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## Senate

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. GRASSLEY).

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, our hearts are steadfast toward You. Lead us safely to the refuge of Your choosing, for You desire to give us a future and a hope.

Lord, provide us with grateful hearts to appreciate Your mercies that are new each day. Today, give our Senators the power to do Your will as they realize more fully that they are servants of Heaven and stewards of Your mysteries. Give them perspectives on their daily tasks and every decision they must make. Remind them that people usually don't care how much You know until they know how much You care.

May faithfulness to You become the litmus test by which our lawmakers evaluate each action.

We pray in Your powerful Name. Amen.

### PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

The PRESIDING OFFICER (Mrs. HYDE-SMITH). The Senator from Iowa.

Mr. GRASSLEY. Madam President, I ask unanimous consent to address the Senate for 1 minute in morning business.

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

### IOWA GRADUATIONS

Mr. GRASSLEY. Madam President, once again, I am proud to come to tell you something about the history of

Iowa, and I do this during a hectic time of the COVID-19 crisis. That crisis has had, for American educational systems, quite an impact. So, at this time, it is important to highlight some successes.

The 2018-2019 school year saw the highest 4-year graduation rate in Iowa's history, and that percentage was at 91.6 percent. In 2017, Iowa had the highest graduation rate in the entire country, and with this achievement, we appear ready to do it again.

During my time representing Iowa in the U.S. Senate, I had been in many of our State's classrooms and have seen firsthand the dedication of Iowa's educators. I congratulate all of those involved with Iowa schools on their fantastic work and congratulate them for doing it at all times, even over the past few months, in particular, because of all the situations they have run into because of the virus pandemic.

I yield the floor.

### RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

### ISSUES FACING AMERICA

Mr. MCCONNELL. Madam President, the Senate has been confronting issues of historic importance on the homefront.

Just since March, we sent historic resources to the healthcare fight against COVID-19 on an overwhelming bipartisan basis. We passed the largest rescue package in American history on a bipartisan basis. We just passed a generational bill for our public lands, also on a bipartisan basis.

Yesterday, the junior Senator from South Carolina introduced a major proposal to reform policing and promote racial justice. If our colleagues across the aisle can put politics aside and join us in a real discussion, then on this issue, too, we should be able to make law on a bipartisan basis.

The Senate has led and is leading the way toward serious solutions. At the same time, developments around the world continue to remind us that the safety and interests of the American people are also threatened from beyond our shores. Just 2 weeks ago, I explained how the Chinese Communist Party has used the pandemic they helped worsen as a smokescreen for ratcheting up their oppression in Hong Kong and advancing their control and influence throughout the region. It hasn't stopped.

At sea, they have stepped up their menacing of Japan near the Senkaku Islands. In the skies, Chinese jets have intruded into Taiwanese airspace four separate times in a matter of days. On land, for the sake of grabbing territory, the PLA appears to have instigated the worst violent clash between China and India since those nations went to war way back in 1962.

Needless to say, the rest of the world has watched with grave concern this violent exchange between two nuclear states. We are encouraging deescalation and hoping for peace. The world could not have received a clearer reminder that the PRC is dead set on brutalizing people within their own borders—challenging and remaking the international order anew in their image, to include literally redrawing world maps. Of course, this is not exactly breaking news to any of us who have been paying attention.

Earlier this year, the Senate passed legislation to give the administration new tools to directly punish the CCP for its egregious—egregious treatment of the Uighur people and the modern-day gulags it has constructed there in the Xinjiang Province. The President signed it into law yesterday.

Going back to the United States-Hong Kong Policy Act, which I wrote back in 1992, the Senate has maintained a keen interest in the freedom and autonomy of our friends in that city. Unfortunately, Beijing has continued to tighten its grip there as well.

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



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More and more Hongkongers find themselves facing an agonizing decision: Can they remain in the city they love or must they flee elsewhere if they want their children to grow up free?

As I have said often, every nation that cares about democracy and stability has a stake in ensuring that Beijing's actions in Hong Kong carry consequences. I encourage the administration to use the tools Congress has given it and to work with like-minded nations to impose those costs, but punishing the PRC cannot be our only priority. We also need to actively help the people of Hong Kong.

Led by Prime Minister Boris Johnson, the United Kingdom says they are preparing to offer visas to potentially millions of Hongkongers. In addition to funding democracy programming and supporting legal assistance, we must also consider ways to welcome Hongkongers and other Chinese dissidents to America.

Chinese Americans have formed part of the backbone of our Nation for about two centuries. Against headwinds of racial prejudice, Chinese immigrants literally helped build modern America as we know it. Generations of Chinese Americans have enriched our society and fueled our economic prosperity. Not surprisingly, I am particularly partial to the Secretary of Transportation, whose parents fled Communist rule. She has served her country across four Presidential administrations, including as the first Chinese American to ever serve in a President's Cabinet.

If some of the same brave Hongkongers who have stood up for liberty waving our American flag and singing our American national anthem would like to come here and join us, we should welcome them warmly.

Of course, this Senate is not only acting with respect to China. Earlier this year, at my urging, the Senate enacted the Caesar Syria Civilian Protection Act, and this week, the administration is using these tools to impose painful new sanctions on the brutal regime of Bashar Assad.

With the help of Russian airpower, Iranian advisers, and manpower from Hezbollah terrorists, Assad has recaptured military control of most of the territory he had lost during 9 years of civil war, but he has effectively destroyed his own country in an effort to save his regime.

Assad faces renewed protests across the country, infighting within his regime and family, and a Syrian economy that is in free fall. Because of this Congress and this administration, the cashflow to these butchers is going to shrink, and the price that leaders and businessmen in Tehran, Beirut, Cairo, Moscow, and Beijing will have to pay to do business with the regime will grow.

These new steps will help us achieve our objective: creating leverage for diplomats and our partners on the ground to negotiate a political solution and finally end the war. To maintain this

pressure, we should keep our limited physical presence in Syria. We should work to bring our NATO ally Turkey back onto the right side, and we should preserve the deterrence that President Trump has rebuilt against Iran, to keep checking their influence in Syria and throughout the Middle East.

#### NOMINATION OF JUSTIN REED WALKER

Mr. McCONNELL. Madam President, on one final matter, later today, the Senate will confirm Judge Justin Walker of Kentucky to join the DC Circuit Court of Appeals.

Now, as I have noted in just the last several weeks, Judge Walker has given the Senate several new reasons to support his nomination to the second most important Federal bench.

In testimony before our colleagues on the Judiciary Committee, he demonstrated an impressive grasp of legal precedent. At his current post as district judge for the Western District of Kentucky, he eloquently applied this understanding to uphold Americans' religious liberty, and he earned the approval of the American Bar Association with a rating of "well-qualified."

But, of course, Judge Walker's credentials were already sterling. Long before this nominee began practicing and then applying the law, he was collecting plaudits for his excellence at studying it.

Judge Walker, as I mentioned before, graduated from Duke University summa cum laude, and Harvard Law School magna cum laude. Those credentials can easily lead someone to an elite law firm in a big city, but instead, it led Judge Walker to clerkships for then-Judge Brett Kavanaugh and then-Justice Anthony Kennedy.

He then went back home to the University of Louisville Law School. He quickly became a star faculty member, producing distinguished scholarship on a wide range of legal issues. Once Judge Walker took his current seat on the bench for the Western District of Kentucky, he wasted no time building an equally strong reputation for the fairness and open-mindedness that Americans deserve from their judges.

In one letter to our colleagues on the Judiciary Committee, 100 practicing lawyers from across Kentucky said:

If Judge Walker is confirmed, we could give our clients an assessment of him for which any judge should strive: he is sharp, fair, and will follow the law.

