

EXECUTIVE SESSION

EXECUTIVE CALENDAR

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

The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Justin Reed Walker, of Kentucky, to be United States Circuit Judge for the District of Columbia Circuit.

Mr. MCCONNELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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 Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

DACA

Mr. SCHUMER. Madam President, I cried tears of joy a few minutes ago when I heard the decision of the Supreme Court on DACA. These wonderful DACA kids and their families have a huge burden lifted off their shoulders. They don't have to worry about being deported. They can do their jobs, and I believe—I do believe this—someday, someday soon, they will be American citizens.

I have met so many of these beautiful children and their families. Now, many have grown up. They came to America as little kids, and all they want to be is Americans. They worked hard. I met some of them during the COVID crisis in New York risking their lives to deal with the healthcare crisis we had. I have seen them enlist in the Armed Forces and go to college, some of our best colleges and law schools, and climb that American ladder that has been around for so many years and some people want to rip away.

So this is a wonderful, wonderful day for the DACA kids, for their families, and for the American Dream.

We have always believed in immigration in America. We have had some dark forces oppose it in recent years, but we believe in it. It is part of our soul. Every one of us cares about immigrants, and so many of us are descendants of immigrants. Wow, what a decision.

Let me say this: In these very difficult times, the Supreme Court provided a bright ray of sunshine this week with the decision on Monday preventing discrimination in employment against the LGBTQ community and now with this DACA decision. Frankly, to me, the Court's decision was surprising but welcome. It gives you some faith that the laws and rules and mores of this country can be upheld. Wow, the

decision is amazing. I am so happy for these kids and their families. I feel for them, and I think all of America does. Again, I cannot—who would have thought the Supreme Court would have so many good decisions in one week? Who would have thought it? Wow.

JUSTICE IN POLICING ACT

Madam President, now let's get to some other very important issues as well.

Two weeks ago, House and Senate Democrats introduced a bill, the Justice in Policing Act, to bring sweeping change to the Nation's police departments. The bill would bring comprehensive and enduring reforms—the most forceful set of changes to policing in decades.

The House Judiciary Committee approved the legislation yesterday, and it will pass the full House next week.

Here in the Senate, Republicans put forward their own proposal yesterday, led by the Senator from South Carolina. We welcome our Republican colleagues to this discussion. It is something they have resisted for so long. But merely writing the bill—any bill—is not good enough at this moment in American history. It is too low a bar.

To simply say “We will write any old bill, and that is good enough” isn't good enough for so many people, many of whom are marching in the streets to get real justice.

We don't need just any bill right now. We need a strong bill. We don't need some bipartisan talks. We need to save Black lives and bring long-overdue reforms to institutions that have resisted them. The harsh fact is that the legislation my Republican friends have put together is far too weak and will be ineffective at rooting out this problem.

The Republican bill does nothing to reform the legal standards that shield police from convictions for violating Americans' constitutional rights. It does nothing on qualified immunity, which shields even police who are guilty of violating civil rights from being sued for civil damages. The Republican bill does nothing to encourage independent investigations of police departments that have patterns and practices that violate the Constitution. The Republican bill does nothing to reform the use of force standard, nothing on racial profiling, nothing on limiting the transfer of military equipment to local police departments.

What the Republican bill does propose does not go far enough. Unlike the Justice in Policing Act, which bans no-knock warrants in Federal drug cases, the Republican bill requires data only on no-knock warrants. Breonna Taylor, a first responder in Louisville, KY, was asleep in her bed when she was killed by police who had a no-knock warrant. More data would not have saved Breonna Taylor's life.

Unlike the Justice in Policing Act, which bans choke holds and other tactics that have killed Black Americans, the Republican bill purports to ban choke holds only by withholding fund-

ing from departments that don't voluntarily ban them themselves—only those choke holds that restrict air flow but not those choke holds that resist blood to flow to the brain—and the ban only applies unless the “use of deadly force” is required. Who determines when the use of deadly force is required? It is usually the police themselves, and courts defer to their judgment.

I don't understand. If you want to ban choke holds and other brutal tactics that have killed Black Americans in police custody, why don't you just ban them?

I like my friend from South Carolina, Senator SCOTT. I know he is trying to do the right thing, but this is not just about doing any bill. This is not about finding the lowest common denominator between the two parties and then moving on. This is about bringing sorely needed change to police departments across the country, stopping the killing of African Americans at the hands of police, and bringing accountability and transparency to police officers and departments that are guilty of misconduct.

Unfortunately, the Republican bill doesn't go nearly far enough on prevention. It doesn't go nearly far enough on transparency and hardly brings even one ounce of accountability, and that matters a great deal. We have to get this right.

If we pass a bill that is ineffective, the killings continue, and police departments resist change, and there is no accountability, the wound in our society will not close. It will widen.

This is not about making an effort and dipping our toes into the waters of reform. This is about solving a problem that is taking the lives of Black Americans.

Let me say that again because it is so important for my colleagues across the aisle to hear. This is not just about making an effort or dipping our toes into the waters of reform. This is about solving a problem that is taking the lives of Black Americans.

If the bill would not have prevented the deaths of George Floyd, Breonna Taylor, Ahmaud Arbery, Michael Brown, or Eric Garner, if it will not stop future deaths of Black Americans at the hands of the very people who are meant to protect and serve, then it does not represent the change we need now.

As drafted, the Republican bill does not rise to the moment. The Democratic bill, the Justice in Policing Act, does.

NOMINATION OF JUSTIN REED WALKER

Madam President, of course, while Democrats are glad that Leader MCCONNELL felt the pressure and heeded our call to put policing reform on the floor next week, it will not be before the Republican leader asks us to confirm two more hard rightwing judges to the Federal bench.

Today, the Senate will vote on Justin Walker, a 38-year-old with less than a

year's worth of experience as a district court judge, to sit on the second highest court in the country for the rest of his life. The temerity of doing that—he was on the court for just a few months, but he is friends with Leader McCONNELL, so he gets rushed to this very high court without the necessary experience and maturity of judgment.

The Republican Senate approved his nomination to the district court on October 24 last year, after the ABA rated him “not qualified.” Now, 8 months later, Leader McCONNELL wants to give Justin Walker, a former intern of his, a promotion to the DC Circuit.

Even in his extremely limited time as a jurist, Walker made news by calling the Supreme Court's decision to uphold our healthcare law “catastrophic” and “an indefensible decision.”

I would like Leader McCONNELL to go home to Kentucky and tell the citizens of Kentucky why he nominated someone who wants to repeal our healthcare law when the COVID crisis is hurting people there as it is everywhere else. In the middle of a national healthcare crisis, the Republican Senate majority is poised to confirm a judge who opposes our country's healthcare law.

There is no reason to do this nomination now. There is no stunning number of vacancies on the DC Circuit. We are in the middle of a global pandemic and a national conversation about racial justice and police reform. This is about the Republican leader and his relentless pursuit of a rightwing judiciary.

Usually my friends on the other side of the aisle vote in lockstep on these judges, so it is an indication of Mr. Walker's caliber, or lack thereof, that at least one Senate Republican has announced opposition to his nomination.

After Mr. Walker—again, before we move to policing reform—Leader McCONNELL will put forward the nomination of Mr. Cory Wilson to the Fifth Circuit Court of Appeals.

Even by the very low standards of Trump's nominees to the Federal bench, Mr. Wilson is appalling. He called our Nation's healthcare law “illegitimate” and “perverse” and advocated the repeal of *Roe v. Wade*. Worse still, Mr. Wilson strongly supported restrictive voting measures, including voter ID laws and is opposed, in this day and age, to minority voting rights.

There will be a massive split screen in the Senate next week. As we prepare to debate legislation to reduce racial bias and discrimination in law enforcement, Senate Republicans will push a judge who has a history of fighting against minority voting rights. The hypocrisy is glaring. It is amazing to me—the temerity sometimes that the majority leader shows in talking about trying to bring racial justice and putting on the bench someone who has fought against racial justice in terms of voting rights throughout his career. Again, the hypocrisy is glaring.

CHINA

Madam President, now on China, my colleagues know how long I have

pressed administrations of both parties to be tougher on China's rapacious economic policies. For a time, I even praised our current President for talking about going after China's trade abuses, but, as on so many other issues, President Trump talks a big game and then completely folds.

After a few months of negotiation, President Trump announced his phase one trade deal with China, which lifted tariffs on Chinese imports in exchange for a few short-term agricultural purchases. It was clear at the time that President Trump sold out.

I argued strenuously with the Trade Representative, Mr. Lighthizer, about the phase one deal. And now, as excerpts of Mr. Bolton's book hits the press, we see why President Trump caved to China so completely.

The President's former National Security Advisor wrote that President Trump decided to drop all of our major demands on China because he wanted agricultural purchases from States that would aid his reelection. Mr. Bolton alleges that the President wanted the support of farmers in key States, so he sold out the national interest for his personal political interest. Does it sound familiar, my Senate Republican colleagues? Does it sound familiar?

Ironically, of course, American farmers aren't even getting the benefit because President Xi has reneged on purchasing American soybeans and wheat. When President Trump was so craven as to bring this up, it was a signal to Xi: You can stand strong, and the President will not do anything—will not do anything. And that is what happened, so no one won. American manufacturing and American jobs lost out in a weak-kneed deal with China, and then, even the farmers who were supposed to get benefit, of course, for Trump's political interests, didn't get any benefit.

While I would have preferred Mr. Bolton to have told these stories under oath at the impeachment trial, they are quite illuminating nonetheless. It seems he should have titled his book, “The Real Heart of the Deal.”

President Trump's failure to secure an end to China's predatory intellectual property theft is now explained. President Trump's ridiculous praise of how Xi handled the coronavirus is now explained. President Trump's silence on human rights abuses and the protests in Hong Kong is now explained.

Even more revolting, Mr. Bolton alleges that the President approved of President Xi's plan to place up to 1 million Uighurs into concentration camps—possibly the largest internment of religious or ethnic groups since World War II.

China is America's competitor to this generation and the next, and this President's insecurity, weakness, vanity, and obsessive self-interest is a threat—a real threat—to our economic security and our national security. President Trump cannot be trusted to deal with China policy any longer.

DACA

Madam President, before I yield the floor, I spoke earlier about the DACA decision and how I thought, first, of those wonderful kids and their families and the burden that is off their shoulders. But after a few minutes, I dialed my dear friend Senator DURBIN. He has waged this fight since, I believe—2002?

Mr. DURBIN. 2000.

Mr. SCHUMER. 2000.

He has been passionate and unrelenting in fighting for the DACA kids and their families. He talks about it in our caucus every week. He did just this past week.

Now, while our work is still not done, we must all work so that these kids can eventually become American citizens. At least they are free—free at last—and, in good part, that is because of the work of the senior Senator from Illinois, who met them, got to know them and love them, and took his amazing legislative acumen to help them.

I believe, in part, that the decision across the street occurred because of Senator DURBIN's effective and unrelenting passionate advocacy for the DACA kids.

I yield the floor to my dear friend and a happy man this morning, the senior Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, I want to thank my friend and colleague from both the House and the Senate, Senator CHUCK SCHUMER, the Democratic leader, for his kind words. He has been such a valuable ally in this battle.

As leader on the Senate side, CHUCK, I just can't thank you enough.

Mr. SCHUMER. DICK, the thanks goes to you. The thanks goes to you.

Mr. DURBIN. Time and again, we did things here that were difficult politically—difficult politically—to fight for the young people.

I just want to thank all of the Senators on both sides of the aisle who were a part of moving this issue forward. They did it at great political risk.

I can remember, as sure as I am standing here, watching one of my Democratic Senate colleagues walk down and vote for the Dream Act, return to her desk in the corner, put her head down and sobbed, realizing that she had probably cost her own reelection with that vote. Over and over again, people stood up for these young people.

This morning, minutes ago, the Supreme Court brought a smile and a sigh of relief to more than 700,000 young people in the United States of America. This morning, the Supreme Court ruled that the September 2017 rescission of the DACA Program by the Trump administration was to be stricken as arbitrary and capricious.

So what does it mean? It means, for these 700,000 DACA-protected individuals, that they can continue to live, to

work, and to study in America without fear of deportation for the moment.

DACA, of course, is a program created by President Obama in 2012. It was a program that was, frankly, our answer to the failure to enact the DREAM Act as the law of the land. The President used his Executive authority to create the DACA Program, and here is what it said, just basically mirroring the standards of the DREAM Act, which I introduced 20 years ago: If you were brought to America as a child, if you have lived in this country, gone to school, don't have a serious problem with the law, you should have a chance to live here without fear of deportation. The DREAM Act said you should have a chance to become a citizen of the United States, which is, of course, our ultimate goal.

But the DACA Program opened up eligibility, and almost 800,000 came forward and applied. They had to pay a filing fee of \$500 or \$600, go through a criminal background check, but for many of these young people, it was a turning point in their lives. At that point, finally—finally—there was a chance they could stay in the country they called home, the United States of America.

They seized that opportunity and did remarkable things. They enlisted in our military. They went to schools and colleges to pursue an education. They took up jobs as teachers. They finished medical school. They did things that were unimaginable for DACA.

Of course, when the administration changed and a new President came in, there was a real question as to whether he would continue the DACA Program.

