now. So often the contemporary church is a weak, ineffectual voice with an uncertain sound. So often it is an arch defender of the status quo. Far from being disturbed by the presence of the church, the power structure of the average community is consoled by the church's silent—and often even vocal—sanction of things as they are.

But the judgment of God is upon the church as never before. If today's church does not recapture the sacrificial spirit of the early church, it will lose its authenticity, forfeit the loyalty of millions, and be dismissed as an irrelevant social club with no meaning for the twentieth century. Every day I meet young people whose disappointment with the church has turned into outright disgust.

Perhaps I have once again been too optimistic. Is organized religion too inextricably bound to the status quo to save our nation and the world? Perhaps I must turn my faith to the inner spiritual church, the church within the church, as the true ekklesia and the hope of the world. But again I am thankful to God that some noble souls from the ranks of organized religion have broken loose from the paralyzing chains of conformity and joined us as active partners in the struggle for freedom. They have left their secure congregations and walked the streets of Albany, Georgia, with us. They have gone down the highways of the South on tortuous rides for freedom.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Ms. DUCKWORTH. Madam President, I continue with the reading of the letter from Birmingham jail, Dr. Martin Luther King, Jr.

Yes, they have gone to jail with us. Some have been dismissed from their churches, have lost the support of their bishops and fellow ministers. But they have acted in the

faith that right defeated is stronger than evil triumphant. Their witness has been the spiritual salt that has preserved the true meaning of the gospel in these troubled times.

They have carved a tunnel of hope through the dark mountain of disappointment. I hope the church as a whole will meet the challenge of this decisive hour. But even if the church does not come to the aid of justice, I have no despair about the future. I have no fear about the outcome of our struggle in Birmingham, even if our motives at present are misunderstood. We will reach the goal of freedom in Birmingham and all over the nation, because the goal of America is freedom. Abused and scorned though we may be, our destiny is tied up with America's destiny. Before the pilgrims landed at Plymouth, we were here. Before the pen of Jefferson etched the majestic words of the Declaration of Independence across the pages of history, we were here. For more than two centuries, our forebears labored in this country without wages; they made cotton king; they built the homes of their masters while suffering gross injustice and shameful humiliation—and yet out of a bottomless vitality they continued to thrive and develop. If the inexpressible cruelties of slavery could not stop us, the opposition we now face will surely fail. We will win our freedom because the sacred heritage of our nation and the eternal will of God are embodied in our echoing demands. Before closing I feel impelled to mention one other point in your statement that has troubled me profoundly. You warmly commended the Birmingham police force for keeping “order” and “preventing violence.” I doubt that you would have so warmly commended the police force if you had seen its dogs sinking their teeth into unarmed, nonviolent Negroes. I doubt that you would so quickly commend the policemen if you were to observe their ugly and inhumane treatment of Negroes here in the city jail; if you were to watch them push and curse old Negro women and young Negro girls; if you were to see them slap and kick old Negro men and young boys; if you were to observe them, as they did on two occasions, refuse to give us food because we wanted to sing our grace together. I cannot join you in your praise of the Birmingham police department.

It is true that the police have exercised a degree of discipline in handling the demonstrators. In this sense they have conducted themselves rather “nonviolently” in public. But for what purpose? To preserve the evil system of segregation. Over the past few years I have consistently preached that nonviolence demands that the means we use must be as pure as the ends we seek. I have tried to make it clear that it is wrong to use immoral means to attain moral ends. But now I must affirm that it is just as wrong, or perhaps even more so, to use moral means to preserve immoral ends. Perhaps, Mr. Connor and his policemen had been rather nonviolent in public, as was Chief Pritchett in Albany, Georgia, but they have used the moral means of nonviolence to maintain the immoral end of racial injustice. As T. S. Eliot has said: “The last temptation is the greatest treason: To do the right deed for the wrong reason.”

I wish you had commended the Negro sit inners and demonstrators of Birmingham for their sublime courage, their willingness to suffer, and their amazing discipline in the midst of great provocation. One day the South will recognize its real heroes. They will be the James Merediths, with the noble sense of purpose that enables them to face jeering and hostile mobs, and with the agonizing loneliness that characterizes the life of the pioneer. They will be old, oppressed, battered Negro women symbolized in a seventy-two year old woman in Montgomery,

Alabama, who rose up with a sense of dignity and with her people decided not to ride segregated buses, and who responded with ungrammatical profundity to one who inquired about her weariness: "My feets is tired, but my soul is at rest." They will be the young high school and college students, the young ministers of the gospel and a host of their elders, courageously and non-violently sitting in at lunch counters and willingly going to jail for conscience' sake. One day the South will know that when these disinherited children of God sat down at lunch counters, they were in reality standing up for what is best in the American dream and for the most sacred values in our Judeo Christian heritage, thereby bringing our nation back to those great wells of democracy which were dug deep by the founding founders in their formulation of the Constitution and the Declaration of Independence.

Never before have I written so long a letter. I'm afraid it is much too long to take your precious time. I can assure you that it would have been much shorter if I had been writing from a comfortable desk, but what else can one do when he is alone in a narrow jail cell, other than write long letters, think long thoughts, and pray long prayers?

If I have said anything in this letter that overstates the truth and indicates an unreasonable impatience, I beg you to forgive me. If I have said anything that understates the truth and indicates my having a patience that allows me to settle for anything less than brotherhood, I beg God to forgive me.

I hope this letter finds you strong in the faith. I also hope that circumstances will soon make it possible for me to meet each of you, not as an integrationist or a civil-rights leader but as a fellow clergymen and a Christian brother. Let us all hope that the dark clouds of racial prejudice will soon pass away and the deep fog of misunderstanding will be lifted from our fear drenched communities, and in some not too distant tomorrow, the radiant stars of love and brotherhood will shine over our great nation with all their scintillating beauty.

Yours for the cause of Peace and Brotherhood,

MARTIN LUTHER KING, JR.

I yield the floor.

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

Mr. JONES. Mr. President, I want to first thank my colleagues who joined me today.

As Senator SCOTT said, we had hoped to do this in April on the anniversary of the writing of this letter. Unfortunately, the pandemic overtook us. But, as Senator SCOTT said, I don't think the timing could be any better than today.

Just as last year when we did this, I am sure that each of my colleagues today will leave the floor with an even greater appreciation of Dr. King's legacy and I hope a better understanding of where America finds itself today.