In another letter, 16 different State attorneys general told us:

As someone from outside the Beltway with a commitment to the rule of law, we know that Judge Walker will listen to the arguments of advocates appearing before him, that he will weigh the facts against the law as it is written (and not as he wishes it to be), and that he will fairly decide those cases based upon controlling precedent.

These glowing assessments are not from elite corporate counsel or frequent flyers on the DC Circuit. These

are from men and women across Kentucky and across America who have seen this man work and watched his career.

Republican Presidents have a proud tradition of looking beyond Washington to freshen up the DC Circuit with diverse perspectives from across America. President Nixon thought this crucial court could use the expertise of a Texan and a Minnesotan. President Reagan chose legal minds from Colorado and North Carolina. President Bush 41 chose a South Carolinian, and President Bush 43 a Californian.

So when the Senate confirms Judge Walker to this vacancy, we will not just be promoting a widely admired legal expert and proven judge to a role for which he is obviously qualified, we will also be adding to a time-honored tradition of finding men and women from all across the country to help ensure that this enormously consequential bench here in our Nation's Capital is refreshed with talent from all parts of America.

My fellow Kentuckians and I are sorry to part with this son in the Bluegrass, but mostly we are proud because Judge Walker will be putting his legal brilliance and his exceptional judicial temperament to work not just for his home State but for our entire Nation and in even more consequential ways. I look forward to voting to confirm Judge Justin Walker, and I urge each of my colleagues to do the same.

#### MEASURE PLACED ON THE CALENDAR—S. 3985

Mr. McCONNELL. Madam President, I understand there is a bill at the desk that is due a second reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the second time.

The senior assistant legislative clerk read as follows:

A bill (S. 3985) to improve and reform policing practices, accountability, and transparency.

Mr. McCONNELL. Madam President, in order to place the bill on the calendar under the provisions of rule XIV, I object to further proceedings.

The PRESIDING OFFICER. Objection having been heard, the bill will be placed on the calendar.

#### RESERVATION OF LEADER TIME

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

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

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

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

light on what the regime does to its own people and to others.

I thank Senator PORTMAN for his leadership on this.

Mr. PORTMAN. Mr. President, as in legislative session, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration and that the Senate now proceed to S. Res. 623.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 623) commemorating Otto Frederick Warmbier and condemning the North Korean regime for their continued human rights abuses.

There being no objection, the committee was discharged and the Senate proceeded to consider the resolution.

Mr. PORTMAN. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The resolution (S. Res. 623) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of June 16, 2020, under "Submitted Resolutions.")

#### EXECUTIVE CALENDAR—Continued

The PRESIDING OFFICER. The Senator from Texas.

#### DACA

Mr. CRUZ. Mr. President, today's decision from the U.S. Supreme Court in *Department of Homeland Security v. Regents of the University of California* is disgraceful.

Judging is not a game. It is not supposed to be a game. But, sadly, over recent years, more and more Chief Justice Roberts has been playing games with the Court to achieve the policy outcomes he desires.

This case concerned President Obama's Executive amnesty—amnesty that President Obama decreed directly contrary to Federal law. He did so with no legal authority. He did so in open defiance of Federal statutes. Of course, he was celebrated in the press for doing so.

Obama's Executive amnesty was illegal the day it was issued and not one single Justice of the nine Supreme Court Justices disputed that—not a one.

Chief Justice Roberts wrote the majority opinion, joined by the four liberal Justices on the Court. This is becoming a pattern.

The majority assumes that DACA—Obama's Executive amnesty—is illegal, and then bizarrely holds that the Trump administration can't stop implementing a policy that is illegal.

Think about that for a second.

In fact, it is even worse. The majority explicitly concedes, of course, the

administration can stop an illegal policy. "All parties agree"—that is a quote—"all parties agree that DHS may rescind DACA."

OK. Easy. Everyone agrees. DHS can rescind DACA. Right?

Not so fast. A clever little twist. The majority says: Do you know what? The agency's legal explanation wasn't detailed enough. Yes, you have the authority to do it. Everyone agrees. There is no argument that you don't have the authority to do it, but we are checking your homework and, you know, the memo you wrote explaining it just didn't have all the detail we need. Just a touch more, so start over.

What is interesting is that is exactly the sleight of hand that Chief Justice Roberts did almost exactly a year ago today in another case where the Chief joined with the four liberals from the Court and struck down another one of the Trump administration's policies.

In that case a year ago, the Commerce Department, which is charged by the Constitution with conducting a census every 10 years—the Commerce Department wanted to ask a common-sense question in the course of the census: Are you a citizen of the United States? That is a question that has been asked in nearly every census since 1820. It ain't that complicated, asking someone in the course of a census: Are you a citizen?

But in today's politically fraught world, the Democratic Party has decided they are the party of illegal immigration, as is the press. And so what did John Roberts do a year ago? Same thing. He wrote an opinion saying: Of course, the Commerce Department has the authority in the census to ask if you are a citizen. Of course. We have done it since 1820.

For those who are math impaired, that is 200 years ago.

Steadily since then, every 10 years, over and over and over again, but no, no, no, no—John Roberts, little twist of hand.

Do you know what? The Commerce Department didn't explain their reasoning just clearly enough. We looked at their memo announcing it, announcing that they were making a policy decision that they have unquestioned legal authority to do, that the Bill Clinton administration had asked that question, but John Roberts and the four liberals are going to strike it down because they say it wasn't explained clearly enough.

This is a charade. Last year, they pretended it was just about the agency could go back and do it again. They knew full well there wasn't time to do it again; that they had to start the census, and so they got the result they wanted. They didn't like, as a policy matter, asking this. There was no legal reason, no legal authority to strike it down, so they played a little game: Go back and start over. Of course, now we are doing the census without asking that question.

That is the same game here today in DACA. They don't like the policy so

they say: Just go back and do it over. Just give a little more explanation. Just start over. Everyone knows the game they are playing. They are hoping that in November, in the election, that there is a different result in the election; that there is a new administration that comes in that decides amnesty is a good thing, and so this sleight of hand is all about playing policy.

Five Justices today held that it was illegal for the Trump administration to stop breaking the law. That is bizarre. The reasoning is because the Obama administration violated Federal immigration laws, for now—wink, wink, let's pretend, because that is what they are doing, is pretending—Trump has to continue violating the law and behaving illegally.

Chief Justice Roberts knows exactly what he is doing. We saw earlier this week a decision rewriting title VII of our civil rights laws—rewriting title VII, the prohibition on sex discrimination, on discrimination against women or against men, rewriting it to add "sexual orientation or gender identity."

Now, as a policy matter, there are a lot of people who support that. Indeed, legislation to do that has passed the House of Representatives twice. It has passed this body once. But the Court just rewrote it. The Court just engaged in legislation, plain and simple, as Justice Alito powerfully wrote in dissent.

By the way, Chief Justice Roberts, again in the majority, assigned that majority. This is gamesmanship. Chief Justice Roberts knows exactly what he is doing. The fact that elites in Washington don't see a problem with illegal immigration doesn't answer the reality for millions of working men and women who do, and these kinds of games ultimately make a mockery of the rule of law. They make a mockery of the Constitution and Bill of Rights.

It is the same legerdemain we saw Chief Justice Roberts do several years ago upholding *ObamaCare*, where, again, just with a little flip of the wrist, he changed a penalty into a tax. That is not clever; that is lawless.

This decision today was lawless; it was gamesmanship; and it was contrary to the judicial oath that each of the nine Justices has taken.

#### JUDICIAL NOMINATIONS

Mr. DURBIN. Mr. President, we are in the midst of one of the greatest public health crises in our Nation's history. Over 2 million Americans have been infected by the COVID-19 virus. Over 115,000 Americans have died. Sadly, infections are still trending upward in many States. And what is the response of the Republican majority in the U.S. Senate to this public health crisis? This week, the majority leader, Senator MCCONNELL has scheduled a vote on his family friend and former intern, Justin Walker, to be a judge on the DC Circuit, the second highest court in the land.