The very first time I ever spoke to President Donald Trump was the day of his inauguration, within an hour or two after he was sworn, at a luncheon. What I said to him then—my first words were these: Mr. President, I hope you are going to help those young people, those Dreamers, those protected by DACA.

He looked at me, and he said: Senator, don't worry. We will take care of those kids.

Well, sadly, that didn't happen.

In September of 2017, there was a decision made by this administration to eliminate the DACA Program, and at that point, were it not for a court challenge and a protective order by the court, those young people might have been subject to deportation. But many, myself included, believed that the process used by President Trump was flawed, and, if challenged, it would fall in court. It took from September 2017 until today, just minutes ago, when the Supreme Court ruled that the administration's approach to eliminating DACA was wrong and would be stricken.

I want to say for a moment who these young people are, because many people don't know them. They don't wear badges or uniforms to claim that they are DACA-protected, but this is who they are. Of the 700,000, 200,000 of them

are essential employees. You may see them every day in many, many callings across America as we face this national health emergency.

Over 40,000 of them are healthcare workers. So if you are a patient at a clinic or a hospital today fighting COVID-19 and your doctor or nurse just walked in the room with a big smile, it is because the Supreme Court said to that healthcare worker or to that healthcare hero: You can stay in America. We need you.

Of course, that could change. I want to raise this issue because it is an important one. The Trump administration can decide that they are going to reinstate this effort to rescind DACA and try to do it right this time by the Supreme Court standards. That would be a terrible tragedy if he made that decision, not just for those 700,000 but for their families as well.

The front page story on the Chicago Tribune this morning was about just such a family, both husband and wife protected by DACA, working in America, trying to buy a little home in Aurora, IL. She works in a cancer clinic. He has a job as well. They have two beautiful little kids. They are both DACA-protected. Because of the Supreme Court decision, they have another day in America. They have a sigh of relief this morning, but what about next week? What will the Trump administration do to them next week? I am calling on the President and those around him, begging him to give these DACA protectees the rest of this year until next year at least before anything is considered. Let's protect them now through the election, and let the next President, whoever he may be, make a decision.

I hope before that happens we will do our part in the U.S. Senate, the second part of what we can and should be doing, calling on the President not to rescind DACA again, not to put these young people and their families through this all over again but, secondly, that we do our job in the Senate.

I listened to Senator MCCONNELL earlier, talking about bipartisanship and talking about our legislative accomplishments. He is correct that the lands bill we passed yesterday was historic. I am glad we did it. The coronavirus relief bill we passed is historic. I am certainly glad we did it on a bipartisan basis, and I sincerely hope, when it comes to Justice in Policing, we can do the same—a bipartisan effort to enact good law.

Let me add to the list, which unfortunately doesn't include a lot of legislation, something that is now critically important. The House of Representatives, months ago, passed the Dream and Promise Act, which would take care of the DACA issue once and for all. We could enact that law and say to these young people: Now you have your chance to stay and earn your path to citizenship in America. That is what we ought to be saying.

Everyone knows that our immigration laws are a mess. They are hard to explain and impossible to defend. We have a chance to do something about them on a bipartisan basis, and I am calling on Senator MCCONNELL and all the leaders on either side of the aisle: Let's join together and do that. Let's have a hearing in the Senate Judiciary Committee. Let's bring this bill to the floor of the Senate this year so that once and for all we can deal with the problem we have been looking at for 20 years and approaching in so many different ways.

In the meantime, for today—at least for this week and, I hope, for long beyond that—we will be celebrating a Supreme Court decision that gives a new lease on life to 700,000 young people who have one goal in mind: to be part of America's future. They were educated in our schools. They stood in those classrooms and pledged allegiance to the same flag we pledge allegiance to. They have their children. They have their families. They have their hopes and a future, and they are making a good living with life in the America. Thanks to the Supreme Court, they have some more time, but now it is up to the President and up to us to solve this problem once and for all, to do the right thing for them and for the future of America.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SCOTT of Florida). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

DACA

Mr. MERKLEY. Mr. President, this morning we received news that the Supreme Court has ruled in regard to our Dreamers, our Deferred Action Childhood Arrival children, who came to America knowing no other country, and now the Court has said that President Obama did have the authority to establish the DACA Program and that President Trump does not have a basis in law for ending it.

Hundreds of thousands of Dreamers now have full legal authority to continue their lives in America—the country they know and love—and pursue their dreams, and we must celebrate that today.

EQUALITY ACT

Mr. President, I come to the floor on another issue of freedom. President Johnson said:

Freedom is a right to share, share fully and equally, in American society. . . . It is the right to be treated in every part of our national life as a person equal in dignity and promise to all others.

It was 1996 when Senator Ted Kennedy brought the issue of ending discrimination in employment to the floor of the Senate. In that year, not so

long ago, virtually everything was simple majority in the Senate, as designed by our Founders, as written in the Constitution. The vote failed 49 to 50 because Senator David Pryor was at the hospital attending to his son, the future Senator Mark Pryor, who had cancer. It was a moment when the Senate nearly took a big stride forward in ending discrimination in employment in America against our LGBTQ community.

Then, in November 2013, I brought to the floor the same bill, ENDA, ending discrimination in employment. This Senate voted in a bipartisan majority to end that discrimination. In fact, the vote was 2 to 1—64 to 32. Yet that bright moment here in the Senate, where we stood for the vision of freedom, was not acted on by the House, and the bill did not make it to the President's desk.

Now we stand here today, in 2020, and the Supreme Court on Monday in *Bostock v. Clayton County*, in a 6 to 3 decision, has proceeded to act to end discrimination in employment. In writing the opinion, Justice Gorsuch said: "In Title VII"—referring to the 1964 Civil Rights Act—"Congress outlawed discrimination in the workplace on the basis of race, color, religion, sex, or national origin."

He wrote: "Today, we must decide whether an employer can fire someone simply for being homosexual or transgender."

Everyone looked to the next paragraph and what would the answer be? Gorsuch wrote this:

The answer is clear. An employer who fires an individual for being homosexual or transgender fires that person for traits or actions it would not have questioned in members of a different sex. Sex plays a necessary and undisguisable role in that decision, exactly what Title VII forbids.

Well, let the bells of freedom ring here in this Chamber and across America. On Sunday of this last week, the day before the Supreme Court decision, discrimination in employment against gay, lesbian, and bisexual Americans was still legal in 29 States—a majority of States in our country—and, on Monday, that discrimination ended. It is now illegal in all 50 States of America, in all territories of America to discriminate on the basis of who you are or whom you love.

The Court took a long, powerful stride toward the vision carved above the doors of the Supreme Court: "Equal Justice Under Law." No longer can a mental health counselor named Gary Bostock be fired from his job at child welfare services department for playing in a gay softball league. No longer can a skydiving instructor named Donald Zarda be fired because he is gay. No longer can a police officer in southern Oregon named Laura Elena Calvo—with a sterling 16-year record of promotions, commendations for pulling people from burning cars, delivering babies on the side of the road, saving lives and more—be fired because she was a transgender woman.

Employment discrimination ends in America. Let us savor that victory for freedom. Let us celebrate that victory for equality and opportunity. It is a long, powerful stride forward on the march for freedom. But a long stride forward in a march, however significant, does not mean that the march is over because, as wonderful as that victory on Monday was, as wonderful it is to have discrimination end in employment across the land, we still have a long way to go before LGBTQ Americans are treated in every part of our national life as people equal in dignity and promise to all others.

The protections on Monday involve employment, but those protections do not extend to the titles of the 1964 Civil Rights Act that address other issues—issues of education, issues of public accommodations—and they don't extend to credit, financial transactions, transactions covered by the CREDIT Act. They don't extend to jury service. They don't extend to Federal funding of programs, meaning it is legal for States to discriminate or cities to discriminate or counties to discriminate on the basis of Federal law against participation in Federal programs. It is unbelievable that we are still in that state, but that is where we are. That is where we are right now, with discrimination ended in employment but not ended in all of these other categories.

There are a couple of possible paths forward. One is litigation that continues on the same premise on which the Supreme Court acted on title VII of the 1964 Civil Rights Act, and that means litigation in each of these categories, case after case, slowly making its way through the courts, slowly making it to the Supreme Court, meaning discrimination continues year after year while the courts deliberate on this.

I have heard a number of Senators say the Court acted, but Congress should have done it. Well, now we have the opportunity to do it. We have the opportunity to do it by putting the Equality Act on the floor of this Senate, putting it on the floor of the Senate today, having a debate today, and having a vote today on whether to extend the very premise at the heart of the Supreme Court's decision in employment to all of the other key areas of discrimination that is still suffered across this land.

Let us put the Equality Act on the floor. Let us debate it. Let us pass it to fulfill the vision Thomas Jefferson put forward when, in the words crafted for the Declaration of Independence: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness."

Let us put the Equality Act on the floor of the Senate. Let us debate it, and let us pass it to act on the premise that Senator Ted Kennedy expressed: "The promise of America will never be

fulfilled as long as justice is denied to even one among us."

Let us put the Equality Act on the floor of the Senate and debate it and pass it to fulfill the promise of freedom, the promise of freedom that President Johnson so well expressed in "the right to be treated in every part of our national life as a person equal in dignity and promise to all others."

We have the power to ring the bells of freedom here in this Chamber. Let us not miss this opportunity.

I am so pleased to be here with my colleagues who have fought for this vision of freedom and equality and opportunity—my colleague TAMMY BALDWIN from Wisconsin and my colleague CORY BOOKER from New Jersey, who have been champions in leading this fight—a fight envisioned now by a tremendous number of Senators endorsing and co-sponsoring the Equality Act. Let us put that act on the floor.

I yield to my colleague from Wisconsin.

Ms. BALDWIN. Mr. President, I rise today to recognize an enormous step forward for our country, which happened earlier this week, on Monday. Once again, on a morning during Pride Month, our Nation came closer to realizing the promise of equality for lesbians, gays, bisexual, transgender, and the queer community.

The Supreme Court has made it clear that workplace discrimination against LGBTQ people is wrong, and our Nation's civil rights laws prohibit it. While this is a joyous day and a joyous week, I want to take a moment to acknowledge the untold number who have suffered in this country for years without recourse. I want to recognize those brave LGBTQ people who received pink slips, were passed over for promotions, suffered harassment and bullying in break rooms, or never got that initial interview—all simply because of who they are or whom they loved.

I particularly want to thank the plaintiffs who brought these cases: Gerald Bostock, Aimee Stephens, and Donald Zarda, as well as the families and friends and lawyers who supported them. Sadly, Aimee and Donald did not live to see this transformative moment for our country and our community, but we will remember them and honor the efforts that they and so many others have made to get us here. We will commit ourselves to continuing to push forward for full equality for them.

On Monday, the Supreme Court affirmed what many Federal courts, the Equal Employment Opportunity Commission, and so many of us have recognized for years—that title VII of the Civil Rights Act of 1964 is properly understood to prohibit discrimination based on sexual orientation and gender identity.

As Justice Gorsuch wrote for the majority:

Today, we must decide whether an employer can fire someone simply for being homosexual or transgender. The answer is

clear. An employer who fires an individual for being homosexual or transgender fires that person for traits or actions that it would not have questioned in members of a different sex. Sex plays a necessary and undisguisable role in the decision, exactly what Title VII forbids.

This decision is far from radical, but it is transformative. It means that at long last in every corner of this Nation, in big cities and small towns, LGBTQ people are waking up in a fairer country. They now know that they have recourse if an employer discriminates against them simply because of who they are or whom they love. Employers know unambiguously that they have an obligation in every State to judge all of their employees on merit, not sexual orientation or gender identity.

While we have taken another big step forward—and it is a big step—in the march toward full equality for LGBTQ Americans, we are not there yet. Lesbian, gay, bisexual, transgender, and queer people face discrimination in many more aspects of their lives than the workplace. Our country needs to send the message that treating people unfairly because of their sexual orientation or gender identity is wrong and that it will not be tolerated, period, whether that is while buying a house, going out to dinner, shopping in a store, serving on a jury, or seeking help from a government program.

While the Court told us on Monday that discrimination based on sexual orientation or gender identity is necessarily sex discrimination, those cases were about employment. While I would expect that any administration would now take a long, hard look at its wrong-headed efforts—based on the legal arguments that the Supreme Court has just rejected—to write LGBTQ people out of sex discrimination protections in education, healthcare, and other areas, I do not have confidence that this administration is going to do so.

There are areas of Federal civil rights law, such as those governing public accommodations and Federal financial assistance, which don't even yet prohibit discrimination based on sex. That is why the Senate must take up and pass the Equality Act. Senators MERKLEY, COLLINS, BOOKER, and I introduced this bipartisan measure to ensure that LGBTQ people have the same nondiscrimination protections as other Americans by adding sexual orientation and gender identity alongside all protected characteristics, such as race and religion, to existing Federal laws. It would ban discrimination in a host of areas, including housing, public accommodations, jury service, access to credit and Federal funding, as well as employment.

The bill would also strengthen our civil rights laws by adding protections against sex discrimination to the Federal laws where they have not been included previously, including those addressing public accommodations and Federal funding.

More than a year ago, a bipartisan majority of the House of Representatives passed the Equality Act. Unfortunately, like so many other pieces of legislation that would improve the lives of the American people, it has been ignored by the Senate majority leader and placed in his legislative graveyard.