When we think of Dr. King, we usually see him on the steps of the Lincoln Memorial eloquently and passionately describing his dream for America or behind a pulpit in Memphis urging his audience to press forward, to not be discouraged in their quest for civil and equal rights because he had been to the mountaintop and he had seen the Promise Land.

It is, frankly, somewhat astounding to read his thoughts that were read on

the floor today and picture him in a small, dirty jail cell, writing in longhand on napkins and scraps of paper and newspaper to a group of ministers who were not hateful as much as they were questioning the need for action at that particular moment in 1963.

There are some who would say that, to share my thoughts on our situation today, I need to move beyond a letter written in 1963, beyond a call of action so long ago. Certainly, it is true that there are more contemporary voices and writings that explain how we should see our times and what actions are needed today, now and in the present. After all, although it was uncertain in the spring of 1963, Dr. King, in a movement, would go on to achieve historic changes with the signing of the Civil Rights Act of 1964, the Voting Rights Act of 1965, and so many other legislative victories.

But I believe we are at a similar moment today, in this time, in this place, and that Dr. King's words are as contemporary as they are powerful. You see, in 1963, Alabama had become the focal point of the racism and division and hatred that existed throughout our Nation. Bombings and fires in Black neighborhoods were commonplace; suspects never apprehended; a Governor promising segregation now, segregation tomorrow, segregation forever; Bull Connor shocking the Nation when he unleashed vicious police dogs and firehoses on innocent children engaged in a peaceful protest; and later in that year, a church bombing that killed four young girls simply because of the color of their skin.

The question on the day Dr. King was arrested was, Why now? Why the risk of jail and perhaps death to protest conditions in a city that Dr. King had described as the most segregated in America—a city, though, that had just elected a new city government that had promised change? It is a question Dr. King and all Black Americans had heard for too long, and it was time for an answer.

I believe the wisdom of this letter is perhaps the best frame to view how we move forward during this moment, the movement of this time, the movement of this generation. In passage after passage, Dr. King warns us how easily people can fall back to accepting the status quo, how easily people can hear the word "wait" when, in fact, the word means "never."

From a jail cell in Birmingham in 1963, Dr. King told us that action in that moment was critical so that issues of racism and inequality throughout the land would no longer be ignored. And here we are, 57 years later—57 years later—and his words are still just as timely. The action in this moment, our moment, is likewise critical so that issues of systemic racism and inequality can finally be erased.

While so many seem to be heeding Dr. King's call for action—across the country, we see it time and again: hundreds, if not thousands, of people heed-

ing Dr. King's call for action today—my greatest fear at this moment, quite frankly, is that so many people who have felt powerless or unaffected who are willing to march and speak out, ready to change the fairness of our laws and society—my greatest concern is that these good people will get distracted. It is easy to be overwhelmed by the magnitude of the problem. It is understandable to not know where to begin. But it is not enough to simply agree any longer, to simply have a conversation.

Remember, Dr. King confesses to the ministers to whom he is responding that he has been gravely disappointed with what he terms, in 1963, the "White model."

If a conversation is all that comes from the moment we are in, then our society will have lost the greatest chance of our lifetime to remedy wrongs that have compounded for centuries.

It is time for both our institutions and our society to meaningfully reverse the degenerating sense of nobodiness.

In this moment, we have a critical mass of society that understands the legitimate and unavoidable patience of which Dr. King spoke. The last few months have made the truths of being Black in America clear to all.

We have watched somewhat helplessly as a pandemic killed Black people at the rate of almost 2½ times that of other Americans, not from a mutation of the virus but from an underfunded health system that too often deprives Black Americans care for diabetes, heart disease, and other health issues that are now described as pre-existing conditions.

We have watched an economic toll as Black-owned businesses failed at twice the rate of others, and unemployment for Black Americans grows faster and will stay higher than those of the rest of America.

Of course, through this pandemic, we have also seen the heroes: Black workers delivering packages, stocking grocery stores, and serving on frontlines in hospitals and as first responders. But the economic reality of being Black in America remains a sin of our Nation.

There have certainly been many Black Americans who have pushed through a system weighted against them to prosper, to find the American dream. We celebrate those folks but must face the fact that discrimination and institutional racism push much too hard against the health, education, job opportunities, and financial security of those whom this Government of the United States of America once counted as only three-fifths of a person.

Then, while in the course of this pandemic, as we were seeing the truths of this system and society that have been easy to pretend did not really exist, on our screens came a video of a Black man being killed with the knee of a police officer on the back of his neck.

The image of George Floyd on the ground—as low as one could possibly, physically get in life—with the knee of a police officer—an agent of the State—on his neck, keeping him on the ground, was far more than just an image of the legalities of a violation of George Floyd's civil rights and the color of law; it was an image of a society and a culture that keep the knee on the necks of Black Americans through systemic racism and discrimination.

George Floyd's cries of "I can't breathe" were not just the cries of an innocent man pleading for his life but the cries of so many of our fellow Americans who are choked by healthcare systems that deny them access to quality and affordable healthcare; who are, in Dr. King's words, "smothering in an airtight cage of poverty," who can't breathe the fresh air of affordable housing, education, and economic opportunities; or who simply have to hold their own breath when they or their sons or their daughters venture away from their home, fearing a police encounter that will take their life.

Perhaps even more than the dogs and the firehoses in Birmingham or the State trooper beatings on the Edmund Pettus Bridge in Selma, AL, the video of George Floyd's last moments on Earth was a confluence of events that gave our Nation an image of itself that it could no longer bear.

I truly—I truly and fully believe that the soul of America has come to the streets of America looking for a way for all of her people to live in a more just society; that we are at a time when what I have called a crisis trifecta of health, economic, and inequality has resulted in a careful examination and introspection of our beliefs and our priorities about race and about poverty; that we have come to understand more than at any time in the history of our country that whatever affects one directly affects all indirectly.

Standing on the floor of the U.S. Senate, though, I know that this moment requires more than introspection on our part. We in this body and in government as a whole have the power to effect actual change. To not do so with speed would be forever unpardonable.

As a person, as an individual, as a citizen of the United States, I know that I must, like everyone in this country, open my heart and my mind to listen with concern and empathy and to act as an individual. But I also know that as a U.S. Senator, I am ready to act, freely admitting that I might not have the ideal solution or all of the answers but not letting the theoretical perfect be the enemy of tangible change that we must see, not asking our citizens to wait any longer than they already have.