Colleagues, let's be honest. You cannot say with a straight face that Justin Walker, a 38-year-old with no practical courtroom experience and a few months' time on the district court bench, is the best person for the job of DC Circuit judge. He is not, and we know it. So why is he getting this nomination? I believe there are two main reasons: because Justin Walker is a protégé of Senator MCCONNELL and because he is an outspoken critic of the Affordable Care Act.

Justin Walker has made clear that he is willing to toe the Republican party line of hostility to Obamacare. Before he was confirmed as a district judge last October in a party-line vote, he called the NFIB case that upheld the ACA's constitutionality an "indefensible decision." And in March, while he was a sitting judge, he cracked jokes about his opposition to the ACA at his ceremonial investiture.

These comments apparently put him on the fast-track for a promotion to the DC Circuit. I find it astonishing that Senate Republicans have rubberstamped so many nominees who have written articles or spoken publicly about their hostility to the ACA, nominees like John Bush, Steven Grasz, James Ho, David Porter, Neomi Rao, Mark Norris, Michael Truncale, and Sarah Pitlyk, not to mention Chad Readler, who filed the brief for the *Trump v. U.S.* case that called for striking down the entire ACA, including its protections for Americans with preexisting conditions. Chad Readler was nominated to the 6th Circuit within a day of filing that brief.

It is a pattern. And right after the vote on Justin Walker, Senator MCCONNELL wants to vote on yet another nominee with a record of outspoken hostility to the ACA; 5th Circuit nominee Cory Wilson of Mississippi has repeatedly spoken, written, and tweeted criticisms of the ACA. In one of Wilson's newspaper columns, he wrote "for the sake of the Constitution, I hope the Court strikes down the law." In another column, he described the ACA as "big, intrusive government" and as "perverse" and "illegitimate." And he has tweeted negatively about the ACA more than 30 times.

Justin Walker's and Cory Wilson's public statements clearly show that they have already made up their minds about the Affordable Care Act's merits and its constitutionality. And yet, they have been unwilling to recuse themselves from ACA cases that might come before them if they are confirmed. This is important because the ACA has been under constant attack in the Federal courts. The Republican Party, from President Trump on down, has been obsessed with trying to get the ACA struck down as unconstitutional. There is a case pending before the Supreme Court right now where Republican officeholders and the Trump administration are trying to strike down the entire ACA. That

would strip away health insurance and preexisting condition protections for millions of Americans. Even in the middle of a pandemic, the Republican Party is not stopping its attack on the Affordable Care Act.

They failed to overturn the ACA in Congress, of course. But clearly, Republicans are determined to attack it through the courts, no matter how many Americans might lose their coverage and protections. Make no mistake, the nominations of Justin Walker and Cory Wilson are part of the Republican assault on the Affordable Care Act. And the American people are watching.

I oppose these nominees.

Mrs. FEINSTEIN. Mr. President, I rise today in opposition to the nomination of Justin Walker to the DC Circuit. There are four main reasons for my opposition, and I would like to address each.

First, Judge Walker does not have the experience we would expect of a nominee to the DC Circuit, which is considered the second most powerful court in the Nation.

Judge Walker was confirmed to the Western District of Kentucky on October 24, 2019. He has just 7 months of experience as a sitting Federal district court judge.

Moreover, as Judge Walker disclosed in the questionnaire he submitted to the Judiciary Committee, in those 7 months he has presided over no bench or jury trials.

Although appellate judges don't preside over jury selection, sentencing, or decisions on the admissibility of evidence, they are regularly called upon to examine the decisions of district court judges on these and other matters.

In light of that, Judge Walker's lack of trial experience should alone be a bar to his elevation to the circuit.

Second, I have serious concerns about Judge Walker's views on Executive power and agency independence.

Questions around these issues frequently come before the DC Circuit, and so Judge Walker's views are highly relevant to his nomination.

Judge Walker has argued against the independence of the Federal Bureau of Investigation, going so far as to claim that the FBI Director should be an "agent" of the President.

These views are troubling in the abstract, but they are even more troubling now, with an administration that too often views the Department of Justice as a political arm of the Presidency.

Judge Walker has also argued that Federal agencies have too much power when it comes to protecting the environment, consumers, and the workplace.

This is an especially troubling viewpoint at a time when we need agencies like the Occupational Safety and Health Administration, commonly known as OSHA, to protect the health and safety of American workers who

have continued working during the COVID-19 pandemic or will be returning to their jobs.

Judge Walker's views on the ability of federal agencies to protect Americans are particularly relevant to the DC Circuit, which hears critical cases surrounding workplace and environmental safeguards.

Third, Judge Walker has been an ardent opponent of the Affordable Care Act.

He has called the Supreme Court's decision upholding the ACA "indefensible" and "catastrophic." He praised then-Judge Brett Kavanaugh for providing a "roadmap" by which the Court could strike down the ACA.

I simply cannot support a nominee who would put at risk the healthcare of tens of millions of Americans, including those with preexisting conditions who might well lose coverage without the ACA's protections.

Finally, I have concerns that Judge Walker does not have the temperament required of a Federal judge.

In March of this year, when he was formally sworn in to the Western District of Kentucky, Judge Walker made a number of overtly political remarks.

He attacked the American Bar Association, stating that "although we celebrate today, we cannot take for granted tomorrow or we will lose our courts and our country to critics who call us terrifying and who describe us as deplorable."

He said that "in Brett Kavanaugh's America, we will not surrender while you wage war on our work or our cause or our hope or our dream."

These remarks raise questions as to whether Judge Walker can remain impartial and set aside political leanings.

For all of these reasons, I will vote against Judge Walker's nomination, and I urge my colleagues to do the same. Thank you.

Mr. CRUZ. I yield the floor.

The PRESIDING OFFICER. All postcloture time has expired.

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

Mr. BARRASSO. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Alaska (Mr. SULLIVAN).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. MANCHIN), the Senator from Massachusetts (Mr. MARKEY), the Senator from Washington (Mrs. MURRAY), the Senator from Nevada (Ms. ROSEN), the Senator from Vermont (Mr. SANDERS), and the Senator from Arizona (Ms. SINEMA) are necessarily absent.

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

The result was announced—yeas 51, nays 42, as follows:

[Rollcall Vote No. 123 Ex.]

#### YEAS—51

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

#### NAYS—42

Baldwin	Feinstein	Peters
Bennet	Gillibrand	Reed
Blumenthal	Harris	Schatz
Booker	Hassan	Schumer
Brown	Heinrich	Shaheen
Cantwell	Hirono	Smith
Cardin	Jones	Stabenow
Carper	Kaine	Tester
Casey	King	Udall
Collins	Klobuchar	Van Hollen
Coons	Leahy	Warner
Cortez Masto	Menendez	Warren
Duckworth	Merkley	Whitehouse
Durbin	Murphy	Wyden

#### NOT VOTING—7

Manchin	Rosen	Sullivan
Markey	Sanders	
Murray	Sinema	

The nomination was confirmed.

The PRESIDING OFFICER. The majority leader.

Mr. McCONNELL. I ask unanimous consent that with respect to the Walker nomination, the motion to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action.

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

#### LEGISLATIVE SESSION

Mr. McCONNELL. Mr. President, I move to proceed to legislative session.

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

The motion is agreed to.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. McCONNELL. Mr. President, I move to proceed to executive session to consider Calendar No. 717.

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

The clerk will report the nomination.

The legislative clerk read nomination of Cory T. Wilson, of Mississippi, to be United States Circuit Judge for the Fifth Circuit.

#### CLOTURE MOTION

Mr. McCONNELL. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Cory T. Wilson, of Mississippi, to be United States Circuit Judge for the Fifth Circuit.