The Equality Act cannot be ignored any longer by the Senate, and LGBTQ people should not have to wait any longer to enjoy the full protections of our Nation's civil rights laws.

I urge the Senate to build on the Supreme Court's decision and act today to bring our Nation closer to the promise of equality by passing the Equality Act.

Finally, I want to close by acknowledging the extraordinary moment in which our Nation finds itself today. Thousands upon thousands are demanding the country confront racial injustices and systemic racism. They rightfully call for change, and they righteously call for change, and it is my hope that Congress will take an important step in righting some of those wrongs by passing the Justice in Policing Act of 2020 without delay.

We must do so much more, and today I am keenly aware of the Black and Brown LGBTQ people who experience discrimination and injustice in this country—not just because of sexual orientation or gender identity but also because of race or ethnicity.

As we approach another anniversary of the Stonewall riots that sparked the modern LGBTQ movement for equality, I am also mindful of the leadership of Marsha P. Johnson and Sylvia Rivera, transgender women of color, in that historic moment. I hope the brave, courageous legacy of these leaders and the urgent needs of Black and Brown LGBTQ people would inspire us to take another step to strengthen the civil rights for all Americans and pass the Equality Act.

I now yield to my colleague from Michigan, Senator STABENOW.

THE PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, first of all, I want to thank my wonderful colleagues for their leadership, Senator MERKLEY and Senator BALDWIN, for not just being on the floor today and speaking out but speaking out every day for introducing the Equality Act, of which I am very proud to be a cosponsor, and for continually standing up for the rights of all Americans.

In 2013, a Michigan funeral director wrote a letter. It said:

What I must tell you is very difficult for me and is taking all the courage I can muster. I felt imprisoned in a body that does not match my mind, and this has caused me great despair and loneliness.

She told her coworkers, from now on, she was choosing to live her truth; from now on, she would be living and working as a woman. Unfortunately, she paid dearly for her courage, and 2 weeks later she was fired.

That woman was Aimee Stephens of Redford, MI.

This week, Aimee's courage literally changed history—literally changed history. In a 6-to-3 decision, the Supreme Court ruled that what happened to Aimee was illegal. It was illegal. Period. Employers cannot fire or otherwise discriminate against employees simply because of who they are or whom they love. Period.

Sadly, Aimee didn't get to celebrate the landmark victory, and we all wish she were here right now to be able to join and lead the celebration. She died last month at age 59. She will go down in history as someone who took a stand for equality, for basic fairness, and made our Nation a better place. So many people have joined her in this fight, getting to this victory.

It is now time to further honor her courage and the courage of so many others by passing the Equality Act, and we can do it today. That is the good news. Right now, on the floor today, we can do that together. What a great way to end this week; this month of June, this Pride Month. What a great way this would be.

The Equality Act is pretty simple. It protects people against discrimination based on sexual orientation or gender identity in all aspects of their lives. Unfortunately, this legislation, as my colleagues have said, which has already passed the House, has been sitting on MITCH MCCONNELL's desk gathering dust for nearly 400 days—400 days since the House of Representatives took action. It is time to shake off that dust and get this thing done for Aimee and for everyone who has fought alongside her and continues to fight today to make our Nation a more equitable place.

Now, our Republican colleagues, however, are more interested in pushing through extremist judges who have no interest in LGBTQ equality.

Later today and next week, we will be voting on two judicial nominations—Justin Walker and Cory Wilson. It is, frankly, insulting that these two nominations are even coming to the floor—insulting to the American people that they are coming to the floor.

Justin Walker's nomination is opposed by 275 outside groups, including the Leadership Conference on Civil and Human Rights and the National Center for Transgender Equality.

As for Cory Wilson, he supports H.B. 1523, the so-called Protecting Freedom of Conscience from Government Discrimination Act, and that would give broad permission for people and businesses to deny services to people based on sexual orientation and gender identity.

Both of these nominees—both of them would overturn the Affordable Care Act, which has made lifesaving differences for so many members of the LGBTQ community and Americans all across our country.

Justin Walker wants the courts to throw out the entire Affordable Care

Act, including protections for people with preexisting conditions. He called the Supreme Court decision upholding the ACA “indefensible and catastrophic.”

Millions of people get their healthcare through the Affordable Care Act. Everyone who has an insurance policy is able to do that and get covered, even if they have a preexisting condition, because of the Affordable Care Act.

Cory Wilson used even more colorful language. He called the law “illegitimate and perverse.” Providing people healthcare he thinks is perverse, and this is somebody the Republicans are going to put on the court.

He even opposed expanding Medicaid coverage in Mississippi, a change that would literally save lives in the middle of a pandemic.

We know what we need to do because Aimee showed us. We need to pass the Equality Act now—today. We can do that today. Wouldn't that be wonderful, on a bipartisan basis, to pass this today?

We need to vote no on two judicial nominees who are far out of step with the basic American ideals of equality and fairness.

Aimee Stevens was courageous. Four hundred days is way too long for millions of Americans to wait for the U.S. Senate to step up and do its job. It is time for all of us to truly stand up for equality for the LGBTQ community and set the foundation that we believe in equality for all Americans.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, before she leaves, another good idea from Senator STABENOW—pass the Equality Act today. Too logical, I guess, but it is another good idea, and I thank my colleague for it.

I also want to commend my partner from Oregon, Senator MERKLEY, who has been leading this fight for years now. Wisconsin often partners with Oregon, going all the way back to our shared ownership of Wayne Morris. I just want to thank my colleagues for the great work they have been doing and just take a couple of minutes to talk about my pride in standing with them to fight for the passage of the Equality Act.

We have come together during the middle of Pride Month. In 2020, with the pandemic continuing to spread, Pride Month looks a little different than it has in the past—no parades, smaller celebrations—but it still has been a historic month when it comes to LGBTQ rights, perhaps more so than any other since marriage equality became the law of the land in June 2015.

A few days ago, the Supreme Court ruled that the Civil Rights Act of 1964 protects LGBTQ Americans against discrimination in the workplace. The majority said an employer who fires an individual merely for being gay or transgender defies the law.

Now, this ruling was a little bit of a surprise. I mean, it was absolutely correct in that it recognized that the law offered equal protection for LGBTQ Americans—a fact that should never have been in doubt.

I also want to say on the floor today we are going to have to continue to be on guard that this administration's judges will use the approach underpinning this ruling as cover to strip equal protection from other people in future rulings.

When you get the wrong approach resulting in the correct ruling, we have to be vigilant—vigilant, vigilant, and more vigilant in fighting for the correct results again and again and again.

The ruling came just a few days after the Trump administration tried to take America in exactly a different direction, announcing that it was green-lighting healthcare discrimination against transgender Americans—an ugly, shameful action to take. How cruel that the administration actually said: We are going to announce this during Pride Month. We are actually going to use Pride Month to be cruel.

It was a reminder to a lot of people that the fight for LGBTQ rights didn't end with the victory on marriage equality. For every landmark ruling that moves the cause forward, there is somebody like Donald Trump, who is always looking to see if they can drag the Nation back to the days when discrimination was business as usual.

Until Monday's ruling, employers in more than half the States were allowed to fire employees for their sexual orientation or their gender identity. That was in more than half the States, but that injustice is now a thing of the past.

We can't count on this week's Supreme Court ruling against workplace discrimination to bring on the end of discrimination in other parts of life in our country. The Senate can't wait for any other court cases to move forward before we take real action on this floor. That is why my colleagues and I are here today. We want to call for the immediate passage of the Equality Act. If discrimination against LGBTQ Americans is illegal in the workplace, then it is illegal in housing; it is illegal in education; it is illegal in public services and more. That is what the Equality Act is all about. It is about recognizing the dignity and the humanity of LGBTQ Americans, and, most importantly, enshrining it into the law. It is the next step that will move the cause forward, and there is bipartisan legislation that reflects the will of an overwhelming majority of the American people. The Senate ought to come together and pass it now.

Justice Kennedy wrote—and I will close with this because it sums up what is in my heart today, “The Constitution promises liberty to all within its reach.”

There is much to be done on delivering on that promise outlined by Justice Kennedy. So we are going to be

back here on the floor of the Senate, fighting for the passage of the Equality Act. Senator STABENOW was spot on. We ought to have done it today, and we are just going to be back here again and again and again in the weeks and months ahead until we have that promise of equality in every corner of the land.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BENNET. Mr. President, I want to thank my colleagues from Oregon, Senator WYDEN, for his remarks; Senator MERKLEY, for his leadership on the bill; and Senator BALDWIN from Wisconsin, for her extraordinary leadership and service to our country.

It is a great privilege to be here today. My friend CORY BOOKER from New Jersey has been fighting for these issues for his whole career. Who knows, as I know, that anyone who studied the history of our democracy knows it has always been hard to make progress. This struggle has always been a battle of our highest ideals and our worst instincts as a country.

It has been true since our founding, when the same people who wrote that “all men are created equal” also perpetuated human slavery and denied equality to so many others. In fact, I don't think it is too much to say that our history is a story of our struggle with that contradiction between the promise of equality and the reality of inequality in America—between our highest ideals and our worst instincts. We struggle with that today.

Since he took office, over and over, President Trump has called on our worst instincts in almost everything he has done, including his attacks on access to healthcare, housing, and education for LGBTQ Americans.

Just last week, he went out of his way to strip transgender Americans of their access to healthcare, but just as President Trump was depriving hard-won rights, dragging us backward again, in Colorado, on the very same day, our State legislature passed a law to make it harder to wage violence against LGBTQ people in my State.

And listen to this: The vote was 63 to 1 in the Colorado House. It was 35 to 0 in the Colorado Senate.

Notwithstanding President Trump's anti-civil rights, anti-civil liberties agenda, in Colorado—a Western State, a purple State—Republican and Democratic elected officials, in their legislative season, are fighting for our highest ideals and rejecting our worst instincts.

In fact, my State passed our version of the Equality Act over a decade ago. It is why we banned conversion therapy and passed Jude's Law, which makes it is easier for transgender Americans to change their name and government documents. It is how we have elected our State's first openly gay Governor, Jared Polis, and our first transgender State legislator, Brianna Titone. It is why we were one of the first States in

America, I say to my college from New Jersey, to pass real accountability for police brutality with a bill led by Leslie Herod—Colorado's first LGBTQ State legislator of color. This week, we passed that bill 52 to 13 in the House and 32 to 2 in the Senate. It contains many of the same reforms that Senator BOOKER and Senator HARRIS are leading on here.

So I am here to tell you that there are more and more in Colorado and in the country who understand what equality has come to mean in America and how to resolve some of these contradictions in the year 2020, and, this week, even the U.S. Supreme Court seems to understand it.

Just in the last week, a Republican-appointed Justice rejected Donald Trump's arguments and wrote for a majority of the Court, affirming equality for LGBTQ Americans. Then, this morning, the Court overturned President Trump's malicious attack on Dreamers, reaffirming the rule of law and, for the moment, protecting three-quarters of a million people who know no other country but the United States of America.

Now it is time for the Senate to do our work, finally, and pass the Equality Act. The House passed the Equality Act 13 months ago, and we have not acted in our typical fashion. That is another 13 months when LGBTQ Americans could get married on a Sunday and be fired on Monday, another 13 months when our neighbors could be denied housing, denied healthcare or be turned out of a store because of who they are.

Americans understand that no good comes from hoarding freedoms and equality. When we take the opposite view, we act against our traditions. As a nation, we will never flourish if we choose to depend on a permanent underclass that is deprived of some or all of the rights and freedoms others enjoy. Free people do not remain free by denying freedom to others. We should vote on the Equality Act and pass it today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I join my colleagues today, in the middle of Pride Month, to celebrate the Supreme Court's landmark decision this week in *Bostock v. Clayton County*, protecting LGBTQ rights and protecting people from discrimination in the workplace, and to urge all of our colleagues to secure and extend those protections by passing the Equality Act.

Something else big happened in the Supreme Court, and that was today, with the Supreme Court's decision on DACA, on Dreamers—allowing them to stay in this country and asking the administration to open up the application process for citizenship. That is relevant because it is about civil rights, but it is also relevant because the Supreme Court—this conservative Court—has

had to step in because this body has not been doing what it should have been: passing the Equality Act and passing comprehensive immigration reform. So let us remember that as we celebrate the decision in the *Bostock* case and as we move toward equality.

I thank Senators MERKLEY, BALDWIN, and BOOKER for their leadership on this important bill and for bringing us together today.

Over the last few decades, we have made progress in the fight for equality. We have stood up for what is right, and we have worked hard to make this a country in which people can safely, proudly, and legally love whom they love. It was not long ago when a person could be prosecuted for being gay and when don't ask, don't tell was the law of the land—when I came to the U.S. Senate—and when States were permitted to deny LGBTQ couples the right to get married under the Defense of Marriage Act.

This week, our country took an important step forward with the Supreme Court's decision that recognizes that the Civil Rights Act of 1964, which prohibits employers from firing employees because of sex, protects LGBTQ people in the workplace.

We can celebrate today that justice was delivered for Aimee Stephens, who was fired when she informed her employer that she was transgender, and for Donald Zarda and Gerald Bostock, who were fired when their employers learned they were gay.