As a body, we have acted before, and we should act again. To that end, we are seeing proposals for law enforcement reform from the administration,

from congressional leaders on both sides of the political aisle, and in both Houses of the U.S. Congress. I am hopeful—even optimistic—that we can find the common ground necessary to achieve meaningful reform, but we will need to do more for this country.

As Dr. King reminds us, sometimes a law is just on its face and unjust in its application. I would add to that that a law that seemed to hold such promise at one time can be eroded to the point where it becomes unjust.

To that end, I respectfully submit that we should review the Voting Rights Act to make sure that easy success at the ballot box is a reality, especially in the midst of a healthcare crisis. We should examine existing laws and practices in education to make sure everyone has equal access to a quality education. We should examine existing laws to ensure that everyone has equal economic opportunities, including protections from employment discrimination.

To that extent, I should add that, with the historic Supreme Court decision yesterday—one which I applaud, even though some in this body may not—we should immediately bring the Equality Act to the floor of the Senate and affirm our commitment to ending discrimination in the workplace in any form, against any individual.

We should examine again existing laws that continue to deny quality, affordable healthcare to poor and low-income households, including giving States like Alabama the incentives necessary to expand Medicaid to get those Federal dollars to help lift those individuals who not only struggled before this pandemic but have lost their healthcare during this pandemic.

We need to examine laws like the Fair Housing Act, signed only a week after Dr. King's assassination, in order to ensure that that act fulfills the promise upon which it was enacted.

We spend billions of dollars each year to perpetuate housing that keeps people without means, especially Black families, trapped in places where it is difficult to access education, healthy food, and economic opportunities. Unfortunately, all signs are pointing to a worsening housing crisis because of the pandemic.

As a people and as a Congress, we cannot let this moment pass. By saying that, I mean more than just passing reforms. Surely reforms are needed, but the greater need is not just to reform but to transform, to make a dramatic change in the nature and character of our institutions and our culture toward a more just government and society.

To that end, as we focus on heeding Dr. King's call to action written in 1963, we should also remember his words written just 3 years after the passage of the Civil Rights Act and 2 years after the passage of the Voting Rights Act. In his 1967 final book "Where Do We Go From Here: Chaos Or Community?" Dr. King wrote:

[America] has been sincere and even ardent in welcoming some change. But too quickly

apathy and disinterest rise to the surface when the next logical steps are to be taken. Laws are passed in a crisis mood after a Birmingham or a Selma, but no substantial fervor survives the formal signing of legislation. The recording of the law in itself is treated as the reality of the reform.

The point is simply, but significantly, to those of you who have suffered long for equality and for opportunity: Keep this moment alive. Keep it alive beyond the crisis mood we find ourselves in today by continuing to engage those who have more recently seen your plight through new eyes. Demand that we not just meet this moment with more division, intolerance, and anger at one another that pulls us farther apart and deeper into chaos where we have failed to heal. That cannot be America's future.

Demand that it not be, as Dr. King's letter warned, simply a moment for another conversation that makes it sound like something is changing but it never does.

The path from the first slave ship to land on these shores, to the lone, barren jail cell in Birmingham, AL, where Dr. King wrote his letter that we read today, to the deaths of George Floyd and Breonna Taylor and Rayshard Brooks—that path is a long one—too long. It is a path of a multigenerational failure to be the America of our ideals, where the Civil War is actually over and we are truly one Nation, with liberty and justice for all.

I will tell you, as a son of the South—the Deep South—that we should not lose this moment. We in the South have been at the center of this divide for too long, and we can be at the center of healing it and leading the Nation to a more just society.

Since our country's inception, we have said the words: "All are created equal." We have pledged that we are a nation with justice for all—all, not some—all. But we know that we have never lived up to that ideal. We all know it.

In response to many of the protests that are taking place across this country today, where voices and T-shirts and face masks proclaim that "Black lives matter," some insist on saying that "all lives matter." Of course they do, but we will not be a country where we are all truly equal and where justice is for all until we can all say the words "Black lives matter" and mean it.

We have to mean it now. All of us must reject the voices of hatred and intolerance and division. All of us must embrace taking action to root out injustice and to seek justice and opportunity for all. The road to racial justice in America has taken far too long, but it is a path we must walk together if we are to reach the mountaintop.

To my colleagues, I say: Join me and others. To the people of Alabama and our Nation I say: Join together.

It is time, America. It is time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CRUZ. Mr. President, today is the second time in the last 2 years that

I have had the opportunity to join the Senator from Alabama, coming together with a bipartisan group of Senators to read Dr. King's letter from the Birmingham jail.

I want to thank the Senator from Alabama for his leadership and bringing this group together. I have read that letter many times before, but I had never read it out loud. I had never heard the words spoken, much less heard them spoken in this historic Chamber.

I think today is a time when every American should listen to those words. Today is a time that every American should look back at the incredible call to justice that Dr. King gave us.

This is a time where our Nation is grieving. This is a time where there is anger, division, rage. This is a time where our country is divided on racial lines in a way it hasn't been in a long, long time. This is a time where we need to hear a call to unity—a call to unity and a call to justice. Dr. King's call was powerful for both, for unity and for justice.

I would like to just briefly make three observations about this historic letter. The first is that this was a letter from a pastor written to pastors. We refer to Dr. King as "Dr. King," and it is easy to forget that he was also Reverend King. He was a Christian minister who preached the Gospel.

The very first words of this letter are "My Dear Fellow Clergymen." That is to whom this was addressed, the leaders in the church, where he had a message of get off your rear ends and stand for justice.

If you are a person of faith, then, justice, defeating racial discrimination, defeating bigotry is not just a matter of truth, but it is a matter of morality.

Here is what Dr. King said about it in the opening paragraphs of the letter: "I am in Birmingham because injustice is here."

Understand how much this was a call to church leaders. He says: "Just as the prophets of the eighth century B.C. left their villages and carried". . . their message. . . "just as the Apostle Paul left his village of Tarsus and carried the gospel of Jesus Christ to the far corners of the Greco Roman world, so am I compelled to carry the gospel of freedom beyond my own home town."

At a time when our Nation is grieving, is in anguish, is in anger, is in division, Dr. King's—Reverend King's—message to church leaders to stand up for justice, to stand up for truth resonates clear as a bell today.

As a second observation, Dr. King, in this letter and throughout his ministry, throughout his public leadership, called over and over and over to resist violence. Against the voices of those who agreed with him about the injustices, he was calling out where he said violence is not the way.