Mitch McConnell, Chuck Grassley, Cory Gardner, Lamar Alexander, Richard C. Shelby, Steve Daines, David Perdue, Pat Roberts, Lindsey Graham, Tim Scott, Richard Burr, Mike Crapo, Shelley Moore Capito, John Barrasso, Roger F. Wicker, Cindy Hyde-Smith, John Thune.

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

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

#### LEGISLATIVE SESSION

Mr. McCONNELL. Mr. President, I move to proceed to legislative session.

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

The motion is agreed to.

The Senator from Missouri.

#### THE JUSTICE ACT

Mr. BLUNT. Mr. President, over the weekend we celebrated Flag Day, when we honor our country's flag as a symbol of unity. It is also a symbol of all of the struggles we have gone through as a nation and the struggles ahead of us.

Harry Truman, whose desk—one of his desks used on the Senate floor—is right here in front of me, once said that Flag Day is also a chance for us to consider what we want the flag to stand for. So I think it is appropriate that we are considering the best way to make sure that the flag stands for all we want it to stand for—and for all of us.

Senator TIM SCOTT has introduced the JUSTICE Act, which would bring us closer to that idea. I was glad to be a cosponsor of the bill. I think this bill has the potential to make a real difference in how we deal with the important and difficult issue of police reform and making sure that our communities are both safe and secure.

You know, you can be safe in the sense that you are not in danger, but people also need to feel secure, meaning they have confidence that they will remain safe and that they will be treated fairly while they are safe.

We need to be sure that all of the people of our country believe that justice can be blind and that it can be dispensed without fear or favor.

Policing, by its very nature, is mostly a local function. There are around 18,000 police departments across the country. Most of the reforms can be made at the local level or the State level.

There are different ways that police systems are structured around the country. There are different levels of law enforcement and how they relate to each other, and I don't think we are

going to do anything effectively in the Congress to impact that, but I think there are some things we can do both in Congress and the administration. I think Senator SCOTT has done a really good job finding what many of those things are and how to make them happen with bipartisan support.

There is a lot in this bill that simply increases transparency and accountability: more reporting so that the Justice Department has an idea of areas where problems seem to arise more frequently and maybe shouldn't; an area of reporting so that a troublesome officer has all of those troubles reported if they have had problems with issues of fairness or constitutional protection; and if that officer is applying at another law enforcement agency, that information should be readily available.

There are two important ways to give people a sense of security. We do that by recognizing that the majority of police in this country are only not a problem, but they do an incredibly hard job, and they do it in an incredible way. It is a job that we have to have. It has to be conscientiously, professionally, and courageously done, and law enforcement officers all over America do it. They get up and do a hard job every day. They run to danger when others run away. It is a hard job.

Frankly, I think the hardest job in America might be the spouse of a law enforcement officer. Law enforcement officers generally have a sense—there are occasions when this isn't the case—but generally have a sense of whether they are in imminent danger or not. The person who cares about them, the person who loves them, wonders all day: What, at this exact moment, is that individual facing, and are they safe?

The problem in policing is there are very few officers and maybe even fewer numbers of police departments where there is a systemic problem. I think if there is a systemic problem in a department, it is hard for that department to solve that problem. Some of Senator SCOTT's legislation helps create the tools they might need to get that done or the tools that we might need, as outside helpers, to say: Here is a department that somebody needs to look at.

His legislation can assure us that for the small group of people in law enforcement who aren't conducting themselves in the way that everybody else in law enforcement does, there is transparency and there is reporting. Things can't be just swept under the rug, and an officer can't go from one department to another without the new department knowing exactly what they are getting.

This legislation sets up more funding to make sure that body cameras are widely available and have to be used if you have them. I think there has been plenty of evidence since 2014, when we had the beginning of the modern body-camera movement, that if you have those cameras on your body and you

have them turned on, the escalation of violence, for whatever reason, happens much less frequently. The police officer knows that camera is on, and the person they are dealing with knows that camera is on, and it seems to make a difference.

Reporting when there are deaths or serious injuries due to the use of force—and those are investigated, I believe, in every department in America, but there is no reason they shouldn't also be reported to see if there is a pattern that involves either an individual or a pattern that involves a department that needs to be looked at.

Sharing records, as I said before, is critically important so that one bad officer doesn't get passed from one department to another.

There are things in the realm of training where this legislation helps officers get training on tactics to deescalate a situation when it gets out of control. Officers want this kind of training. Officers want the kind of training that makes it easier for them to understand that if they are in a situation where mental health is the problem or opioid addiction is the problem or drug addiction is the problem, are they dealing with a real criminal here or are they dealing with somebody who has gotten themselves in a situation in which they need to figure out how to get them in a different and better place.

While we need to move quickly to take up this legislation, I think there are some areas where the administration can act and is acting, based on announcements that were made this week and things that weren't announced this week.

I talked to Attorney General Barr a couple of weeks ago as these incidents began to become more clear in the sense of problems that could be within entire police departments and encouraged him to restore more of the pattern and practice reviews that were part of what the Justice Department used for about a decade. They were in place until November of 2018. I think they need to be back in place.

We know from past usage that they don't have to be used on any situation or every situation, but they can be used. We have seen them used in my State in Ferguson, MO, in surrounding St. Louis County, which had a much bigger department and asked for a voluntary review, and the city of St. Louis, which has a big police department but not as big as St. Louis County in 2014 and 2017. Whether that review was voluntary or even if it involved a consent decree, I think that the case can be made that things happened in those three departments that might not have happened otherwise.

The Attorney General and I both agreed that if you don't have a tool in the toolbox, you can't use it. It is important to see what you need to do to put every tool in the toolbox, even if it is a tool that you have previously taken out and said: Well, maybe we

don't need that any longer. If you don't need it, you don't have to use it. But you are certainly not going to be able to use it if you don't have it.

President Trump took some additional steps that I was supportive of and talked about earlier this week when the Presiding Officer and I were at our leadership stakeout: officers with better tools to deal with mental health, homelessness, addiction issues.

Missouri is one of the eight Excellence in Mental Health States. This is legislation—bipartisan legislation—that I have worked on for several years with Senator STABENOW from Michigan. It allows law enforcement to connect people with the help they need and wind up having them someplace more appropriate than either jail or court.

In fact, the Department of Health and Human Services, in monitoring this program, says that it has led to a 60-percent decrease in jail time. Part of that is, a lot of people don't wind up going to jail because it makes it more possible for people in many of the departments in my State and in others to have a constant contact with that mental health professional. Maybe it is on the iPad that they are carrying with them, where they can get that 24/7 connection with a healthcare professional. It certainly benefits from the training that many Missouri officers have had now in crisis intervention.

In Kansas City, in St. Louis County, in St. Louis city, in Springfield, I have ridden with officers and talked to officers and watched how this happens, and that builds confidence. Senator SCOTT's bill builds the same kind of confidence.

I have heard some of our friends on the other side say: Well, I am for 80 percent of what is in that bill. No, they don't even say that. They say: I am for 80 percent of the bill. Now, what is the difference? Being for 80 percent of the bill means that there are things in it you don't want, but they also say more frequently: No, that bill has 80 percent of what I want in it already.

Well, let me remind our friends how you make a law. Under the Constitution, the House passes a bill, and maybe you like that better. The Senate passes a bill, and maybe the Senate has 80 percent of what you would like to see in the final bill in Senate bill, and then you go to conference. It was taught in every civic school book that every Member of the Senate studied, and we don't do it much anymore.

You can't get to conference unless there is a Senate product. No matter how much you love the House bill if you are a Member of the Senate, you don't get to weigh in on the House bill unless you have a Senate bill that allows you to go to that conference.