But, of course, this is more than about three people. As Mr. Bostock said, "This fight became about so much more than me." Their courage to stand up in the face of injustice will forever change this country for millions of LGBTQ people and their families, and it makes our country a more just nation.

Although the Court's decision is a landmark victory, we still have miles to go because it is not right when the Commander in Chief tells brave transgender Americans who want to serve and protect our country in our military that they are not welcome; it is not right when this administration is trying to take away the hard-won rights of LGBTQ people in healthcare and education; and it is not right that you can drive across the United States on a cross-country trip and find that the laws and protections could be different at every rest stop.

That is why I was proud to cosponsor, on the day it was introduced, the bipartisan Equality Act with my colleagues who are here today, and it is why I am calling on our colleagues across the aisle to pass this bill.

This bill, which already passed the House by a vote of 236 to 173, will go a long way in protecting LGBTQ Americans from discrimination. The Equality Act would build on the Supreme Court's decision and make non-discrimination protections consistent and explicit. It would amend laws like the Civil Rights Act, the Fair Housing

Act, the Equal Credit Opportunity Act, and Federal employment laws to ensure that all Americans, regardless of their sexual orientation or gender identity, have equal access to housing, education, and federally funded programs.

We should not wait any longer to extend these protections, for nearly two-thirds of LGBTQ Americans report experiencing discrimination in their personal lives. These problems are compounded by race and income, especially for trans women of color. Yet it has been over 1 year since this bill passed the House.

In 2000, when I was the county attorney in our largest county in Minnesota, I was invited to the White House to introduce President Bill Clinton at an event to urge the passage of hate crimes legislation. We had had an African-American young man who had been shot by a guy who had said that he had wanted to go out and kill someone on Martin Luther King Day. That happened. We had had an employee who had gotten beaten with a board by the foreman at his workplace for his simply speaking Spanish. I had taken on a number of these crimes, so I had been invited by the President to urge Congress to pass the Matthew Shepard hate crimes legislation, which covered a wide range of hate crimes.

During that event at the White House—my first time ever there—I got to meet the investigators in the Matthew Shepard case. They were these two burly cops from Wyoming, and they talked about the fact that until that investigation—I think Senator BALDWIN is nodding her head and has probably met them as well—they really hadn't thought about what Matthew Shepard's life was like or the lives of other LGBTQ people. Then, as they started to investigate what had happened—and we all remember how he was left hanging on a fence post, and the first people who saw him thought he was a scarecrow—these investigators, these police officers, got to know the family and the case. They got to know his mom, and they got to know his friends. During the course of their investigation, as they began to understand what life was like for Matthew Shepard, their own lives were changed.

I think this is happening right now around this country after the murder of George Floyd in my State, and I know it has been happening when it comes to our LGBTQ community. That is why, on that day way back, we were in the White House to introduce that bill. Nearly 10 years after that event at the White House, during my first year as a U.S. Senator, I got to be one of the deciding votes to finally pass that hate crimes bill.

So I say to my colleagues who are fighting for justice, who are fighting for justice in policing, who are fighting for justice in our LGBTQ community, who are fighting for justice for our immigrants, the change will happen, but we can't wait 10 years for this change to happen. The people of this country

are demanding that it happen now. We need to come together and finally pass the Equality Act and do all of these other good things that are right here, that are right on our desks. We should do them immediately—not next year—and not wait. Now.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BOOKER. Mr. President, I thank my colleagues who are here and for all of the work that has been done around the Equality Act, not just here in the Senate but also in the House of Representatives.

I want to make this very clear. You look at history, and you see that the fundamental equality of all Americans has been denied for so many generations—for women who fought for equality under the law and the right to vote; for African Americans, who fought for equality under the law. We have seen from our founding they have struggled to make real the promise of this Nation—a promise of an ideal that we are all equal under the law.

Our Founders—these imperfect geniuses—enshrined these ideals. This Nation was not founded in perfection but in aspiration. The very Founders themselves referred to Native Americans as savages. They talked about women as not being equal citizens. They denied African Americans full and equal citizenship. Yet these aspirational documents were so profound that every generation of Americans has called to our founding ideals to overcome the inequality that has been inherent in our country.

Susan B. Anthony called to the founding documents for her equality and the equality of women. Martin Luther King, on The Mall, called to that check—to that promissory note—that it was time. Yet here we are, in the year 2020, still calling for the full equality of all American citizens when it comes to lesbian, gay, bisexual, and transgender Americans.

I think back to my own family—to my grandparents and great-grandmother—who talked about the excuses that were used to deny them equality. There were religious excuses. I am a big believer in religious freedom, but people sought to deny Blacks and Whites from marrying. In fact, when *Loving v. Virginia* passed, the majority of Americans were still against interracial marriage in this country. Somehow, people were using religion as a shield from establishing the fundamental ideals of this country. We overcame that.

These types of reasons were given for the dehumanizing treatment of Native Americans, and these kinds of excuses were used to justify the segregation of African Americans. In every generation, we fought and we struggled and we came together—multiracial, multi-ethnic, diverse coalitions—to overcome this.

This week, I was so grateful to see the decision of the Supreme Court, but

I was of mixed feelings about it. Why would it take an action of the Supreme Court to justify what already is—equal humanity? equal dignity? Why would it take so long for a country to say: “In this Nation, a majority of States cannot discriminate against you. You cannot be fired just because of who you are?”

I hear the echoes of my own ancestry growing up in a country in which children were told and saw clearly before them laws enshrined that were bigoted and biased; that they were not equal citizens, and even though, when we stand up in our grade schools, we have to say those words “liberty and justice for all,” what does it mean to a child who is denied those things?

I see us in a country now in which we are raising children who are in danger. LGBTQ kids are almost five times as likely as their straight peers to attempt suicide. LGBTQ kids—about 30 percent—admit to missing school because of being in fear for their safety. This is in America in 2020. Black trans women are dying at unacceptable, unconscionable rates. I say dying. They are being murdered. There have been 15 transgender or gender nonconforming people who have been murdered, and last week alone, two transgender women were killed—Dominique Fells and Riaha Milton.

We have work to do in this country to establish the fundamental ideals that have been said from the founding of this country that we will all be equal under the law, the fundamental ideals from the founding of this country that we are a nation of liberty and justice for all.

Here we are at the crossroads of history, forcing our fellow Americans to come and ask for what is fundamentally theirs already—equal dignity, equal rights. The Equality Act is too late already. It is too late to do what was preordained by the very founding of this Nation. We are too late already to save the lives of children who have been forced to live in a nation that doesn't recognize their equal dignity. We are too late already to protect the shame of people who have been fired just because they are gay, who have been denied accommodation just because they are gay—the humiliation of which, I dare say, so many in this body know from their families' stories.

So we come here to the floor to ask for what is overdue, to ask for us to establish in law what is true in the spirit of this Nation, and to echo the words of our ancestors, great suffragettes, great civil rights leaders, great Native Americans, who have all come to this Capitol to say: This is who we are—equal citizens under the law.

To my colleagues who are with me today, I tell you that, no matter what happens with this unanimous consent, justice will come to this country. No matter who stands against this Equality Act, they stand on the wrong side of history, on the arc of the moral universe, but it bends toward justice. Well,

it never bends automatically. We need some arc benders. For too many people in this country, justice delayed is justice denied. So we will not give up. We will not yield. We will not equivocate. We will not retreat. This will become the law of the land.

We have made some steps in the right direction of justice, but we are still in the foothills. We have a mountain to climb, but I know we will make it to the mountaintop. I know that this Nation will fulfill its promise to all of its people and, indeed, become the promised land.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, I appreciate the powerful words, the passionate delivery of stories on the defense of freedom, the defense of equality, the advance of justice, and the presentations of my colleagues from Wisconsin and Michigan, my partner from Oregon, my friend from Colorado, the Senator from Minnesota, and Senator BOOKER from New Jersey. Their words speak to the heart of what our Nation is about—equality, opportunity, justice, and freedom.

I will, therefore, ask that we bring this bill about equality to the floor, that we go forward in the great tradition of this Chamber and this Senate to debate issues that involve the opportunity for every individual to thrive in our Nation. Time and again, we have held those debates before. We held them in 2013 on the Employment Non-Discrimination Act.

Now, I understand some colleagues have come to the floor to object to this Senate's entertaining such an important debate. They have come to the floor to obstruct the opportunity of this Chamber to engage in a dialogue on this important issue—so violent to the life of millions of Americans. I ask them to reconsider.

Have the courage to debate this issue on the floor—to bring, in the great tradition of this country, an issue violent to freedom to be considered here.

One colleague responded to the Supreme Court's decision on employment nondiscrimination earlier this week by saying: This judicial rewriting of our law short-circuited the legislative process and the authority of the electorate. Well, let no Member of the Senate today short circuit the legislative process by objecting to this important debate on the floor of the Senate.

On behalf of equality and opportunity and freedom, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 5 and the Senate proceed to its immediate consideration. Further, that the bill be considered read a third time and passed and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER (Mrs. FISCHER). Is there objection?

The Senator from Utah.

Mr. LEE. Madam President, I am reserving the right to object.

There is a single thread that runs through the Supreme Court's decision in the Bostock case earlier this week and all the way through the legislation now under discussion on the Senate floor, and that principle deals with nondiscrimination. It is a principle that, as Americans, we believe that people shouldn't be treated differently on the basis of factors, characteristics, and traits that have nothing to do with their job. I think most Americans can agree with that, and I think most Americans can agree that an individual shouldn't face such discrimination in the workplace based on his or her sexual orientation.

The important thing that we have to remember is that much of where the law is found and much of what we can perceive from a position of justice and equality and fairness relates to where the exceptions are found. I have got two principal concerns with this legislation that are also shared by the Bostock ruling. The first relates to exceptions related to religious employers.

Neither the Bostock decision nor the Equality Act takes the care to ensure that religious employers will be treated fairly under this approach. We need to be mindful of the need of a religious employer to maintain its doctrine and its teachings, not only in the hiring of its ministers but also in the hiring of other people who worked toward moving forward that religious institution's teachings in the way they live their lives, in their beliefs, and in their willingness to teach those things to others. This legislation doesn't do that. I think any legislation that we move forward on this needs to have it.

Secondly, neither this legislation nor the Bostock decision takes into account some significant distinctions between sexual orientation on the one hand and gender identity on the other.

In the case of gender identity, the law needs to take into account certain questions regarding what impact the law might have on girls and women's restrooms and locker rooms, girls and women's athletics, and single-sex safe places for people who are, for example, the victims of domestic or sexual abuse. This law, like the Bostock decision, doesn't operate with a lot of precision and sort of takes a meat cleaver to the issue without taking into account exceptions for religious entities and distinctions between sexual orientation and gender identity. On that basis, I have concerns.

Knowing that I have some colleagues who want to speak to this issue, I decline to object as of this moment.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. HAWLEY. Madam President, reserving the right to object, I would just like to observe that it was just over 20 years ago that this Chamber and the analog Chamber across the way in the House of Representatives passed almost unanimously a statute called the Religious Freedom Restoration Act. It

was sponsored in the House by then-Representative SCHUMER, and it was sponsored in this Chamber by Senator Edward Kennedy, and signed by President Bill Clinton into law, who, upon its signing, referred to religious liberty as our first freedom—those are his words—and he later pointed to the Religious Freedom Restoration Act as one of his proudest accomplishments as President of the United States. Its cosponsors in this body included Senators FEINSTEIN and MURRAY and LEAHY. It was bipartisan is my point, to put it mildly.

Yet, today, this short time on the legislation that is offered on this floor now, that has not gone through the normal process of committee referral, debate on the floor but would be passed now, without any further discussion, guts key provisions of the Religious Freedom Restoration Act. This is coming on the heels of a Supreme Court decision just 2 days ago that rewrites entire statutes in American law and in its 33 pages has nearly nothing to say about religious liberty or religious believers in this country. In fact, the only thing that the opinion does say of any consequence is this:

How [the courts'] . . . doctrines protecting religious liberty interact with Title VII [as rewritten by the court] are questions for future cases.

Now, I respect, very much, my colleagues across the aisle and their passion for this issue and their sincerity in this cause. I would only ask that the rights of well-meaning, sincere religious believers not be steamrolled and overlooked and shifted to the side as part of this process. We should be able to come together and stand together in the effort to see all people be given their constitutional rights and have their constitutional rights protected.

The effects of this bill is forcing taxpayers to pay for abortions, forcing doctors and nurses to perform abortions against their will, and forcing faith-based hospitals and clinics to perform abortions. H.R. 5, this bill here, would supersede existing restrictions on abortion, including funding, including health and safety standards, and other regulations that the States have passed.

It would force faith-based adoption agencies, some of which have been helping birth mothers find a safe and loving and permanent home for more than 100 years—it would force them out of business. It would coerce those who don't want to speak or who hold different beliefs into adopting this set of practices and principles and beliefs at work—these doctors, these nurses, and these faith-based agencies.

I submit to you that this is not the way to find consensus in America. This shunting aside of the constitutional rights of sincere, well-meaning people of faith is not the way to proceed. This gutting of the Religious Freedom Act—and I say that because H.R. 5 explicitly carves out of the Religious Freedom Act, it explicitly carves out of its safe-

ty provisions all of those requirements I just mentioned. It rolls back the liberties afforded to people of faith—all faiths, by the way. One of the beauties of the Religious Freedom Restoration Act is that it covers people of all faiths, any faith, and this bill would roll those protections back. It would do it without the chance for debate. It would do it outside of our normal procedures.