As we have seen rioting in our cities, as we have seen small businesses burned to the ground, as we have seen police officers assaulted and wounded

and murdered in violent and angry protests and riots and looting, the words of Dr. King calling out to resist violence and to speak for justice—those words—should be heard by all of us.

A third observation, in calling for justice, Dr. King appealed to our founding principles. There are some, particularly young people, today, who are angry, who are being peddled, I think, what is a bill of goods—a lie—that America is fundamentally unjust, that it is an evil society built upon racism.

That is simply not true. Is there evil in the world? Yes. Is there racism in the world? Yes. Is there oppression in the world? Yes. Is all of that present in the United States? Absolutely.

But Dr. King, in this letter, didn't endeavor to tear down the foundations of our Nation. Instead, he made an explicit appeal that the promises this Nation was founded upon—the promises of freedom, the promises of equality—we have not yet fully achieved that, but we can.

That is the beauty of this American experiment. We are a nation founded on the proposition that all men are created equal, even though our history has been troubled in achieving that objective.

So I thank my colleagues, both Republicans and Democrats, who came today to reread this letter. We need to hear these words. We need to hear this message. We need to stand for justice and stand for unity.

I yield the floor.

The PRESIDING OFFICER (Mr. CASIDY). The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, there is a reason why 800 conservation organizations, every U.S. Secretary of Interior from Babbitt to Zinke, and the President of the United States, President Trump, support the legislation we are going to be voting on at about noon tomorrow, and that is because, in my view and in the view of many others, it is the most important piece of conservation legislation this country will have passed in at least half a century. And why is that? It is because it takes nearly \$14 billion—up to \$14 billion—over the next 5 years from energy exploration on our public lands and spends it to cut in half the deferred maintenance backlog in our national parks, our national forests, and our national refuges, and also to rebuild Indian schools.

In addition to that, it does something that Congress has been trying to do for 60 years, since the midsixties. It permanently funds the Land and Water Conservation Fund, which supplies to both the Federal Government and States money to create national parks and routes to fishing access and to other places in the country that we all treasure.

In the middle of the Great Depression in the 1930s, the people of eastern Tennessee and western North Carolina looked around and said: Why are all the national parks out West? Well, it was because the Federal Government

owned a lot of the land out West and carved a bunch of it up to make national parks—Yellowstone, Yosemite, Grand Canyon, and other places that we know. So they looked around the United States in the east and said: Where can we have a national park? And they settled on the Great Smoky Mountains. So they created a park that is half in Tennessee and half in North Carolina. It wasn't easy to do in the midst of the Great Depression.

Governor Austin Peay of Tennessee brought the legislature—mostly Democrats—to Republican East Tennessee twice by train to see this 500,000 acres of land. The State of Tennessee couldn't come up with enough money to buy it, and neither could North Carolina. Then John D. Rockefeller, Jr., offered \$5 million in honor of his mother, Laura Spelman Rockefeller, if anybody would match it. So the State legislatures in both States—Tennessee and North Carolina—appropriated \$2 million each, and then the remaining million was raised by public subscription—schoolchildren, teachers. People all over the region raised the money, and that \$10 million bought 500,000 acres that today is visited by 12 million Americans every year. It is by far the most visited national park, attracting two, three—four times as many visitors as many of our most popular western parks because it is located in the east and because it has the highest mountains in the east.

But here is the problem with the Great Smoky Mountains National Park: The 12 million visitors a year are about to use it up. Too many of the 800-plus miles of trails are worn, so when you walk on them, you stumble. Too many of the roads are potholed. Too many of the roofs leak.

There is one campground that I can see from my house almost on Chilhowee Mountain at the edge of the park called the Look Rock Campground that has been closed for 5 or 6 years because the sewage system won't work—5,000 families want to go up there and can't, and the sewage system won't work. Obviously these aren't just Tennessee families; they are from all over the country. We have 6 or 7 million people living in Tennessee. We have 14 million visitors a year.

So what this bill does is it says to the Great Smoky Mountains: All right. You have \$224 million of deferred maintenance—of potholes, of worn trails, of sewage systems, of leaky roofs—\$224 million. Your operating budget is only \$20 million a year. This deferred maintenance is 10 to 12 times the amount of your operating budget. It will never get done. It will never get done without a bill like this or this bill, which will say to the Smokies and to the National Mall and to the Pearl Harbor Visitor Center and to the Grand Canyon and to all 419 of our national parks: We are going to cut half of the \$12 billion deferred maintenance bill—we are going to cut half of that out over the next 5 years, and we are going to take money

from energy exploration on public lands and use some of it for that.

Not just our national parks, President Trump agreed—in fact, I talked to him about it on his trip to Tennessee when he came to visit after the tornadoes.

I said: Mr. President, the sponsors of our bill, Democrats and Republicans, would like to add to the bill our other public lands. We would like to add the national forests.

The Cherokee National Forest, for example, is in Tennessee and North Carolina. It is even bigger than the Smokies. It has 3 million visitors a year. It also has about \$27 million of deferred maintenance. It will never be able to do that without this bill or something like it.

I said: How about our wildlife refuges, Mr. President? We have the Tennessee Wildlife Refuge. It has \$8 million in deferred maintenance. It won't be able to get the boat ramps right so people can go fishing over by Kentucky Lake.

The President said: I will support it. Put it in if the Democrats and Republicans cosponsoring the bill want it in there.

Because he did, it is in there.

It is in there just like the House of Representatives brought the bill out of its committee—it had those public lands in there. We didn't when it came out of our committee. It had the Land and Water Conservation Fund in the House, just as we did when it came out.

Let's talk about the Land and Water Conservation Fund for a minute. That was supposed to be \$900 million a year from oil and gas revenues that are spent by the Federal Government and by State governments to buy treasured lands.

The Senator from Montana, Senator DAINES, says that in his State, 80 percent of the fishing accesses have been purchased by the Land and Water Conservation Fund.

In my State, the Governor opened a new park, Rocky Fork, a magnificent place in Upper East Tennessee, much of it purchased by Land and Water Conservation Fund money—\$221 million into Tennessee since 1964.

But that is not as much as it was supposed to be because when this was enacted by Congress in 1964, at the recommendation of the Rockefeller Commission—the first outdoor recreation review commission—it was supposed to be \$900 million a year. Environmental burden—that is the oil and gas drilling; environmental benefit—that is the purchase of conservation land. The money gets credited over in the Treasury Department, but it doesn't get spent every year. This changes that.