This would be the perfect time when Members of the Senate say—and you and I should be listening carefully over the next few days when they say “80 percent of what I want is in that bill or 85 percent of what I want is in that

bill,” particularly, if they—usually, they are not saying “There is nothing in the bill I don't want; it just doesn't have everything I do want.” Well, if 80 percent of what you want is in the bill and the House passes another bill that you like better, maybe you come out of that conference with 90 percent of what you want. If a solution that gets you 90 percent of what you want or 80 percent of what you want is the alternative to zero percent of what you want, if you want to be a legislator, you have to figure out that that is a better path for you to take than the zero-percent path.

It would be tragic next week if the result of the House deliberation and, this month, if the result of the Senate deliberation is that there is no further discussion because everybody has decided that if it wasn't everything they wanted, they didn't want to have the process that we used to call—and the Constitution calls and civic books call—the legislative process.

These are not the first struggles we have faced together as a nation. We have come a long way. We still have a long way to go.

Remember, the Constitution doesn't even promise a perfect Union. It promises a more perfect Union. You get to a more perfect Union one step at a time, not all at once. My guess is, we will always be on the journey toward a more perfect Union.

Senator SCOTT has given us an opportunity to take some of the important steps on that journey and make the Union more perfect than it is right now.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

#### MORNING BUSINESS

Mr. BLUNT. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

The PRESIDING OFFICER (Mr. SCOTT of Florida). The Senator from Alaska.

#### AMERICAN ENERGY INNOVATION ACT

Ms. MURKOWSKI. Mr. President, on Tuesday, just a few days ago, I convened a hearing of the Energy and Natural Resources Committee, and we were focused on the impacts of COVID-19 and how this pandemic has impacted our Nation's energy industry. We had a lot of discussions about the impact of COVID on the Nation, on our economy, and I think it is probably fair to say that every facet of our society has been impacted, but it is certainly clear to me as a Senator for the State of Alaska and as chairman of the Energy and Natural Resources Committee that the energy sector has suffered perhaps uniquely and I think acutely.

We have seen limits on business and travel and social activities, and we think about those limitations, the far-reaching consequences they have on our Nation's energy producers, whether it is those who produce oil and gas, coal, renewables, advanced technology such as nuclear power, and all those who help us produce our energy and use our energy more efficiently, all aspects have been impacted.

At the hearing, we had some pretty good testimony that our witnesses were able to explain and quantify some of those impacts. We heard that U.S. oil production has declined by almost 2 million barrels per day. Spot prices for liquefied natural gas have effectively collapsed, creating challenges for export projects. Domestic electricity consumption is projected to decline by 5.7 percent this year, largely due to the closure of businesses and, of course, the shelter-in-place orders.

It is not just the oil and gas sector. The renewable energy sector has also faced substantial supply chain disruptions. The efficiency sector has faced health and safety restrictions in homes and buildings. Overall, we were told that the energy industry has lost an estimated 1.3 million jobs since early March, including more than 600,000 jobs associated with clean energy.

It is a good reminder in terms of where we have seen this direct impact and the impact on jobs, but our hearing was also a reminder that the energy industry can be a key leader, be a sector that can really help lead our Nation's economic recovery.

When you think about energy itself, this is a finished product. It is a feedstock. It is a raw material. It is an input. It is an output. It is value added, a natural resource, tradeable commodity, a precious asset. It is clearly critical infrastructure and emergency reserves. It is financial, collateral, and competitive exports. It is a source of high-paying and high-skilled jobs in its own right.

I think we recognize that current low prices are good for us. We are seeing our families pay less and, thus, they can devote to other priorities. The underlying message here is the energy industry is an important component to how we move to this phase of economic recovery. What can we do to help this industry and, thus, the broader economy recovery?

It was interesting because we had a panel of five witnesses before us. Several of those witnesses all pointed to the same piece of legislation as one of the answers as to how we can help the economy recover, and that is a bill that those of us on the Energy and Natural Resources Committee developed throughout last year. We called it the American Energy Innovation Act. We refer to it as our energy bill. It will ensure that the United States remains a global energy leader while strengthening our national security, investing in clean technologies, and securing our Nation's supply chain.

It is a pretty wide-ranging bill. It covers everything from energy efficiency to renewables. We have a strong focus on carbon capture. The big anchor piece is energy storage. Advanced nuclear plays a key role and also vehicle technologies. We focused on mineral security and recognizing the key aspects of secure supply chains, grid and cyber security, workforce modernization. Really, it is all areas that will work to help our economy, boost our international competitiveness, and protect human health and the global environment.

At the hearing on Tuesday, one of our witnesses described this energy bill, our American Energy Innovation Act, as "foundational." I really think it is foundational.

Where are we with this foundational energy bill that has been the work of such a good, strong collaborative committee process? It was clearly timely for the Senate to be considering this in this year—certainly before the pandemic—and it is even more critical, more timely that we consider it now.

When we had an opportunity to bring this to the floor earlier, there was a desire and an interest in making sure that we were focusing on our clean and renewable energy sector. We do that within that bill.

It has been interesting because in the past several weeks, we have heard calls from Members of this body to prioritize a robust clean energy recovery plan. There was a letter from 24 Members of the Senate who urged Senate leadership to "prioritize a robust clean energy recovery plan." In their letter, they call for investments in renewable energy, energy storage, energy efficiency, clean vehicles, clean and efficient infrastructure, clean fuels, and workforce development. That sounds pretty much like what we included within our American Energy Innovation Act.

I sent many of them just a quick letter detailing how our bill really does accomplish just that, including the specifics that focus on each of these priorities, and encourage them to help me pass it.

As you may recall, we had the American Energy Innovation Act on the Senate floor at the end of February just before the pandemic took hold. Again, I mentioned the collaborative process that went into building that bill. We spent a lot of time in the Energy Committee working through a lot of the issues that had some conflict and to reduce that conflict so we could get a good, strong bipartisan product. As a consequence, we have a bill that contains the priorities for more than 70 Senators. It is supported by more than 200 organizations. We incorporated 18 amendments on the floor working through that process.

The Senate ultimately denied cloture on March 9. This was just before the shelter in place and the work from home orders began. We hit a wall there. The unfortunate reality is we hit that

wall. We were derailed with this important legislative effort not because of an impasse that we had with the contents of our bill, but it was an unrelated dispute from another committee. It was not something that, as chairman, I could have anticipated. There was no warning that it was going to be an issue for our bill. In fairness, we didn't have any power as the Energy and Natural Resources Committee to work it out for this other committee. We were hamstrung by it.

Effectively, what happened then was a year of good, strong committee work by the Energy Committee is now being held hostage in a fight in another committee. I have been patient with this, but I would remind colleagues that we are not getting any more extra legislative days being added. The clock is ticking here. This is a matter that, again, when this came before us while we were on this floor trying to work out the last of the amendments, this came up at the last minute, and we were promised a resolution at that time. We will have this fixed in a month. Well, it has been over 3 months now since this became an issue. Again, we have lost valuable time.

This issue from the EPW Committee is holding back a strong, bipartisan bill that would allow us to modernize our Nation's energy policies for the first time in more than a dozen years.

In a week where I have certainly been reminded about the importance of energy and, again, heard good, strong support for our energy bill, I would tell my colleagues that we need to redouble our efforts on this to advance this bill. We need to unlock this energy bill, which is a good bill that is ready to go, from the complications that have been created within another committee.

I like to pride myself on being a pretty good team player around here. I want to give people space to work their issues out, but I think it is time, again, for those who are able to hold the key to this to help us unlock this so we can move a significant priority—not just for the Energy and Natural Resources Committee but a significant priority for every Member in this Chamber because it doesn't make any difference if you are a Republican or a Democrat, if you come from an urban area or a rural area, when it comes to the strength of our Nation's economy, the foundational interest here, the foundations rest solidly on energy.

So an opportunity to update and modernize our energy policies in a way that benefits us all is something that I would hope we can all agree to. I want to get this bill moving.