For those reasons, I express these reservations. Again, I thank my colleagues on the other side of the aisle for their work on this issue, their passion for this cause, and their sincerity in what they believe. I hope that we might find a better way to go forward together, but I do not object.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. LANKFORD. Madam President, I am reserving the right to object. No person should be discriminated against in America. No one. It is a basic constitutional principle. We are all equal under the law, all of us. We have different ideas about music and food. We have different ideas about sexuality. We have different ideas about occupations. We have different skin colors. We are the tapestry that we talk about, and we are working to make a more perfect Union. I absolutely believe that no person should be discriminated against in America.

The Equality Act doesn't just make everything equal, though. It has a great title. Who can oppose equality? No one. It is a basic principle of American values. We don't oppose equality, but we do oppose when, through legislation, you take the rights of one and dismiss the rights of others and say: Your rights don't count, only this group counts, and only this person counts. We, in America, have tried to work together, in all of our differences, for over two centuries, to learn better how to hear the rights of another one, to accommodate, and to find those spots where the rights of two individuals collide and to work it out among each other. The Equality Act does not do that. I wish it did. It changes things dramatically.

Let me just give you a few examples. It reaches into high school sports and says for male and female sports, that individuals' sexual orientation and gender identity can move between those. There is no standard for testosterone. There is no standard for moving through transition surgery. There is no standard at all set on it. It opens it up for any male—biological male—to step into female sports on the high school level or in the college level or in the pro-athlete level and be able to move into that sport. That grossly disadvantages girls in sports, but their rights are denied.

We have already seen this in several States where State record holders for track, for instance—someone who was a biological male competing in women's athletics denying the other girls who were competing in that from opportunities for scholarships to college,

to be able to move on to other athletics. Their rights were ignored because these rights were prioritized.

In adoptions, we need more adoption areas. We need more foster care in America, not less. The Equality Act says that if you are a faith-based adoption agency that only places children in a home where there is a mom and dad there, then you either have to change your faith or close. You have no other option. The Equality Act says to that institution: I would rather have fewer adoption agencies in America than have you open.

That is not protecting the rights of all Americans. That is not learning how to accommodate together. Why can't we have adoption agencies that do adoptions in LGBT homes and some that do adoptions that don't? Why can't we have both? Why can't we accommodate both? The Equality Act does not allow that.

The Equality Act treats every job in America exactly the same and says that an individual who is qualified for that job should be able to take that job, regardless of any issue. Let me give you a first example of that.

If you have an individual going through TSA—and what a lovely experience that is for all of us—this Equality Act would say: When your alarm goes off and you have to get the full-body pat-down, a transgender individual could be your TSA person giving you the full-body pat-down. They would be required to not prohibit that.

Now, for some people, they would be like: I don't care. It is a pat-down. I don't care. For other people, it would be like—there is a reason why TSA has done pat-downs of a man for a man and a woman for a woman because there are many people uncomfortable with someone of an opposite gender who does that to them. They just are. Maybe you call them prudes, but we have honored their rights. The Equality Act does not. It ignores their rights and says that you no longer have the right to disagree with this, and you have to just accept it.

It also dramatically changes hiring in America in a way that is unexplored. There is a reason we send bills through committee, not just bring them to the floor and demand that they pass on the same day they land on the floor without going through committee. There is a reason we do that—because this bill changes the way hiring is done in America in a way that has not been tested for everyone.

This adds a new feature to title VII, where it says, in title VII, that you can't discriminate based on race, on sex—that has now been redefined, obviously, by the courts—on religion, all these things. It clarifies. You can't discriminate based on that. But it adds a new phrase on this. "Perception or belief" is the new phrase.

This is how that would be applied in courts. If I go to an interview in a job and I am not hired, I can sue that employer because I perceived they were

thinking I was gay and so they didn't hire me, or—because it applies to all of it—I could, actually, because this does expand this significantly, if I go in to get a job and I am not hired, I could sue them for not hiring me because I perceived that it was because I was a Christian and they didn't hire me. I perceived that it was because I was White that they didn't hire me. I don't have to prove anything. It is based simply on my perception or belief. That is an untested expansion.

Now, this term "perception or belief" is lifted right out of our hate crime statutes, but hate crime statutes, on their face, are all about the motive for it, and you are trying to read into a crime the motive for that crime. Now we are trying to literally read someone else's mind in a hiring situation and to say that I perceived it, so if you don't hire me, I can sue you.

Why are we doing this? That opens up litigation all over the country on every area, not just on this issue of LGBT rights—on every situation and every hiring because it is very expansive. We probably should slow down and look at that before we open that floodgate in America, but this does not.

Today is about demanding that it passes right away. Interestingly enough, as some of my colleagues have mentioned, the Religious Freedom Restoration Act is wiped away in this and ignored. Interestingly enough, the Supreme Court stated just this week that on this issue, Congress should apply this. Let me read what Justices Ginsburg, Breyer, Sotomayor, and Kagan wrote this week, along with Roberts and Gorsuch. They said this:

Separately, the employers fear that complying with Title VII's requirements in cases like ours may require some employers to violate their religious convictions. We are also deeply concerned with preserving the promise of the free exercise of religion enshrined in our Constitution; that guarantee lies at the heart of our pluralistic society.

They go on to speak of we will have a case dealing with the Religious Freedom Restoration Act. The Equality Act, instead, says: No, never mind, Supreme Court. I know that you are concerned about religious freedoms—Ginsburg, Breyer, Sotomayor, Kagan, Gorsuch, Roberts—but never mind. Congress is not concerned with religious liberty like you are.

Come on. Let's work together. We don't want anyone to be discriminated against—anyone. We can do this in a way that accommodates everyone, and then we can actually work toward agreement.

To say it in the words of J.K. Rowling this past week where she wrote, "All I'm asking—all I want—is for similar empathy, similar understanding, to be extended to the many millions of women whose sole crime is wanting their concerns to be heard without receiving threats and abuse."

Let's work together to get equality. This bill does not do it in this form; therefore, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Oregon.

Mr. MERKLEY. Madam President, I am disappointed that my colleagues have come to the floor to stand in the way of a debate, in this esteemed Chamber, over issues of freedom, issues of opportunity, and issues of equality that affect millions of LGBTQ Americans.

What did we hear in their conversation? My colleague from Utah says there is no chance for debate. Has my colleague forgotten that bringing a bill to the floor brings it to debate? Is that such a lost art in the Senate that my colleague thinks debating a bill on the floor somehow squelches debate? It is a mystery to me how one can make the argument that bringing a bill to the floor kills debate.

My colleague from Oklahoma laments there is no committee action. Well, my colleague might be reminded that for 400 days this party has controlled whether or not there is committee action on this bill; that it is the majority that decides whether a committee addresses the issues before it. Is not 400 days of inaction in committee an argument to have the conversation here as a committee of the whole? Isn't that what we are asking for—a committee of the whole to debate these key issues?

My colleagues have also referred to how somehow this bill affects religious rights, and I am taken back through the history of the conversation and dialogue about equality and opportunity in America, how every time we seek to end discrimination, someone says: But wait—religious rights.

Remember that this was the argument against Black and Brown Americans having equality here in the United States of America because their religion said they are not equal and they shouldn't be let in the door and I should have the right to not let them in the door.

I should have the right to discriminate. Isn't that the conversation we heard around the opportunity for women in America to play a full role in our society, that people had a religious foundation for discriminating between men and women? Well, I tell you that this Nation, although imperfect, was founded on a vision that everyone is created equal and has a full chance to participate.

We have worked over hundreds of years to get toward the goal that every child can thrive in America, no matter their gender, no matter the color of their skin, no matter if they are identified as gay, lesbian, or bisexual, no matter if they are transgender. That is the conversation we should be having here.

I feel the injury of a Senate that is no longer a Senate, where people tremble in their seats over the idea of having a debate. What has happened to this esteemed body that that should be the case?

So let us not rest. For those colleagues across the aisle who have said that the Supreme Court shouldn't have acted this week, that it should be the legislature that acts, and yet come to the floor and don't argue—fail to argue—that we should, in fact, act, isn't that obstruction of the legislative process?

I would encourage my colleagues who say that there are important issues to be considered to go to their leadership and say "Let's get the committee that has this bill, the Equality Act, to start doing its job: Hold the hearings; hold the conversation" because to fail to argue that it should be done in committee while you lament on the floor that the committee hasn't acted is certainly an argument with no integrity.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

UNANIMOUS CONSENT REQUEST—S. 3957

Mr. BOOKER. Madam President, I rise today to discuss the Confederate monuments that are in our hallowed Halls of Congress. I would like to make a live UC request, but preceding that request, I want to make just a few very brief remarks.

The National Statuary Hall, where these Confederate statues are in the Capitol, is intended to honor the highest ideals of our Nation. It is intended to honor the spirit of our country and those who exhibited this spirit with heroism, with courage, and with distinction.

It is a rare honor that every State gets to pick two people, out of the entire history of the country, who so exemplify the values, the spirit, and the honor of America. There are only 100 statues—just 100 statues—two from every State.

Between 1901 and 1931, 12—12—Confederate statues were placed in the National Statuary Hall, that hallowed hall. During the vast majority of that same period, from 1901 through 1929, after a vicious period of voter suppression and violence against African-American voters and a stripping *de facto* of their rights, and often *de jure*, not a single African American served in either of the Congress. In fact, the exact same year the first Confederate statue was placed in the Capitol, 1901, was also the year that the last African-American person would serve in Congress for almost 30 years—almost 70 from just the South.

This is a period that we don't teach enough about in our country. It is a period of untold violence of domestic terrorism, of the rise of the Klan and other White supremacist organizations in which, from the late 1800s to about 1950, literally thousands of Americans—about 4,400 well-documented cases—were lynched in this country.

We cannot separate the Confederate statues from this history and legacy of White supremacy in this country. Indeed, in the vast history of our Nation, those Confederate statues represent 4 years—roughly 4 years—of the Confed-

eracy. The entire history of our country hails as heroes people who took up arms against their own Nation, people who sought to keep and sustain that vile institution of slavery, who led us into the bloodiest war of our country's history, who lost battle after battle until they were defeated soundly. The relics of that 4-plus year period, giving this sacred space to these traders upon our Nation, is not just an assault to the ideals of America as a whole, but they are a painful, insulting, difficult injury being compounded to so many American citizens who understand the very desire to put people who represented 4-plus years of treason, the very desire to put them there in an era of vast terrorism, was yet another attempt at the suppression of some of our citizens in this country.

The continued presence of these statues in the halls is an affront to African Americans and the ideals of our Nation. When we proclaim this not just to be a place of liberty and justice for all, but as we seek to be a more beloved nation, a kinder nation, a nation of equal respect and equal dignity, it is an assault on all of those ideals.

I would like to ask for unanimous consent, but before I do so, I would like to yield to the Democratic leader, CHUCK SCHUMER.

The PRESIDING OFFICER. The Democratic leader.

Mr. SCHUMER. Madam President, first I want to thank my dear friend, the Senator from New Jersey.

Our caucus and the American people are lucky to have him as such a champion, not only for this proposal but for all of his work in recent years on legislation related to police reform, racial justice, and so many other issues.

In a moment, my friend will ask to pass a bill that will do something very simple and, indeed, long overdue: It will remove the statues here in the Capitol of men who would rend this country apart by war in order to strengthen, perpetuate, and extend the vile institution of slavery.

There is a movement in America right now that demands we confront the poison of racism in our country. We must do this in many ways, both substantive and symbolic. This bill is just one of many steps we must take to acknowledge the painful history of America's original sin—slavery—and to clarify for all generations that the men who defended it shall hold no place of honor in our Nation's history books.

States and localities are removing Confederate statues in their public parks and municipal buildings. NASCAR has banned the Confederate flag at its events. We will soon debate renaming military installations after Confederate generals. Why should the Capitol, of all places—a symbol of the Union, a place where every American is supposed to have representation—continue to venerate such ignoble figures?

Opponents of the bill will say that removing these statues is akin to forgetting or trying to erase history. No, it is

not. Remembering history is a lot different than celebrating it.

We teach history in our schools and universities and museums. No doubt, the Civil War will continue to merit study, but statues and memorials are symbols of honor, and we need not reserve them for men who represent such a dishonorable cause.

Leader MCCONNELL has ducked this issue and has said that the States should continue to decide who to send to the Capitol. Candidly, I don't think it would be too imposing to ask our States not to send statues of people who actively fought against this country. You know, there is a reason that Connecticut doesn't send a statue of Benedict Arnold to the Capitol.

We have a lot of work to do to unwind centuries of racial injustice embedded in our laws and in our institutions. One of the simplest things we could do is to haul out the statues of a few old racists who represent the very antithesis of the building in which we now stand and the ideals we struggle to live up to. This, my friends, is the easy part.

Let us pass this bill today and send a message to the American people that we are serious about dismantling institutional racism piece by piece, brick by brick, statue by statue, starting with our own House—the people's House—the Nation's Capitol Building.