This is not just an idea of the Lawrence Rockefeller Commission in the sixties. In 1985 and 1986, President Reagan appointed the President's Commission on Americans Outdoors. I chaired that Commission, and the No. 1 recommendation of the Commission was permanent funding for the Land and Water Conservation Fund.

So since the midsixties, good people in this body and good people outside of this body have been working to make the Land and Water Conservation Fund permanent and haven't been able to do that, but now we can.

Now let's talk about the money for a minute.

Senator PORTMAN, a former director of the budget office, points out that we are spending real money to reduce an unpaid debt. This isn't like just adding to the budget, which we do sometimes without paying for it. This is real money. If we don't produce enough oil this year—and last year we produced about 11.6 billion by selling energy produced on our public lands—if we don't produce the money, we don't spend it. Some have objected that it is mandatory and not paid for. That is a difference of opinion. The Office of Management and Budget has approved it, and the President's budget has approved it. I think it is paid for because it is real money to reduce unpaid debt.

For example, we take some of the money from energy exploration, and if you live in Wyoming, you get 50 percent of it right off the top. If you live in Alaska, you get 90 percent right off the top. If you live in Louisiana, you get 27½ percent, or in any other coastal State, or you might get 37½ percent from another area. All that money is mandatory in the sense that it has to be paid to those States every year. We are just taking some of that kind of money out of that pot, after the others have been paid, and spending it for this purpose.

This would not have happened if it weren't for an unusual group of Senators who worked on this for a long time: Senators BURR and CANTWELL; Senators GARDNER, MANCHIN, and DAINES on the Land and Water Conservation Fund; and then on the parks, Senator WARNER and Senator PORTMAN, who went to work early.

Secretary Zinke came to see me in Tennessee 3 years ago and asked me to work on the parks bill, and I was delighted to find, when Senators KING and HEINRICH and I began working on it, that there were a number of us with the same idea.

As I mentioned, President Trump has been behind it from the beginning and behind the expansion of it, and he is the first President that has allowed us to use money from energy exploration for this purpose, and he should deserve credit for that.

Senator MCCONNELL deserves credit. He has a lot that he could put on the floor, and he put this bill on the floor for 2 weeks. Only the majority leader can do that, and he did it.

I am grateful to Senator SCHUMER and the Democratic leadership for creating an environment in which we could pass this bill in a bipartisan way.

It is said that if you want to pass a big piece of legislation in the U.S. Senate, you need three things. One is that it is an important objective that is good for the country. One is good rela-

tionships among the sponsoring Senators. And one is a superior staff. We have had all three of those, and I would like to place into the RECORD—or I think I will read them—the names of some of the staff members who have been so helpful to us: Curtis Swager and Jennifer Loraine of Senator GARDNER's office; Jason Thielman, Joshua Sizemore, and Holly Hinojosa of Senator DAINES' office; Lance West, David Brooks, and Renae Black of Senator MANCHIN's office; Pam Thiessen and Sarah Peery of Senator PORTMAN's office; Elizabeth Falcone and Micah Barbour of Senator WARNER's office; David Cleary, Lindsay Garcia, Allison Martin, and Anna Newton of my staff; Chad Metzler, Morgan Cashwell, and Kate Durost of Senator KING's office; Amit Ronen of Senator CANTWELL's office; Maya Hermann and Virgilio Barrera of Senator HEINRICH's office. We thank them for their work.

And then there are the advocates. Not many bills have more than 800 groups in its support. It is quite a coalition when you get President Trump and virtually all of the conservation, sportsmen, angler, and environmental groups behind the same bill. We owe all of them thanks for that. Sally Jewell, the former Secretary of the Interior, has been at the forefront of much of that. We hope that once this passes the Senate tomorrow with a big vote, they will carry it across the finish line in the House of Representatives.

The Federal Government is not always the most popular entity in the United States, but sometimes we are. When our military keeps our country safe, we are grateful for that. When the National Institutes of Health creates medical miracles, we are grateful for that. We are grateful when the Federal Government creates 419 properties—from the National Mall to Pearl Harbor, to the Grand Canyon, to the Great Smokies—for us to enjoy and preserve.

England has its history, Italy has its art, and Egypt has its pyramids. But the United States of America has the great American outdoors. It is an essential part of the American character, and the Great American Outdoors Act is an essential part of being good stewards of what Ken Burns has called our best idea, so that the next generation can enjoy the outdoors as this generation has been privileged to do.

I yield the floor.

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

Mr. CASSIDY. Madam President, I rise to speak about the Great American Outdoors Act or, more particularly, about the absence of a coastal resiliency amendment that I wish to have included.

Let me begin by congratulating Senators CORY GARDNER and STEVE DAINES, from Colorado and Montana, respectively, of their pending success in passing the Great American Outdoors Act. It takes lots of work to build enough support to get legislation



to this floor for a vote, and even more to see that it passes. The people of Montana and Colorado should be proud of how their Senators fought and delivered billions to restore their national parks. I commend my colleagues.

Those who have followed the debate know that I have opposed the bill as written. National parks are national treasures, but what led to my opposition is, I believe, that the Senate had the opportunity to help the more than 135 million Americans who live in a coastal parish or county by concomitantly funding flood mitigation and coastal resiliency projects. I fought hard to include a provision that would have invested in the coast to fortify against hurricanes and other catastrophic flooding events. Funding coastal resiliency would have passed as part of this legislation. It is an opportunity lost, but I have been reassured that enough Senators care about the issue, and perhaps they care about the issue because of the arguments that I have made.

I will review these arguments first for the Nation and then for the area of the Nation most affected by coastal erosion, which is Louisiana, and then speak about possible solutions.

First, over 272 million Americans live in coastal States, and 134 million Americans live in a parish or county directly on the coast, and they know sea levels are rising. Because sea levels are rising, they are increasingly exposed to flooding. Now, if Congress does not act on coastal resiliency, these Americans, their lives, their communities, and livelihood will be increasingly in danger.

By the way, the American taxpayer will spend billions in disaster recovery because the Federal Government declined to invest in prevention on the front end. Just to make this point, I will show my first poster.

These are major coastal flood events since 2003, and these are only the named storms. It does not include the flood events that were not named, and some everybody remembers. Ivan was \$20.5 billion. Katrina was \$125 billion. Ike was \$30 billion. Sandy was \$65 billion. Isaac was \$10 billion. Harvey was \$125 billion. Irma was \$50 billion. And Maria was \$90 billion. If you are in one of the States affected by one of these storms, to say that name brings to mind friends that were lost, communities that were devastated, and lives that were overturned. This is merely the accounting, which totals, since 2003, that the Federal Government has spent \$617.9 billion in recovery after these storms, and that does not include unnamed flood events.