We had a win this week that originated in the Energy and Natural Resources Committee when it comes to some of our land and conservation measures. The Great American Outdoors Act passed by a strong margin. It was the work of a lot of good people, but both measures, the Land and Water Conservation Fund, as well as the Restore Our Parks Act, began with the

good work of a committee working together to move those pieces of legislation through the committee process. It is not perfect, in my view, but I knew these were good policies that many Members across both sides of the aisle wanted to place a priority on.

Let's figure out how we can make something like that happen. I am proud of the fact that we can move good initiatives through this committee.

I will just remind you we have another good initiative that we are ready to go on.

#### THE JUSTICE ACT

Mrs. MURKOWSKI. Mr. President, I want to end my few moments on the floor with an acknowledgement of where we are going to be next week. It has been made clear that we are going to have an opportunity to bring up for discussion legislation that has been drafted by Senator TIM SCOTT from South Carolina, along with a group of fellow colleagues over here, focused on matters relating to policing reforms.

My hope—it is more than a hope; it is really a prayer. My prayer is that we will come to this floor next week as colleagues and as individuals who want to bring to bear good policy for a country at a time that is so desperate for leadership that is responsive, leadership that has demonstrated a willingness to listen to the raw emotion of what we have seen expressed across this country in the few weeks since the terrible death and killing of George Floyd but recognizing that it is far more than the horrible death of one individual. It is a history that in many parts of our country is raw and open and needs to be addressed.

My prayer is that we can come to this floor not here to debate through a partisan lens but here to debate those issues that are so important and so imperative for the American public to hear; that the response is not a Republican effort versus a Democratic effort, but that these are matters that we must address, whether it is how we ensure that there is full and fair accountability, whether it relates to safe policing practices, whether it is how we address the concerns with modern policing when there are issues before our law enforcement officers that span the scope of how we address mental health issues—those with addictions—and how we respond from a broader view and lens but do so with our hearts rather than trying to project through our political alignment.

I even hesitate to say because some would ask: Well, exactly what do you mean by that?

I guess what I am asking for us to do is to come here and debate honestly about where we are as a nation, and that comes to ensuring that when we speak of justice, that we speak of justice for all in a way that is inclusive, that is fair, that is equal, and that is compassionate; that we recognize that

the men and women who get up every morning or stay out late every evening to protect and defend, that we are there with them and for them as they serve us.

I am asking for us to come into our work next week with open hearts and open minds, having listened well. If we do that, I can only suspect that the outcome will be good.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

#### NOMINATION OBJECTION WITHDRAWAL

Mr. GRASSLEY. Mr. President, I previously notified the Chamber of my objection to the nominations of Marshall Billingslea, of Virginia, to be Under Secretary of State for Arms Control and International Security and Christopher C. Miller, of Virginia, to be Director of the National Counterterrorism Center, Office of the Director of National Intelligence. On June 12, 2020, I received two letters: one from the Department of State, which contained a copy of recent correspondence between the administration to the Council of the Inspectors General on Integrity and Efficiency, CIGIE, requesting that CIGIE investigate specific allegations into the conduct of the State Department Inspector General, State IG, Steve Linick, and another separate letter from the White House Counsel concerning the removal of Intelligence Community Inspector General, IC IG, Michael Atkinson. Without making comment regarding the veracity of the allegations made against Mr. Linick, I believe that these letters fulfill the President's requirement to provide Congress reasons for the removal of the IC IG and the State IG, as required by the Inspector General Reform Act. It is for this reason that I withdraw my objection to both Mr. Billingslea and Mr. Miller.

The letter from the White House Counsel regarding the removal of the IC IG repeats a previous letter from the White House which stated that the President had lost confidence in the IC IG. However, the White House Counsel enclosed with that letter a transcript of President Trump providing his reasons for removing Mr. Atkinson to the press and has informed me that those reasons represent the President's official explanation of Mr. Atkinson's removal to Congress. I believe that this transcript and its transmittal to Congress has fulfilled the statutory notice requirement of the Inspector General Reform Act. It is for this reason that I withdraw my objection to Mr. Miller.

Here follow my comments to the President, including my actions and ra-

tionale: although the Constitution gives the President the authority to manage executive branch personnel, Congress has made it clear by law that should the President fire an inspector general, there ought to be a good reason for it. No such reason was provided when the President informed Congress of the removal of Mr. Atkinson on April 3, 2020. Thus, in a bipartisan letter on April 8, 2020, my colleagues and I reminded the President of his requirement under the statute to provide reasons for removing an IG. On May 15, 2020, the President notified Congress of his intent to remove Mr. Linick. This notification also lacked reasons for the removal spurring my solo letter on May 18, 2020, again reminding the President of his requirement to provide reasons.

After a delay, and a personal call with the White House Counsel, I was promised a response to my letters that would fulfill the statutory notice requirement. On May 26, 2020, I received a response from the White House Counsel explaining the President's Constitutional removal authority, which I never questioned. However, the letter still contained no reason for the removals as required by law. This failure to comply with the statute prompted my objection to both Mr. Miller and Mr. Billingslea on June 4, 2020.

On June 6, 2020, I asked the White House to provide written reasons for the removals. We discussed several issues. I took this opportunity to talk to the White House and I told them that I needed reasons for the firing of IGs to be submitted in writing.

On June 12, 2020, I received the enclosed letter from the State Department which finally fulfills the executive branch's legal requirement to provide Congress reasons for an IG's removal with regard to Mr. Linick.

Here is my view on the firing of Mr. Linick. The State Department's correspondence with CIGIE provided four reasons for Mr. Linick's removal, all involving the investigation of the leak of information to a news reporter pertaining to an IG report, which the reporter claims to be based on information garnered from "two government sources involved in carrying out the investigation. The letter to CIGIE requests that they begin an investigation into Mr. Linick's alleged transgressions, including his: 1) "failure to formally refer to CIGIE . . . the investigation of [the] leak"; 2) "hand selection" of the Department of Defense OIG to conduct the leak investigation; 3) "non-compliance with State Department Office of Inspector General (OIG) email policies"; and 4) refusal to supply Department of State leadership with a copy or summary of the leak investigation report despite "repeated requests" from State Department leadership. These claims are as of yet unverified but the President has offered an additional briefing on the matter from State Department officials. I am in the process of scheduling

such a briefing and reviewing the additional relevant information.

After reviewing the provided rationale, I have several concerns. Chief among them is that CIGIE does not traditionally conduct investigations into agency or OIG leaks. It reviews allegations against individuals but not IG offices and generally lacks the funds and resources to conduct work outside of their narrow scope. As a matter of course however, IGs do traditionally check each other's work, and CIGIE often suggests that allegations against IGs or their offices be referred to peer IGs. This is done when crucial IG independence must be maintained but the appearance of conflicts of interest may arise. It would also not be uncharacteristic for an IG to safeguard the office's statutorily required independence by potentially refusing to provide internal information to its parent agency. In short, although it would make little sense for CIGIE to conduct the leak investigation in the manner desired by the State Department, it would not be outside the bounds of precedent for one office of inspector general to conduct an investigation into another.

Although I have not yet had the opportunity to verify the allegations regarding Mr. Linick, as I noted earlier, the President retains the constitutional authority to manage executive branch personnel. My objection to these nominees was designed to prompt compliance with the IG Reform Act, which the President has now done with regards to Mr. Linick. Therefore, I am withdrawing my objection to Mr. Billingslea.

On June 12, 2020, I received the enclosed letter from the White House Counsel which finally fulfills the executive branch's legal requirement to provide Congress reasons for an IG's removal with regard to Mr. Atkinson.

As it pertains to Mr. Atkinson: Even though the President satisfied the requirements of the law, I do not agree that the provided reasons merited Mr. Atkinson's removal. In the provided transcript the President states, "I thought [Atkinson] did a terrible job. Absolutely terrible . . . But ask him, 'Why didn't you go and see the [transcript of my phone call with the Ukrainian president]?' There was no rush. [Atkinson] said, 'Oh we'd have to rush it.'" I infer from this statement that the reason(s) that the President removed Mr. Atkinson was because of the speed with which he sought to bring the whistleblower information to Congress and/or his role generally in the impeachment process.