I yield again to my colleague.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BOOKER. Madam President, as in legislative session, I ask unanimous consent that the Rules Committee be discharged from further consideration of S. 3957 and that the Senate proceed to its immediate consideration. I further ask that the bill be read a third time and passed and that the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from Missouri.

Mr. BLUNT. Madam President, reserving the right to object, let me say that we just got this bill assigned to the Rules Committee. The bill would have the effect of abandoning agreements we have entered into with the States and the States have entered into with us.

I would certainly like to have some time to decide if we should have a hearing on this. I would like to get the opinion of people who are taking similar statues out of the building. I would also like to find out what other States have in mind as their part of the agreement.

The Democratic leader just said that States and localities are removing these statues. Each of these States would have the right to remove this statue, and some are.

This is an agreement with the States. It goes back to 1864. By 1933, Statuary Hall was full, and Congress, again, authorized this program by saying that

these statues could be placed in the Capitol. It took until about 2000 until there were 100 statues from the States. States are limited to two from each State. With 50 States, there were 100 statues by 2000.

At that point, the Congress passed another law providing a way that the States, for the first time, could take a statue out. Even in 2000, there was no suggestion then or before then that Congress would decide whether the statue that the State wanted to put in could be put into the building.

As a matter of fact, the Presiding Officer's State, Nebraska, just recently replaced Williams Jennings Bryan with Chief Standing Bear under the provisions made to do that.

Congress has been very prescriptive on how this happens. The State would have to pass legislation; the Governor would have to sign it to put a statue in the building; and Congress would determine only if the statue met the requirements that the other statues had been held to. Until now, that has been the congressional part of this agreement with the States to take a statue out of the collection and replace it with another one. My State, Missouri, is replacing Thomas Hart Benton with Harry Truman. The legislature had to agree what statue would go out, what statue would come in, and Congress would then accept that statue if it met the standards.

Again, we can do away with that program. We could do a lot of things. But we have entered into that agreement.

The forts, as an example—and, again, the minority leader mentioned the forts. The forts are named totally by the Congress. I expressed my belief this week and last week that it would be absolutely appropriate, in my view, to review the names that the forts have been named after, including the forts that are named after Confederate military leaders, and change those names. We can do that all on our own. We haven't told North Carolina that a fort has to be named after General Bragg. We haven't told Texas that a fort has to be named after Confederate General Hood. We can change those.

I am very open to looking at that and likely doing that. I just think, for my friend from New Jersey, that this is a more complicated arrangement than activity on the floor today would suggest.

I would also point out that in 2000, since Congress said that you can replace statues with another statue—you have to take a statue out to put a statue in, but you can replace statues, eight of those statues have already been replaced, and eight more are in the process of being replaced. I think four or five of the statues that have been replaced or would be replaced were in the standard of the Confederate statues.

I am encouraged that States are looking at their history, and they are looking at who has come since they put those statues in. Arkansas replaced

Uriah Milton Rose, a Confederate statue, with Daisy Gatson Bates, a civil rights leader. Florida replaced Edmund Kirby-Smith with Mary McLeod Bethune, an educator, a Presidential adviser, and civil rights leader. Arkansas is in the process of replacing one of these statues.

I think that today's action would violate our agreement with the States. I frankly thank my friend from New Jersey for encouraging the Governors, encouraging the speakers of the house to do what they have every right—and the Congress, in fact, in 2000, gave them the right—to do.

The minority leader was the chairman of the committee that determines all of this just a handful of years ago and took no actions to do what the Senate is talking about doing today.

So with that in mind, I object.

The PRESIDING OFFICER. The objection is heard.

Mr. BOOKER. Madam President, if I could just respond—I know how busy my colleague is. He has a well-earned reputation on both sides of this body for his sincerity, for his decency, and for his honor. I take to heart his words that this is often not a good forum in which to try to push a piece of legislation that might have controversy on both sides. I understand his sincere concerns with that.

I guess he also understands the sincerity with which I bring this up: the hurt and the pain that these statues represent in a place where millions of Americans come to the Capitol and see this as their body.

I say to the Senator, because there are complications in this and there are issues we would have to work through as a Senate, I guess the one last appeal to your more senior status and maybe your friendship is this: Will you join me, at least, on a letter to the appropriate committee, asking them to at least have a hearing on this issue so that we could have a full vetting of all of the complexities and have a real discussion on something that is a pressing concern? I note that you know it is a pressing concern because some States are already taking action.

You see this action being taken across various parts of our country. You see this issue being pushed into the national consciousness. You see Republicans and Democrats, from Nikki Haley to my dear friend, the former mayor of New Orleans, Mayor Landrieu—I think it would be just and right that, perhaps, you and I, in a show of bipartisan concern and sincere awareness of the complexity of this issue, could just join—the two of us—in a letter asking the committee to take up this issue in due time so that we can have an appropriate discussion from all perspectives on this issue.

Mr. BLUNT. If I could have the chance to respond here—

Mr. BOOKER. Of course.

Mr. BLUNT. This bill was just assigned to our committee. This is a discussion that, I guess appropriately, we

might have had before I was asked to come to the floor to assert the rights of the committee, to have the opportunity to think about that. I don't know that I want to negotiate that right here. But as I said, and my friend heard just a moment ago, I would like to hear from the States that are replacing statues and I would like to hear from the States that are thinking about replacing statues if this is a problem in the process of, under the current structure, solving itself.

I am glad to have continued discussions about this. I certainly don't impugn my friend's motives. You know, you can question somebody's decision to maybe bring a bill this quickly to the floor without giving us a chance to talk about it, but I have no interest, then, in impugning my friend's motives and understand some of the concerns my friend would have on this topic.

Mr. BOOKER. Thank you, sir.

If I may, I will make a personal appeal for a hearing on these matters. I hope that we can do that in due time. I know the pace at which the Senate often works, but I am grateful for this open dialogue and I know you had to adjust your schedule so I am grateful for your time and generosity.

Thank you.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

DACA

Mr. CORNYN. Madam President, 8 years ago almost to the day, President Obama announced the Deferred Action for Childhood Arrival, otherwise known as DACA. At the time, I remember the conversations a number of us had with President Obama, saying please give us a chance to work this out by passing appropriate legislation in the Congress. He heard those pleas, but in spite of the fact of saying numerous times he did not have the authority to do so, he proceeded to issue a memorandum that gave rise to the DACA program.

Rather than rolling up our sleeves and working together to create lasting immigration policy, President Obama chose to do this through an Executive memorandum. It is that Executive memorandum that has made its way through the courts over the last 8 years and finally to the U.S. Supreme Court.

Unfortunately, this is the bitter fruit of what President Obama did when he attempted to usurp Congress in a way to provide certainty and comfort to hundreds of thousands of young people—a goal that we all share—but to do so in a way that ultimately created more harm. It sent them on a years' long tumultuous journey, which is not over with the Supreme Court decision today. Basically, what the Supreme Court said was, under the Administrative Procedure Act, he didn't do it the right way, so go back and try it again and get it right this time.

Well, I think these young people deserve better. The debate over President

Obama's authority has held these individuals hostage, leaving them wondering if they might ultimately be deported to a country they have no memory of and forced to leave their families, their jobs, and the opportunities they have worked so hard to build here in the United States behind.

Make no mistake about it, today the Supreme Court ruled that the Department of Homeland Security didn't follow the proper procedures to rescind the DACA program and thus allowed the program to continue for now, but this is just a temporary measure. DACA recipients must have a permanent legislative solution. They deserve nothing less. These young men and women have done nothing wrong. They came to the United States as children, and in America, we don't hold children responsible for the mistakes of their parents, in this case, the mistake of not going through the legal immigration process. So these kids—young people, I should say—are innocent.

Texas is home to more than 100,000 DACA recipients who are a vital part of our communities. They have grown up with our kids, attended the same churches, shopped at the same stores, and defended our freedoms in the U.S. military. Many of these young people are in their 30s now with careers, families, plans, hopes and dreams of their own.

So the uncertainty about their status and what will happen to them is no less terrifying for them than it would be for any of us. It is simply unfair for these young people who, again, through no fault of their own, find themselves in this situation to rely solely on an Executive memorandum instead of a law passed by Congress. I believed that when President Obama rejected our request to work with Congress and come up with a permanent solution, and I believe it now.

I believe the Supreme Court has thrust upon us a unique moment and an opportunity. We need to take action and pass legislation that will unequivocally allow these young men and women to stay in the only home in the only country they have ever known.

In the past, I have supported a number of bills that would have allowed these individuals to remain in the United States without the fear of a court decision hanging in the balance, but each time, partisan disagreements have prevented us from turning anything into law. When it comes to immigration laws, Congress, on a bipartisan basis, never fails to fail.

Well, I hope we can all agree, given this opportunity, that it is not time for politics as usual, but it is time to provide some certainty, some compassion, some support for these young men and women. After years of being yanked around from courtroom to courtroom, these young men and women deserve that certainty. They deserve to know that, when they apply to college, grow up with their families, live their lives, and do all the things everybody else

wants to do, that they can do so without a dark cloud hanging over their plans. But, as usual, in order to come up with any solution, it is going to take buy-in from the Senate, House, and White House.

I have been having conversations for years about this topic, but most recently, I have been having conversations about the most efficient and effective way to protect these young people in the long-term, and I am willing to work with anyone, Republican or Democrat, who is interested in solving the problem—not grandstanding, not posturing, not acting like you care when you really don't, elevating politics over a solution. I am not interested in that. If anyone is interested in solving the problem and providing support for these young people, I am all in.

Over the years, I have engaged with the Texas Hispanic Chambers of Commerce, LULAC, Catholic bishops, and a number of other individuals and organizations that share my commitment to providing certainty for these young people. I hope we can come together and help them. These folks want nothing more than to continue to be part of the American dream. I hope we can deliver.

JUNETEENTH

Madam President, on another matter. One of the most defining days in our Nation's history was when President Lincoln issued the Emancipation Proclamation on January 1, 1863, finally freeing all slaves in Confederate territory, but slaves in Texas wouldn't learn this life-altering news for 2½ years.

I know it is hard for us to understand. Now, we can tweet and communicate instantaneously, but it took 2½ years for slaves in the South to learn that they were free. That day came on a day we now celebrate as Juneteenth. That was the day that Major General Gordon Granger and the Union troops arrived in Galveston, TX, and shared the news to formerly enslaved people that they were now free. These free men and women set out to spread this news, with many traveling toward Houston, and eventually reaching more than 250,000 slaves throughout Texas.

As we do every year, tomorrow, Texans will celebrate Juneteenth and the 155th anniversary of the end of slavery in our State. It is an opportunity to reflect on our history, the mistakes we have made, but yet how far we have come in the fight for equality and a reminder of just how far we still have to go. That is especially true this year.

Over the last several weeks, Americans of all races, backgrounds, and of all ages have raised their voices in the fight against inequality and injustice that continues to exist in our society, especially those in our criminal justice system. As the list of Black men and women killed by police officers in custody grows, the calls for action are getting louder and louder, as they must and as they should. There is a clear and urgent need for leaders at every level

to come together and to deliver the change that we need to deliver in order to match up with our ideals.

I and others have said before, slavery was the original sin of the United States of America. We said: We hold these truths to be self-evident, that all men are created equal and at the same time embraced a system that didn't acknowledge African Americans as being fully human. That was a sin. We have been paying a bitter price throughout our Nation's history. While we have come a long way, we know there is more we need to do.

JUSTICE ACT

In the context of police reforms, our friend Senator TM SCOTT from South Carolina has introduced a bill which I have cosponsored, as have many other Members of the Senate. It is called the JUSTICE Act, and it will reform our police departments to provide much-needed transparency and accountability. It takes aim at a number of practices and policies that have led to a number of tragic deaths, that have united these nationwide protests and captured our conscience.

To prevent these tragedies from happening in the first place, this bill emphasizes things such as deescalation training. As I looked at the video of the two police officers in Atlanta, waking up somebody asleep in a fast-food line, then interrogating him for 45 minutes before it then broke out into a violent confrontation, I thought they could have used some deescalation training. Maybe, just maybe, a life would have been saved. Maybe they would have said: Give us your car keys, take a cab, go home, and sleep it off. But that is not what happened.

We also need training for police officers that otherwise haven't had that training or don't know to know when they need to intervene when they see another officer exert excessive force. We need more transparency—things like body cameras—and we need more information on things like use of force and no-knock warrants so that we can hopefully come up with a set of best practices that police departments all across the country should employ.

To gain a better understanding of the problems that exist throughout our criminal justice system—and this is just one of them—the bill establishes two commissions, one to perform a top-to-bottom review of our criminal justice system and another to study the challenges facing Black men and boys.

This legislation would also make lynching a Federal crime, it takes aim at the dangerous practice of choke holds, and it strengthens minority hiring. I could go on and on, but I believe these changes have the potential to create real and lasting change in America's police departments and begin to repair the broken relationship between law enforcement and the communities they serve.

Beyond the merits of the bill itself, there is another quality worth noting, and that is it includes a number of

measures that have bipartisan support. In other words, there is a lot of overlap between what Democrats want to do and what Republicans want to do. We have to just learn how to take yes for an answer.

We all want to get 100 percent of what we want, but as a practical matter, you need to follow the 80/20 rule sometimes. That is, if you can get 80 percent of what you want, that Republicans and Democrats can agree on, then you need to grab it. That is what we need to do here, not focus on the differences, but focus on the commonality, on the overlap.