Just as examples, people along the coast, wherever you are on the coast in the United States, including the Great Lakes, are at increased risk for large scale devastation, in part, because of sea levels rising, and natural barriers to absorb storm surge are eroding away.

Let's just go around the Nation. Let's first look at the Alaskan village of

Kivalina, located on an island that is literally vanishing because of sea level rise. There you see kind of a rock jetty around it, but the rock jetty is kind of missing over here. But you can imagine, as sea levels rise, and waves, which in this picture are not there but you know in that area of the world are high at times, this will fulfill the Army Corps of Engineers' prediction that in 10 years, this island will be uninhabitable.

Alaska's Senator, LISA MURKOWSKI, recognizes the threat to her State should barrier islands disappear. I thank her for her support during the debate on the Great American Outdoors Act for increased funds for coastal resiliency.

That is our northern part. Let's go to the Virgin Islands.

Erosion has eliminated many trees and water vegetation that are vital to absorbing storm surge. These problems were compounded by Hurricane Irma, meaning that the next major hurricane could be worse. Could it be worse than that? Look at the American Virgin Islands after Hurricane Irma. If it is worse than that, then this may be as the island is in Alaska—threatening to be uninhabitable.

Rising sea levels are threatening beaches up and down the coast of California, eliminating barrier islands in North Carolina and Georgia, and causing property values to fall and insurance rates to rise where cases are at their worst.

But let me speak of the worst-case scenario of sea level rising and land receding. Unfortunately, from my perspective, the worst area is in Louisiana. By the time I am through with this speech, Louisiana will have lost about half a football field of land from the coast; it is washing away that fast. To date, we have lost land equal to the size of Delaware. At the current rate, Louisiana will lose about 640,000 more acres by 2050. That is like cutting Rhode Island out of the eastern coast.

I mention Rhode Island and will take that opportunity to thank SHELDON WHITEHOUSE from Rhode Island for recognizing the challenges coasts face and working with me to provide more support for more resiliency. He actually came down and looked at our plan.

Wherever you see red, in a very reasonable scenario, that land will be gone by year 50. And you can see that New Orleans effectively becomes an island. Can you imagine what the Federal Government would have to pay if a big storm came through without any wetlands to decrease the intensity? That would damage not just New Orleans but all the ports that inland United States depend on to get their goods to the rest of the world. I will have more on the importance of that port system later.

As the marshes sink into the gulf, Louisiana is losing more than our treasured wetlands and the wildlife that call them home; we are losing natural barriers that save populated areas from the full brunt of hurricane forces.

According to NOAA, peak floods can be reduced by up to 60 percent in watersheds that contain 15 percent wetlands. These wetlands act as natural sponges for floodwaters and buffer storm surges. The wetland vegetation holds sediment in place with their roots, and this preserves the land and further helps to absorb waves.

What I just described is a dire forecast, but it is also a reality that is playing out. We had a storm a week ago. Tropical Storm Cristobal struck Louisiana. Here we see images of a damaged levee system in Grand Isle, where storm surge completely washed away 2,000 feet of protection.

Yes, those are buildings. Yes, that is a street. Yes, that is water in the middle of the street between the buildings. I will add that Grand Isle has lost about 9 feet of elevation over the past decades.

When this washed away, it exposed what is called a burrito levee underneath, and that was damaged as well.

Mayor David Camardelle recently told the Times-Picayune—the newspaper in New Orleans—that the damage Grand Isle suffers “is a crisis situation. I’m worried this island will be cut in half.”

Cristobal also flooded the old Mandeville neighborhood. This is Mandeville, and this is Cristobal. This shows how Lake Pontchartrain, which is the lake north of New Orleans, and the streets ashore basically merged for this storm event.

This is just from a tropical storm. Imagine if a bigger hurricane had landed instead—except we don't have to imagine. We can look at what happened. And unfortunately it will happen again.

What is at stake in Louisiana without more investment in resiliency? Let's start with lives. Hurricane Katrina killed 1,833 people and damaged or destroyed 800,000 homes. That was in Louisiana, in Mississippi, in Alabama, and in Florida. That is just one storm. We have actually seen loss of life worse since then in Puerto Rico, where Hurricane Maria claimed 3,057 lives. As I mentioned earlier, the dollar amount was greater in Sandy, which hit New York and New Jersey, and the most recent flooding events—Hurricane Harvey, for example, in the Houston area flooded so many homes. It is not just my home State; it is across the Nation.

By the way, impacting my home State impacts the rest of the Nation.

This is a picture from Hurricane Katrina. This Congress was very helpful in the aftermath. But let me speak about what will happen if we don't address these issues.

The Nation's energy infrastructure is threatened. The Gulf of Mexico generates about 90 percent of the funds used to pay for the Great American Outdoors Act. Oil and gas development, particularly in the Outer Continental Shelf, is that which funds this bill. Failing to secure the energy infrastructure can result in devastating damage

to the heart of America's energy production center should a major storm destroy the roads, ports, wells, and pipelines that keep America running.

There is a certain irony that this bill, which chose not to fund coastal resiliency, relies upon funding from an infrastructure that is endangered by the lack of coastal resiliency. But this, in turn, threatens America's heartland.

Trade from America's heartland to the rest of the world flows. Agricultural products are shipped down the Mississippi River to the Louisiana ports and then internationally—that is, so long as the ports keep functioning.

Again, let's look at the results of the damage to those ports—just the Port of New Orleans—after Hurricane Katrina. Damage to the Port of New Orleans after Hurricane Katrina resulted in corn exports falling 23 percent from the heartland—not from Louisiana but from Iowa, from the heartland, from Missouri, et cetera. Barley exports fell 100 percent. Wheat exports fell 54 percent. Soybean exports were down 25 percent. Total grain exports were down 24 percent.

It is clear that the United States benefits as a whole when Louisiana's coastline is fully functional and secure, both its energy supply—its funding for the Great American Outdoors Act—as well as the ability of farmers in the heartland to ship their goods internationally. But now the coastline is not secure. Aggressive action is needed to save the coastline—not just in my State but all around—to protect it from erosion and to protect it from flooding.