With respect to this objection concerning Mr. Atkinson's supposed haste, it is necessary to review the IC IG's responsibility under the Intelligence Authorization Act for Fiscal Year 2010. The act provides the IC IG only 14 days to determine if an "urgent concern" "appears credible" and transmit that information to the Office of the Director of National Intelligence, ODNI. No-

tably, the law also does not require that a full investigation of a whistleblower's allegations be completed before the information is provided to Congress. Reading such a requirement into the law could result in critical and relevant information not reaching the ODNI or Congress in a timely manner, and could pose a chilling effect on whistleblowers' willingness to report urgent concerns and other issues of waste, fraud, and abuse in the intelligence community. That being said, I understand and appreciate the President's irritation with this IG's action being a factor in the House of Representatives' impeachment.

In those remarks, the President also said that "they give this whistleblower a status that he doesn't deserve . . . And, frankly, somebody ought to sue [him]." To the extent that the President is referring to Mr. Atkinson's determination that the whistleblower allegation at issue amounted to an urgent concern under the law, there remains a significant difference of legal opinion on this matter. The President's position is supported by the Department of Justice Office of Legal Counsel, and Presidents routinely follow the legal determinations of that office. However, whether or not the whistleblower's allegation meets the legal definition of an "urgent concern" under the law, I obviously do not agree that person should be sued or otherwise retaliated against.

My objection to these nominees was designed to prompt compliance with the IG Reform Act, which the President has now done with regards to Mr. Atkinson. Therefore, I am withdrawing my objection to Mr. Miller.

Although some may want to believe that this is a new issue unique to this administration, it certainly is not. In July of 2009, then President Obama removed the Corporation for National and Community Service—CNCS—Inspector General, Gerald Walpin, from his post in a very similar manner and also did not provide reasons for removal. This began a bout of negotiations that resulted in not only the hold of several Presidential nominees but also a bicameral congressional investigation into the matter. In that case, I similarly pushed for compliance with the statute, held up a nominee to obtain information, and disagreed with the stated reasons for Mr. Walpin's removal. In the end, Mr. Walpin was never reinstated.

Given the misinterpretation of the statute by successive administrations from both political parties, it is apparent that Congress must clarify the statute to ensure inspectors general are able to continue operating without undue interference. So I am introducing a bipartisan bill today to accomplish just that.

(At the request of Mr. DURBIN, the following statement was ordered to be printed in the RECORD.)

• Ms. ROSEN. Mr. Speaker, today I will not be present to vote on the con-

firmation of Justin Walker, vote 123, to be a judge on the District of Columbia Court of Appeals. Were I present, I would vote nay.●

#### JUNETEENTH

Mr. CARDIN. Mr. President, tomorrow, we will commemorate the 155th Juneteenth, the celebration of the end of chattel slavery in the United States. On June 19, 1865, Major General Gordon Granger and Union soldiers delivered the news of liberation to one of the last remaining confederate outposts in Galveston, TX. The Civil War had ended, and the last remaining enslaved Black Americans were free. General Gordon's decree would arrive over 2 years after President Abraham Lincoln issued the Emancipation Proclamation.

For millions of Black Americans, Juneteenth traditionally has been a celebration of this freedom; it is also a day of reflection and education on a history that we all must confront. There is much to inform us about our present times that we can learn from the story of Juneteenth. It is the story of America, the story of my home State of Maryland. Each year, I aim to share these lessons and resources with my constituents through my office and in recognizing the continued work we must do to elevate Black history and create a more tolerant society. This year, my office will close to commemorate the holiday and allow staff the time to reflect on its important historical lessons.

Juneteenth is a reminder that, even after the signing of Abraham Lincoln's seminal declaration, that even in a Nation whose founding documents should have enshrined liberty and justice for all of its inhabitants, freedom was a dream deferred for Black Americans. It is a reminder that liberation was hard fought by those who were denied it, including abolition leaders like Marylanders Frederick Douglass and Harriet Tubman, who then passed the torch to civil rights leaders and social movements past and present who are still fighting to realize equal justice under law. Equal justice under law is a promise the Declaration of Independence, the U.S. Constitution, and the Emancipation Proclamation all made, but it remains elusive, so the struggle continues.

In this way, Juneteenth is a quintessential American holiday. The institution of chattel slavery is interwoven throughout American history and would become the architecture for unjust systems that still stand today. The Juneteenth liberation would precede over a century of continued oppression, oppression through stigmatization, policymaking, voter disenfranchisement, and Jim Crow segregation laws, which continued to widen the gaps of social, economic, and political achievement for Black Americans in our society. Acknowledging its sinister legacy and the efforts to chip away at it are critical to understanding how to dismantle it from its core.



Through the lens of recent tragedies—the police killings of Breonna Taylor, George Floyd and, just this week, Rayshard Brooks—and the worldwide anti-racism protests they have sparked, this education is more important than ever. We are being called to connect the dots in our history and take action to bring about meaningful change, to save lives, and to right the wrongs of the past. We are being called, yet again, to answer in what ways are our constitutional promises still left unfulfilled for Black Americans?

Answering this question is essential to addressing police and criminal justice reform. From the establishment of deputized slave patrols in the American South, to the enforcement of segregation laws through the 1960s, to mass incarceration and disproportionate police violence in our present day, Black Americans have often faced systemic racism that the law either required or permitted. The same 13th Amendment that abolished slavery did so in all forms except incarceration, shrouding the institution in a new light and enabling the continued suppression of freedom and rights.

Today, Black Americans are still twice as likely to be killed by police as White Americans. And despite representing only 12 percent of the U.S. adult population, Black Americans make up 33 percent of the sentenced prison population. We have seen the brutal videos. We see the painful list of names of men and women killed at the hands of police brutality. We see the effects of this cyclical system on the health of our communities and families every day. We must act to stop it.

The roots of systemic racism in law enforcement were planted centuries ago and can be unraveled with targeted and conscious action. This is why I have been proud to work with my colleagues Senators BOOKER and HARRIS on crafting police reform legislation that works toward justice and systemic change, the Justice in Policing Act. This broader legislation includes two bills I have introduced for several years, the End Racial and Religious Profiling Act and the Law Enforcement Trust and Integrity Act. The Justice in Policing Act would prohibit racial profiling, improve officer training, and hold officers accountable for the misconduct that keeps alive the culture has reinforced centuries of oppression. I hope the Senate can pass this bill. Equal treatment of individuals under the law must not be a partisan issue.

All Americans must recognize and celebrate Juneteenth so that we may face these harsh realities about our past and present and understand that the fight for freedom is ongoing. We cannot ignore our past, for it is with us here in the present in many forms. The wounds of our Nation will not heal until we identify and name their source and commit to doing the work in Congress and in our communities to mend them. Freedom has never been free, nor

has it ever come easily. Let us celebrate liberation by doing everything we can to fight for it for generations to come.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO CHIEF MASTER SERGEANT DEL G. ATKINSON

• Mr. BOOZMAN. Mr. President, I rise today to recognize the career of U.S. Air National Guard CMSgt. Del G. Atkinson, who is retiring after almost 40 years of faithful service to our country.

Chief Atkinson entered Federal Active-Duty service in the U.S. Army in August 1982. He was stationed in Nuremburg, West Germany, with the 595th Military Police Company, First Armored Division “Old Ironsides” and the 101st Airborne Division “Screaming Eagles” with the 101st Military Police Company Fort Campbell, KY.