By the way, when I first got to the Senate, Teddy Kennedy was one of the great liberal lions here. I asked one of my conservative colleagues, the senior Senator from Wyoming who worked very productively with him, how they did it, one of the most liberal Members of the Senate, one of the most conservative Members of the Senate. Senator ENZI, our friend from Wyoming, said: It is easy. It is the 80/20 rule.

That is how they were so productive. That is how they got so much done. They didn't focus on what separated them; they focused on what they shared in common, and that is what we need to do particularly now at this time to demonstrate to America that we hear you, we understand the reason for the protests. We understand the reason for concern, and we share your anguish when innocent lives are lost.

Madam President, as we prepare to debate the JUSTICE Act on the floor next week, finding that common ground is more important than ever, but I am worried that the same old partisan dysfunction which hijacks so many good ideas here in the Congress may dominate over our need to actually pass legislation.

I hope our colleagues on the other side of the aisle will allow us to get on the bill, and hopefully, we will have an amendment process that will allow them to contribute, maybe even make the bill better. That is what we should do. That is what we used to do in the Senate. We had debates, we offered amendments, and then we voted.

We didn't shut it down before we even got it started, which is what I know—at least based on press reports—Senator SCHUMER, Senator HARRIS, and others are considering doing, voting no and not allowing us to get on the bill in the first place.

Well, this is an important moment. We will begin debating this legislation on the floor of the Senate next week, and we will demonstrate whether we have risen to the challenge, whether we have set aside political and partisan differences in order to find the common good or not, so I hope our discussions will prove more productive than what we have seen reported so far.

As we continue to try our best to deliver for the American people, I encourage all of us to remember the importance of the 80/20 rule. There is a lot more that unites us than divides us. I

know the news, social media, and maybe in our debates we seem to focus on who divides us, but that is not who we are, what divides us. We are what unites us. There is a lot more that unites us.

Tomorrow, I will be privileged to be in the city of my birth, Houston, TX, with Mayor Sylvester Turner and a number of community leaders for a roundtable to talk about these very issues. I was in Dallas last week doing the same thing with my friend, the mayor, Eric Johnson, and it really a great opportunity to do something that Members of the Senate don't do enough, myself included, and that is to listen.

I am excited to report on what we are doing here, but more importantly, I am eager to spend some time listening and learning from the people closest to the problem and then bringing that knowledge back here to the floor of the U.S. Senate so that we can deliver real results for the American people.

UNANIMOUS CONSENT AGREEMENT

Madam President, I ask unanimous consent that it be in order for Senators GRASSLEY, PORTMAN, BROWN, and CRUZ to be recognized and complete their remarks prior to the confirmation vote on the Walker nomination.

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

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

Mr. GRASSLEY. Mr. President, I ask unanimous consent that additional material be printed in the RECORD after my remarks.

INSPECTORS GENERAL

Mr. GRASSLEY. In recent months, a lot of attention has focused on the Nation's inspectors general. It seems like a good idea to take a few minutes now to remember what inspectors general are, why Congress created them in the first place, and how we got here.

Congress first established offices of inspectors general in 1978 "to create independent and objective units" in the Federal Government to do three things: conduct audits and investigations; No. 2, promote efficiency and determine fraud and abuse; and No. 3, keep agency heads and Congress "fully informed" about the problems that IGs find.

In short, Congress designed inspectors general to shine a bright light on waste, fraud, and abuse throughout the Federal bureaucracy with the hope that the executive and legislative branches could work together to do something about those problems.

IGs, then, are the original swamp drainers, and—an equally important point for those who weren't around at the time it was created—the support for creating these offices was breathtakingly bipartisan. The vote in the House of Representatives where I was then a Member was 388 to 6. Now, more than 40 years later, we have 75 offices of inspectors general working to stop fraud and abuse.

Their actions also save the taxpayers billions of dollars. In 2020 so far, IGs

have identified more than \$20 billion of potential savings through their audits, reports, and recommendations—\$20 billion—and this year is not even half over. On oversight.gov, you can find the latest figures on these watchdogs' contributions, as well as investigative and audit reports on every kind of topic you can think of. IGs have found everything from blatant government employee misconduct to procurement fraud and, of course, much more. It is all there in black and white in the public domain for all to see. These inspectors general are helping Congress watch over the people's business and ensure the fidelity of agency action.

We in Congress cannot perform our constitutional mandates of oversight without IGs. The IGs' work makes government more transparent and more accountable, and that strengthens the public trust in our democracy. That is a good thing for Congress and a good thing for the Presidency. In this way, these watchdogs serve an indispensable function in our system of checks and balances.

What makes a good inspector general? If I learned anything about oversight, it is that this type of work is not for the faint-hearted or the thin-skinned or the thick-headed. You need a strong code of professionalism to withstand pressures to go along to get along. You need a real backbone to wring wrongdoing from the bowels of bureaucracy, and you need a quick wit to look on smiling faces and discern truths from half-truths and bald-faced lies.

The law says IGs are supposed to be objective and independent. They have to be fierce watchdogs, not lap dogs. They can't bow to personal agenda or political machinations, and they shouldn't be subject to inappropriate political pressure from any corner whatsoever.

When IGs are working hard, staying independent, and shining the light on waste, fraud, and abuse, they should stay. But when they don't put in the work, when they pull the punches, when they become political hacks, or when they compromise their vital independence, then IGs must go.

For many years, I have investigated and held accountable IGs from both Democratic and Republican administrations for these very failures. In 2003, I pushed the Health and Human Services IG to resign over whistleblower complaints about poor staff management. I also investigated allegations of poor work product, coercive management decisions, and questionable hiring practices by the watchdog at the Federal Housing Finance Agency. Just last year, I began pushing hard to get to the bottom of whistleblower complaints about another apparently ineffective Commerce IG, although the media at that time didn't seem to care about that despite bipartisan concerns and briefings from my staff.

Alternatively, when IGs come under fire for doing good work, this Senator

has their backs. In 2009, I shined a light on a sudden departure of the Amtrak IG, who signed a gag order in exchange for significant payout.

When the Obama administration blocked a broad swath of the IG community from assessing records needed for oversight, I worked across the aisle to introduce and finally pass the Inspector General Empowerment Act in 2016.

In short, I have gone to the mat my whole career to ensure inspectors general do and are able to accomplish their work with support, independence, and integrity. And because this work is so critical to Congress and our oversight role and to the public trust, I have worked hard to ensure that any effort to remove an IG is for a darn good reason. That is what Congress required in the IG Reform Act of 2008, a law that then-Senator Obama not only voted for, but he cosponsored.

That law recognizes two things. First, it is the President's constitutional prerogative to manage the executive branch personnel. The President can fire an IG. Second, it is Congress's intent in that law to support IG independence and maintain public trust. IGs should not be removed for blatant political reasons. This requires that Presidents tell Congress and the people their reasons for removal of an IG.

The IG Reform Act codified those principles by requiring the President to submit to Congress a notice of intent to remove an IG 30 days in advance and to explain why. The executive branch, under two successive Presidencies of both political parties, has sought to ignore the law and keep Congress in the dark. Both Presidents provided Congress then with paltry excuses of "lost confidence."

In July 2009, less than a year after Congress passed the IG Reform Act, then-President Obama removed the inspector general for the Corporation for National and Community Service, Gerald Walpin, from his post and placed him on administrative leave. Obama's White House informed Congress merely that President Obama had lost confidence in Mr. Walpin.

My colleagues and I made it very clear that a vague reference to "loss of confidence" was insufficient and did not satisfy the requirements of the very law that President Obama voted for and cosponsored when he was a Senator. This began a bout of negotiations that resulted in the hold of Presidential nominees and, eventually, a bicameral congressional investigation.

In that case, I pushed for compliance with the statute, held up nominees to obtain information, and disagreed with the stated reasons for Mr. Walpin's removal. Mr. Walpin was never reinstated. In Mr. Walpin's case, a Federal court found later that despite a clear congressional record to the contrary, the law doesn't require more than what President Obama gave us in any other greater detail beyond its "minimal statutory mandate" to justify the removal of Mr. Walpin.

Fast forward to the last several months when the current President followed the court's incorrect ruling and the Obama precedent by removing two Senate-confirmed IGs, placing them on administrative leave and telling Congress only, as Obama once did before, that he had lost confidence in them.

In response, I did exactly what I had done before in the Obama administration. I, and several colleagues, wrote asking for a better explanation. When we finally got a response from the White House Counsel, we were left without substantive reasons for the IG's removal.

So, as before, I notified the majority leader of my intent to object to the two administrative nominees until the White House coughed up some form of rationale for the removal. I finally got those reasons this week. I don't agree with all of them, and I am working to better understand others, but because the President has finally fulfilled the law, both Congress and the public can look to see for themselves what happened.

This, of course, was the intent of the law all along.

We took the long road to get here, and we could have avoided all this hullabaloo if both Presidents Obama and Trump had just followed the statutory notice requirements in the first place, but we are here.

These episodes have convinced me that the executive branch, regardless of what party is in charge, just doesn't get it. From one administration to the next, Democrat or Republican, it makes no difference to me. This isn't about politics. This is about the separation of powers, checks and balances, public trust. It is clear that Congress can't rely on any White House to get it right.

We need to change the law. We need to be clearer, and we need to better safeguard the independence of these IGs. That is why I have been developing bipartisan reforms to sharpen the independent authority and recruitment of those hired and confirmed to serve as inspectors general.

We are not going to enact a clearly unconstitutional law that infringes on the President's authority to manage personnel and that would surely result in lengthy court battles. But we are going to clarify once and for all that the law's notice requirement means that Presidents have to give clear, substantive reasons for removing an IG and that they can't put an IG on administrative leave without a good reason.

To fully safeguard statutorily required IG independence, we are also going to make sure that the President cannot place political appointees with clear conflicts of interest into acting IG roles. We can't have individuals with political day jobs simultaneously in charge of confidential, independent IG matters, including substantive and sensitive audits, investigative work, and whistleblower information.

Today, I have introduced that legislation with my colleagues Senators PETERS, COLLINS, FEINSTEIN, LANKFORD, CARPER, ROMNEY, TESTER, PORTMAN, and HASSAN. I want to thank Ranking Member PETERS for working with me on this. His input has been insightful in crafting this bipartisan legislation, and his staff has been diligent in furthering these efforts.

Whether you have been following the important work of inspectors general for many years or you just tuned in for the last few, we welcome your support. I hope that support continues well past the current administration. If we don't update the law, we can only expect future administrations to continue to do what has been done lately, not giving Congress good reasons.

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

THE WHITE HOUSE,
Washington, June 12, 2020.

Hon. CHARLES E. GRASSLEY,
Chairman, Committee on Finance,
U.S. Senate, Washington, DC.

DEAR CHAIRMAN GRASSLEY: I write to follow up on our recent conversation regarding the removal of the Inspectors General of the Department of State and of the Intelligence Community. As a further accommodation, we are providing the additional information you requested.

With respect to the State Department Inspector General, please see the attached letter sent to you today from the Department's Assistant Secretary for Legislative Affairs. The letter includes materials that identify the concerns of the Secretary of State and the Under Secretary for Management with the Inspector General's performance. As to the removal of the Inspector General of the Intelligence Community, the President lost confidence in him and has spoken publicly about this loss of confidence, including on the day after the President notified Congress of his decision.

As you have stated, the President has the constitutional authority to remove inspectors general. As a matter of accommodation and presidential prerogative, the President complied fully with the statutory notification provision of the Inspector General Act.

As I said in my previous letter, the President appreciates and respects your long-standing support for the role that inspectors general play. We look forward to the Senate's swift confirmation of all of the President's outstanding inspector general nominees.

Sincerely,

PAT A. CIPOLLONE,
Counsel to the President.

The following excerpt from an official White House transcript entitled "Remarks by President Trump, Vice President PENCE, and members of the Coronavirus Task Force in Press Briefing." The briefing was held on April 4, 2020 in the James S. Brady Press Room of the White House at 4:15 p.m. EDT.

The full transcript can be found at: <https://www.grassley.senate.gov/sites/default/files/2020-0906-12%20White%20House%20Counsel%20to%20Grassley%20-%20IC%20IG%20and%20State%20IG.pdf>

THE PRESIDENT: Think of it: We're paying people not to go to work. How about that? How does that play?

Q: I understand that.

THE PRESIDENT: And they want to go to work, by the way. They don't even want—they don't want money. This country is

great. But we're paying people. We have to get back to work. That's what I'm saying.

Go ahead, please.

Q: Mr. President, this is off topic. It's about the announcement from last night. It's a yes or no question, but not that we expect the answer to be yes or no.

But wasn't Michael Atkinson doing the job of the Inspector General of the intelligence community, the job he was supposed to do, when he simply took the whistleblower complaint to Congress that hadn't been taken previously? Wasn't he doing the job that he was supposed to do, that American taxpayers were paying him to do? And why did you decide to terminate—

THE PRESIDENT: I thought he did a terrible job. Absolutely terrible. He took a whistleblower report, which turned out to be a fake report—it was fake. It was totally wrong. It was about my conversation with the President of Ukraine. He took a fake report and he brought it to Congress, with an emergency. Okay? Not a big Trump fan—that, I can tell you.