In Louisiana, the money generated from revenue sharing of offshore energy production by an amendment in the Louisiana State Constitution is invested into coastal resiliency. I am trying to make sure that we have the resources to continue to do so.

That brings us to revenue sharing. As I have said before, oil and gas development in the Gulf of Mexico generates 90 percent of the funding for the Great American Outdoors Act, and the gulf coast contributes billions of revenue to the Treasury annually, but the amount of money that is shared with our coastline is quite small relative to what inland States receive.

I bring this up because someone said: Well, Louisiana does get money from the coast.

Let me just kind of explain this slide. In this slide, this is the total amount of revenue for the Federal for fiscal year 2018 from oil and gas development in the Gulf of Mexico. You can see there is close to \$5 billion generated. These States here—Alabama, Louisiana, Mississippi, and Texas—share \$375 million of that money.

Let's look at the inland States. Here is all of the revenue from the inland States. The best I can tell, in that same year, New Mexico got about \$1.25 billion. Wyoming got \$1.15 billion. Colorado did pretty well; it looks like they

got about \$400 million or \$500 million. So the Gulf Coast States split between them \$375 million from a total of about \$4.8 billion. New Mexico gets 50 percent of the money generated in their inland areas, and so they get close to \$1.25 billion. Louisiana could do so much with \$1.25 billion to protect and to rebuild its wetlands, the infrastructure for energy, the infrastructure for ports, and I could go on.

So folks are right. We do currently participate in revenue sharing. It is a shadow of what other States get with far less of a total amount.

By the way, our amendment, which I have written with Senator WHITEHOUSE, is based upon what is called GOMESA, the Gulf of Mexico Energy Security Act. In that, Gulf States keep 37.5 percent of the revenues, up until a cap of \$375 million. I have mentioned that cap already. Additionally, there is \$125 million put into the Land and Water Conservation Fund, that which is now going to receive an additional \$900 million annually from the Great American Outdoors Act. My coastal amendment would remove that cap, meaning that Gulf States would have a more equitable share of the revenue we produce.

The LWCF would continue to get the \$125 million it would receive, but there would be another amount of money that would go into the LWCF portion of this that would, under our amendment, go into a coastal resiliency fund. That coastal resiliency fund would be used all around the Nation. It could be used in Florida, in Georgia, in Maine, in Alaska, in Washington State, in Hawaii—you name it. Where we have beach communities threatened and coastal parishes and counties regularly flooding, this money would be available.

What I am asking for is fair treatment for the States that put in the work and contribute so mightily to the rest of the country. Hopefully with this, we can turn the tide of land loss.

By the way, the amendment we have is also combined with revenue sharing for offshore wind. This is SHELDON WHITEHOUSE's idea. So in the immediate and intermediate, there would be revenue sharing from oil and gas development, and in the long term, there would be revenue sharing from offshore wind as our Nation transitions to more of that as an energy source.

I have talked a lot about gloom and doom in this speech. Let's end on a hopeful note. Not all is lost. With smart strategies in funding, we can turn the tide on erosion, rebuild land, and strengthen the coastline.

There are examples of what is working. Terrebonne Parish is in South Louisiana. It is right on the Gulf of Mexico. It has a new flood wall, which recently saved 10,000 households from flooding. We invested in flood protection, and we saved 10,000 families from flooding. We saved money for the National Flood Insurance Program. A community is intact. Kids still go off

on Saturday and play ball, and people still go to their jobs on Monday. Investing on the front end saved a heck of a lot on the back end—lives, communities, and money for the Federal taxpayer.

Let's look at a coastal rebuilding project we have. Davis Pond is an area along the Mississippi that has eroded. This is Google pictures. Here, you can see that in February of 1998, erosion had occurred such that all of this, which is along the coast, had eroded. You can see kind of a big lake right there, and you can see kind of a break-up of the land. You have a sense of an unhealthy nature. Even though this is a black-and-white photo, nonetheless you have that sense.

A diversion was built so that Mississippi River water could flood this area. In the 20 years since, you can see that the lake has filled in, that it is still wetland, it is still marsh, but here you have vegetation growing. Back here, if you stepped out of the boat, you sank into water. Now, you step out of the boat, and the vegetation is so thick that it supports you as you walk along. This is what can happen with wise management.

Look at this community. This community is now protected because we now have a barrier of wetlands. So rebuilding wetlands saves communities. It allows nature to do its work. It saves the taxpayer dollars in the long run.

I am going to show another example—Mardi Gras Pass, a naturally forming distributary of the Mississippi River that is building new land. Mardi Gras Pass has grown by 13 acres since 2012.

Let's see if I have my pictures straight here. Here is the Mississippi River, and here is where the river kind of spontaneously broke through right in this area right here.

Since then, as it continues to flow through, we have something which doesn't look very healthy here, which increasingly has vegetation. Here is a bayou, which increasingly is building up vegetation. I am not sure these picture do it justice, but now you actually have trees growing, and you have such a density of land being built that you now again have oak trees, which Louisiana is famous for.

We can rebuild our coastline. The Mardi Gras Pass delivers fresh water, nutrients, and sediments to 15,000 acres of coastal marsh.

These projects take time, but they never get started without the type of funding I advocated to be included in the Great American Outdoors Act—the amount we could spend on the front end and save lives and dollars for the Federal taxpayer compared to the expenses required for storm recovery.

Let me conclude. I end the day by once again commending my colleagues, Senator GARDNER and DAINES, for getting their bill passed, but I also end by saying that we must continue to fight for dollars for coastal resiliency. The

need is far too great around the country. Lives and our economy depend on finding that solution.

I hope the Senators who said they recognize coastal needs will join the bipartisan coalition of Senators who now are asking that we invest in the coastal parishes and counties where 82 percent of Americans live in the States and 42 percent of Americans live in a parish or county, where spending money now can save lives, communities, and billions in taxpayer dollars later.

With that, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

### MORNING BUSINESS

Mr. GARDNER. Madam President, I ask unanimous consent that the Senate be in 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.

### ARMS SALES NOTIFICATION

Mr. RISCH. Madam President, section 36(b) of the Arms Export Control Act requires that Congress receive prior notification of certain proposed arms sales as defined by that statute. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Senate Foreign Relations Committee.

In keeping with the committee's intention to see that relevant information is available to the full Senate, I ask unanimous consent to have printed in the RECORD the notifications which have been received. If the cover letter references a classified annex, then such annex is available to all Senators in the office of the Foreign Relations Committee, room SD-423.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEFENSE SECURITY  
COOPERATION AGENCY,  
Arlington, VA.

Hon. JAMES E. RISCH,  
Chairman, Committee on Foreign Relations,  
United States Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 20-42 concerning the Navy's proposed Letter(s) of Offer and Acceptance to the Government of Canada for defense articles and services estimated to cost \$862.3 million. After this letter is delivered to your office, we plan

to issue a news release to notify the public of this proposed sale.

Sincerely,

CHARLES W. HOOPER,  
Lieutenant General, USA, Director.

TRANSMITTAL NO. 20-42

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) Prospective Purchaser: Government of Canada.

(ii) Total Estimated Value:

Major Defense Equipment\*, \$204.50 million.  
Other, \$657.80 million.

Total, \$862.30 million.

(iii) Description Quantity or Quantities of Articles or Services under Consideration for Purchase:

Major Defense Equipment (MDE):

Fifty (50) Sidewinder AIM-9X Block II Tactical Missiles.

Fifty (50) Sidewinder AIM-9X Block II Captive Air Training Missiles (CATMs).

Ten (10) Sidewinder AIM-9X Block II Special Air Training Missiles (NATMs).

Ten (10) Sidewinder AIM-9X Block II Tactical Guidance Units.

Ten (10) Sidewinder AIM-9X Block II CATM Guidance Units.

Thirty-eight (38) APG-79(V)4 Active Electronically Scanned Array (AESA) Radar.

Thirty-eight (38) APG-79(V)4 AESA Radar A1 Kits.

Twenty (20) Joint Standoff Weapon (JSOW) C, AGM-154C.

Forty-six (46) F/A-18A Wide Band RADOMES.

Non-MDE: Also included are additional technical and logistics support for the AESA radar; upgrades to the Advanced Distributed Combat Training System (ADCTS) to ensure flight trainers remain current with the new technologies; software development to integrate the systems listed into the F/A-18A airframe and install Automated Ground Collision Avoidance System (Auto GCAS); thirty (30) Bomb Release Unit (BRU)—42 Triple Ejector Racks (TER); thirty (30) Improved Tactical Air Launched Decoy (ITALD); one hundred four (104) Data Transfer Device/Data Transfer Units (DTD/DTU); twelve (12) Joint Mission Planning System (JMPS); one hundred twelve (112) AN/ARC-210 RT-2036 (Gen 6) radios and F/A-18 integration equipment; support equipment; tools and test equipment; technical data and publications; U.S. Government and contractor engineering, technical, and logistics support services; and other related elements of logistical and program support.

(iv) Military Department: Navy (CN-P-LKZ, CN-P-LKW, CN-P-LLE, CN-P-LLA, CN-P-LKY, CN-P-LKX, CN-P-LDD, etc.).

(v) Prior Related Cases, if any: CN-P-FFE; CN-P-FEL; CN-P-LKS; CN-P-LKT.

(vi) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None.

(vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Attached Annex.

(viii) Date Report Delivered to Congress: June 15, 2020.

\*As defined in Section 47(6) of the Arms Export Control Act.

### POLICY JUSTIFICATION

Canada—Hornet Extension Program Related FMS Acquisitions

The Government of Canada has requested to buy fifty (50) Sidewinder AIM-9X Block II Tactical missiles; fifty (50) Sidewinder AIM-9X Block II Captive Air Training Missiles (CATMs); ten (10) Sidewinder AIM-9X Block II Special Air Training Missiles (NATMs); ten (10) Sidewinder AIM-9X Block II Tactical Guidance Units; ten (10) Sidewinder AIM-9X Block II CATM Guidance Units; thirty-eight

(38) APG-79(V)4 Active Electronically Scanned Array (AESA) radar units; thirty-eight (38) APG-79(V)4 AESA Radar A1 kits; twenty (20) Joint Standoff Weapon (JSOW) C, AGM-154C; forty-six (46) F/A-18A Wide Band RADOMES. Also included are additional technical and logistics support for the AESA radar; upgrades to the Advanced Distributed Combat Training System (ADCTS) to ensure flight trainers remain current with the new technologies; software development to integrate the systems listed into the F/A-18A airframe and install Automated Ground Collision Avoidance System (Auto GCAS); thirty (30) Bomb Release Unit (BRU)—42 Triple Ejector Racks (TER); thirty (30) Improved Tactical Air Launched Decoy (ITALD); one hundred four (104) Data Transfer Device/Data Transfer Units (DTD/DTU); twelve (12) Joint Mission Planning System (JMPS); one hundred twelve (112) AN/ARC-210 RT-2036 (Gen 6) radios and F/A-18 integration equipment; support equipment; tools and test equipment; technical data and publications; U.S. Government and contractor engineering, technical, and logistics support services; and other related elements of logistical and program support. The total estimated program cost is \$862.3 million.

This proposed sale will support the foreign policy and national security objectives of the United States by helping to improve the military capability of Canada, a NATO ally that is an important force for ensuring political stability and economic progress and a contributor to military, peacekeeping and humanitarian operations around the world. This sale will provide Canada a 2-squadron bridge of enhanced F/A-18A aircraft to continue meeting NORAD and NATO commitments while it gradually introduces new advanced aircraft via the Future Fighter Capability Program between 2025 and 2035.

The proposed sale of the capabilities, as listed, will improve Canada's capability to meet current and future warfare threats and provide greater security for its critical infrastructure. This sale will provide Canada the ability to maximize the systems' employment and sustainment, significantly enhancing the warfighting capability of the Royal Canadian Air Force's F/A-18 aircraft. Canada will have no difficulty absorbing this equipment into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The prime contractors will be Raytheon Corporation, El Segundo, CA; General Dynamics Mission Systems, Marion, VA; The Boeing Company, St. Louis, MO; and Collins Aerospace, Cedar Rapids, IA. The purchaser typically requests offsets. Any offset agreement will be defined in negotiations between the purchaser and the contractor(s).

Implementation of this proposed sale will require the assignment of contractor representatives to Canada on an intermittent basis over the life of the case to support delivery and integration of items onto the existing F/A-18A aircraft and to provide supply support management, inventory control and equipment familiarization.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

TRANSMITTAL NO. 20-42

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex Item No. vii

(vii) Sensitivity of Technology:

1. The following are included in this sale:

a. The AIM-9X Block II and Block II+ (Plus) SIDEWINDER Missile represents a substantial increase in missile acquisition and kinematics performance over the AIM-