Instead of saying—and we offered this to him: “No, no, we will take the conversation”—where, fortunately, we had that transcript. If we didn't have a transcript with the kind of deception and dishonesty that were practiced by the Democrats, I might not be standing here right now. Okay? Fortunately, we had a transcript and it was a perfect transcript, because even the lieutenant colonel admitted it was correct. Okay?

Wait a minute. Wait a minute. You asked a question.

So he took this whistleblower—and I keep saying, “Where's the whistleblower?” Right? “And why was the whistleblower allowed to do this?” Why was he allowed to be—you call it fraudulent or incorrect transcript.

So we offered this IG—I don't know him; I don't think I ever met him. I don't think I—he never even came in to see me. How can you do that without seeing the person? Never came in to see me. Never requested to see me. He took this terrible, inaccurate whistleblower report—right?—and he brought it to Congress.

We offered to have him see my exact conversation. It was all about the conversation, by the way. That was the whole thing, was about the conversation. Right? And then after he saw it, he must've said, “Wow,” because as I've said it many times and it drives you people crazy, it was a perfect conversation.

So instead of going and saying, “Gee, this is a terrible thing he said about the President's conversation”—well, it was a fraud. I didn't say that. And, by the way, you have the whistleblower. Where's the informer? Right?

And here's another question: Remember before I did the—before I gave the transcript—in other words, before I revealed the real conversation—where's the second whistleblower? Remember the second whistle—

Wait, wait, wait, wait. There was going to be a second whistleblower. But after I gave the conversation, he just went away. He miraculously went away.

Where's the informer? Because there was going to be this informer. Maybe Schiff was the informer. You ever think of that? He's a corrupt guy. He's a corrupt politician.

So, listen, I say this: Where's the informer? Remember, the informer was coming forward. But I gave—because, see, I did one thing that surprised everybody. This gentleman right here said, “Boy, that was a shocker.” I revealed the conversation. I got approval from Ukraine because I didn't want to do it without their approval. And they said, “Absolutely. You did nothing wrong.”

By the way, President of Ukraine, Foreign Minister said, “He did nothing wrong.” And

over that, with 196 to nothing vote by the Republicans—not one dissenting Republican vote—dishonest Democrats impeached a President of the United States. That man is a disgrace to IGs.

All right, let's go. Next. Please. He's a total disgrace.

Q: Mr. President, did you run by your decision to dismiss the Inspector General by Senator McConnell?

THE PRESIDENT: Okay, we'll get off this because people want to talk about what we're talking about. But let me just tell you something: That's my decision. I have the absolute right. Even the fake news last night said, “He has the absolute right to do it.”

But ask him, “Why didn't you go and see the actual conversation?” There was no rush. He said, “Oh we'd have to rush it.” He even said it was politically biased. He actually said that. The report could have been—you know who the whistleblower is, and so do you and so does everybody in this room, and so do I. Everybody knows. But they give this whistleblower a status that he doesn't deserve. He's a fake whistleblower. And, frankly, somebody ought to sue his ass off.

Q: I just want to follow up, sir.

THE PRESIDENT: All right, it's enough with the whistleblower.

Go ahead, please.

Q: Mr. President, the governor of New York today said that he is still desperate for ventilators and that he has accepted 1,000 of them from the Chinese government. Are you concerned that states—

THE PRESIDENT: Well, what he didn't say is—okay, let me tell you what he didn't say.

Two very good friends of mine brought him those whistleblower—brought him those ventilators, right? Two very good friends of mine—they brought them. If you'd like their name, I'll give you their name.

Q: But should states and cities have to rely on—

THE PRESIDENT: No, but he—the governor didn't—

Q: —China and Russia for supplies?

THE PRESIDENT: —mention that. It came through the Chinese—the country of China. But they were given by two friends of mine, but he didn't tell you that.

Now, the governor also—

Q: Who are your friends?

THE PRESIDENT: You'll see when you read the letter.

The governor also asked for 40,000—40,000. He wanted 40,000 ventilators.

Now, the governor, as you know, had a chance to get 16,000 a few years ago. He decided not to get that. The State of New York has asked for help. I've given him four hospitals, four medical centers. Then I gave him an additional hospital. Then I gave him military people to operate the hospital. They were not supposed to be COVID hospitals. The boat—the ship is not—an interesting thing happened with the ship. People aren't in accidents because there's nobody driving. There's nobody taking motorcycle rides down the West Side Highway at 100 miles an hour. People are away. So people aren't being injured.

Now they're asking whether or not we could open up the ship for COVID. We have given the governor of New York more than anybody has ever been given in a long time. I'll just say—I was going to say “in history,” but in a long time. And I think he's happy.

But I think that—because I watched what he said today, and it was fine. I wouldn't say gracious. It wasn't gracious. It was okay. I must tell you, Gavin Newsom has been gracious—Los Angeles, California, the job we've done, and all of California.

Q: But why does that matter if they're gracious or not gracious if they need the supplies?

THE PRESIDENT: It doesn't matter. It doesn't matter. But I think when we've given as much as we've given to New York, somebody should say—

Nice—I'll tell you who's been very nice: Mayor de Blasio has been very nice. He understands what we've given him. We brought him some more ventilators, too, yesterday.

But nobody has been given like New York. And I think—I know he appreciates it. He just can't quite get the words out, but that's okay.

Q: So when he says—but when he says that he needs 40,000—

Q: Mr. President—

THE PRESIDENT: Please, go ahead.

THE FIRST AMENDMENT

Mr. GRASSLEY. Mr. President, in 3 weeks, America will celebrate Independence Day. For 244 years, Americans have fought, marched, voted, petitioned, legislated, published, protested, and died to defend and build our blessings of freedom. The American experiment has plenty of battle scars and growing pains handed down from one generation to the next.

The first half of 2020 shows us there are plenty of historical wounds to heal and challenges to overcome.

In the interest of public health, stay-at-home orders limited individual freedoms that many Americans take for granted, including the right to earn a living or to worship with fellow believers.

Just as the economy began to reopen, the shadows of racial injustice darkened America's doorstep. All people are created equal, but not all people are treated equally.

The unconscionable suffocation of George Floyd at the knee of a police officer in Minneapolis struck a chord of unity to end racism in America. Hundreds of thousands of people have gathered to exercise their First Amendment rights. They march to protect racial injustice and police brutality.

Unfortunately, some exploited the peaceful protests to riot, loot, vandalize, and burn. These criminal acts were not protected by the Constitution. It is obvious they weren't protected. They were antithetical to the laws of the land protecting life, liberty, and domestic tranquility.

All of this led one of my colleagues, the junior Senator from Arkansas, to submit an essay to the New York Times. In his opinion piece, he advocated why he thought the President ought to use his authority to deploy Active-Duty military forces to uphold the law and public order, as had been done by Presidents in past instances of civil unrest.

The Times op-ed pages accepted his column and published it online under the headline: “Bring in the Troops.”

Within hours, the newsroom was in a frenzy. The leftwing rallied their troops to stop the press. The New York Times, as we know, prides itself as the “paper of record.”

Since 1851, it has served as an influential platform to gather and report the news and to hold government accountable. Policemen keep the public peace. Journalists are the policemen of

our political system to keep the political system honest and open and transparent.

The New York Times opinion pages ostensibly provide a space for the free exchange of ideas and thought-filled conversation on issues of the day. I have long counted journalists as the constables of the fourth estate. They serve a very vital role in bolstering our system of checks and balances. They have a responsibility to set the tone for open dialogue.

Last week, the New York Times flunked this standard. The Gray Lady ghosted Senator COTTON's opinion piece after a meltdown in its ivory tower and when the ivory tower workforce hyperventilated.

It is certainly reasonable to disagree on the merits and to debate if recent events rise to the level of past riots that justified invoking the Insurrection Act.

I certainly think we should be hesitant to deploy our military forces domestically, even in difficult situations.

But the overheated reaction by alleged journalists even to have this debate raises the question, Do they consider themselves neutral reporters or activists for a certain world view?

Even a casual reader is able to read between the lines and know that the New York Times ascribes to a left-leaning ideology, but the mutiny in their newsroom seems to cross the line from journalism with a leftwing bias to political activism and ideological conformity.

Sadly, last week the New York Times lowered the bar of journalistic integrity. It snubbed a voice of dissent and rebuked the free exchange of ideas.

The First Amendment protects five fundamental freedoms that sets America apart as the leader of the free world: freedom of religion, speech, press, assembly, and the right to petition the government.

The Constitution does so because the expression of diverse opinions is necessary to preserve liberty.

Within 4 days of publishing Senator COTTON's commentary, the New York Times caved to an ideological revolt in the newsroom.

Under mob rule, the casualty among its ranks was none other than the editorial page editor. He was forced out of his job for having the audacity to publish an opinion of a U.S. Senator.

At first, the publisher made a feeble effort to stand on principle, defending, in his words, "openness and a range of opinions." Within a few days, the publisher threw James Bennet under the bus.

It is a sad day for journalism, a sad day for the free press. These actions damage the wall dividing the newsroom and the opinion desk. They solidified their silo of leftwing thought. Canceling dissenting views is a very slippery slope. Sooner or later, it mutes the exchange of ideas in a free society.

As a student of history, I know that freedom has often been threatened by

those who are convinced their views were on the right side of history.

I offer a bit of wisdom without malice to the New York Times: Don't back down from the First Amendment. Swapping your free press for party-line propaganda and punishing dissent is not a good look. Ask the people of North Korea, China, and Iran.

On Independence Day 2020, I encourage members of the media and all Americans to step out of your comfort zones and seek to understand other viewpoints.

Before we can expand America's promise, end racism, and beat the virus, we must come together as Americans. No matter one's race, politics, creed, wealth, celebrity, remember, we are bound together by self-evident truths "that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness."

I want even a leftwing newspaper to be a responsible policeman for our political system.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Before Senator PORTMAN and I do our unanimous consent, I just can't believe what I heard.

Senator GRASSLEY, going to the floor and talking about the media that way, when his majority—they owe their majority to Rush Limbaugh and FOX News, and they swear allegiance to a President of the United States who has lied thousands of times and then attacks the media every time they disagree with him or call him out, attacks the media as fake news, is just shocking to me.

The PRESIDING OFFICER. The Senator from Ohio.

COMMEMORATING OTTO FREDERICK WARMBIER AND CONDEMNING THE NORTH KOREAN REGIME FOR THEIR CONTINUED HUMAN RIGHTS ABUSES

Mr. PORTMAN. Mr. President, today I rise to ask unanimous consent to pass S. Res. 623, which is a resolution commemorating Otto Fredrick Warmbier and condemning the North Korean regime for their continued human rights abuses.

Otto Warmbier was a native of my hometown of Cincinnati, OH. He was also a young man of great spirit, intellect, and promise.

He attended the University of Virginia, and in 2015, he flew to North Korea on a cultural trip. He went with a tour group.

At the end of his brief visit there, he was unjustly arrested by North Korean security officials at the airport, as he was departing, and he was imprisoned for 17 months on trumped-up charges relating to a political poster.

During his captivity, he was badly mistreated and was returned to the United States on June 13, 2017, only

after falling into a comatose state. He never recovered. Otto died on June 19, 2017—6 days later and 3 years ago tomorrow.

Senator BROWN from Ohio and I have introduced this resolution to remember what happened to him, to keep the memory of Otto, alive, and to hold the North Korean regime accountable for their gross mistreatment, their human rights abuses. Many others, in addition to Otto Warmbier, have been subject to those human rights abuses, including the North Korean people, whom they continue to repress, even starve and mistreat.

Our resolution calls for the United States to continue to use our voice, including at the United Nations and other forums, to speak out against the human rights abuses of the North Korean Government.

It calls for the sanctions enacted under the Otto Warmbier North Korea Nuclear Sanctions and Enforcement Act of 2019 to remain fully implemented.

Most importantly, this resolution honors and remembers Otto Warmbier, lest we forget what the North Korean dictatorship did to him.

His parents, Fred and Cindy, have channeled their grief into constructive efforts to expose the human rights abuses of the North Korean dictatorship, and I commend them for that. No parent should have to endure what they have gone through.

Jane and I plan to visit with them at their home in Cincinnati tomorrow on the third anniversary of Otto's death, and I hope to be able to hand them a copy of this resolution and to be able to say that the entire U.S. Senate voted to approve it.

This resolution is the right thing to do, and I encourage my colleagues on both sides of the aisle to pass it by unanimous consent.

I yield the floor to my colleague from Ohio.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Mr. President, I want to thank my friend Senator PORTMAN and the rest of my colleagues who have been steadfast in their memory and remembrance of Otto Warmbier, a young Ohioan, as Rob said, whose life was cut short by the North Korean regime's awful human rights abuses.

I take this moment to recognize—I never knew Otto, but I have gotten to know his parents and his family, and I especially thank Cindy and Fred for their advocacy in memory of their son and turning their grief into something so positive for the country and for the world.

Last year, we worked together on sanctions legislation to send a clear bipartisan signal that the United States is serious about maintaining strong economic and diplomatic pressure on North Korea to give up its nuclear weapons and to stop its human rights abuses.

Those abuses took the life of Otto Warmbier. We must continue to shine a