Upon completion of his Army service, he entered into the Air National Guard. During his lengthy career in the Guard, Chief Atkinson served a number of combat deployments, including Operations Southern Watch, Enduring Freedom, Iraqi Freedom, and Coronet Oak.

Chief Atkinson used his experience in the Army to launch a career in law enforcement, working as a member of the University of Arkansas Police Department and the Springdale, AR, Police Department.

Over the course of almost 36 years, his military service took him around the globe, and yet, whether it was in Arkansas, our Nation’s Capital, or overseas, he and I always seemed to be crossing paths.

A number of those occasions were more than just fortunate circumstances, as for a time, he was part of a team responsible for providing protection for aircraft transitioning between overseas airfields with inadequate security.

He often found himself assigned to Senate, congressional, and White House missions. I was privileged to have been onboard for some of those flights. My colleagues and I relied on Del and his teammates, for our protection as we traveled to some dangerous parts of the world.

On those trips, I remember looking back on his time in local law enforcement and thinking to myself how special it was that northwest Arkansas had extra representation onboard. Del and his colleagues took great care of us, each and every time, and for that, I will always be appreciative.

Chief Atkinson was promoted eight times during the course of his military career. He earned a number of prestigious awards and medals including a Meritorious Service Medal with three oakleaf clusters and the Joint Service Commendation Medal.

His pride in our Nation and his fellow servicemembers is apparent, including with his service as a member of the

Liberty Jump Team, where he performed commemorative parachute jumps honoring veterans of wars and foreign conflicts. He joined the team because he “wanted to give back to the Greatest Generation” and honor how they “overcame all obstacles and persevered to win the victory on all fronts.”

I remain grateful for Del’s combat service to the Nation, dedication to keeping the UA campus and the community of Springdale safe during his law enforcement days, and commitment to keep alive the memory of those who sacrificed for our Nation. I wish him years of joy and happiness in retirement.●

#### MESSAGES FROM THE PRESIDENT

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

#### EXECUTIVE MESSAGES REFERRED

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

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

#### MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 3985. A bill to improve and reform policing practices, accountability, and transparency.

#### EXECUTIVE AND OTHER COMMUNICATIONS

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

EC-4856. A communication from the Federal Register Liaison Officer, Office of the Under Secretary of Defense for Acquisition and Sustainment, Department of Defense, transmitting, pursuant to law, the report of a rule entitled “Modification of DFARS Clause ‘Notification of Anticipated Contract Termination or Reduction’” (RIN0750-AK56) received in the Office of the President of the Senate on June 17, 2020; to the Committee on Armed Services.

EC-4857. A communication from the Federal Register Liaison Officer, Office of the Under Secretary of Defense for Acquisition and Sustainment, Department of Defense, transmitting, pursuant to law, the report of a rule entitled “Repeal of Annual Reporting Requirements to Congressional Defense Committees” (RIN0750-AK91) received in the Office of the President of the Senate on June 17, 2020; to the Committee on Armed Services.

EC-4858. A communication from the Federal Register Liaison Officer, Office of the Under Secretary of Defense for Acquisition and Sustainment, Department of Defense,

transmitting, pursuant to law, the report of a rule entitled "Market Research and Consideration of Value for the Determination of Price" (RIN0750-AK65) received in the Office of the President of the Senate on June 17, 2020; to the Committee on Armed Services.

EC-4859. A communication from the Federal Register Liaison Officer, Office of the Under Secretary of Defense for Acquisition and Sustainment, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Justification and Approval Threshold for 8(a) Contracts" (RIN0750-AK93) received in the Office of the President of the Senate on June 17, 2020; to the Committee on Armed Services.

EC-4860. A communication from the Federal Register Liaison Officer, Office of the Under Secretary of Defense for Acquisition and Sustainment, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Qualifications Requirements for Contracting Positions" (RIN0750-AK99) received in the Office of the President of the Senate on June 17, 2020; to the Committee on Armed Services.

EC-4861. A communication from the Director, Bureau of Consumer Financial Protection, transmitting, pursuant to law, the report of a rule entitled "Home Mortgage Disclosure (Regulation C)" (RIN3170-AA76) received in the Office of the President of the Senate on June 17, 2020; to the Committee on Banking, Housing, and Urban Affairs.

EC-4862. A communication from the Director, Bureau of Consumer Financial Protection, transmitting, pursuant to law, the report of a rule entitled "Remittance Transfers under the Electronic Fund Transfer Act (Regulation E)" (RIN3170-AA96) received in the Office of the President of the Senate on June 17, 2020; to the Committee on Banking, Housing, and Urban Affairs.

EC-4863. A communication from the President of the United States, transmitting, pursuant to law, a notification of the designation of Jason Kearns as Chairman and Randolph J. Stayin as Vice Chairman of the United States International Trade Commission, effective June 17, 2020; to the Committee on Finance.

EC-4864. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Patient Protection and Affordable Care Act; HHS Notice of Benefit and Payment Parameters for 2021; Notice Requirement for Non-Federal Government Plans" (RIN0938-AT98) received in the Office of the President of the Senate on June 15, 2020; to the Committee on Health, Education, Labor, and Pensions.

EC-4865. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare and Medicaid Programs; Policy and Regulatory Revisions in Response to the COVID-19 Public Health Emergency" (RIN0938-AU31) received in the Office of the President of the Senate on June 15, 2020; to the Committee on Finance.

EC-4866. A communication from the President of the United States, transmitting, pursuant to law, a report on the continuation of the national emergency that was originally declared in Executive Order 13466 of June 26, 2008, with respect to North Korea, received in the office of the President of the Senate on June 17, 2020; to the Committee on Banking, Housing, and Urban Affairs.

EC-4867. A communication from the Chairman, Medicare Payment Advisory Commission, transmitting, pursuant to law, a report entitled "June 2020 Report to the Congress:

Medicare and the Health Care Delivery System"; to the Committee on Finance.

EC-4868. A communication from the Secretary of the Federal Maritime Commission, transmitting, pursuant to law, the report of a rule entitled "Service Contracts" (RIN3072-AC80) received in the Office of the President of the Senate on June 17, 2020; to the Committee on Commerce, Science, and Transportation.

EC-4869. A communication from the Secretary of the Federal Maritime Commission, transmitting, pursuant to law, the report of a rule entitled "Interpretive Rule on Demurrage and Detention Under the Shipping Act" (RIN3072-AC76) received in the Office of the President of the Senate on June 17, 2020; to the Committee on Commerce, Science, and Transportation.

EC-4870. A communication from the Chairman, Federal Maritime Commission, transmitting, pursuant to law, the 58th Annual Report of the activities of the Federal Maritime Commission for fiscal year 2019; to the Committee on Commerce, Science, and Transportation.

## PETITIONS AND MEMORIALS

The following petition or memorial was laid before the Senate and was referred or ordered to lie on the table as indicated:

POM-204. A concurrent resolution adopted by the Senate of the State of Louisiana urging the United States Congress to take such actions as are necessary to review the Government Pension Offset and the Windfall Elimination Provision Social Security benefit reductions and to consider eliminating or reducing them by supporting H.R. 141 and S. 521 of the 116th Congress, the Social Security Fairness Act; to the Committee on Finance.

### SENATE CONCURRENT RESOLUTION NO. 34

Whereas, the Congress of the United States of America has enacted both the Government Pension Offset (GPO), reducing the spousal and survivor Social Security benefit, and the Windfall Elimination Provision (WEP), reducing the earned Social Security benefit, payable to any person who also receives a public pension benefit earned in public employment not covered by Social Security; and

Whereas, the GPO can negatively affect a retired public employee receiving a federal, state, or local government retirement or pension benefit earned in employment not covered by Social Security who would also be entitled to a Social Security benefit earned by the retiree's spouse; and

Whereas, the GPO formula reduces the spousal or survivor Social Security benefit by two-thirds of the amount of the federal, state, or local government retirement or pension benefit received by the retired public employee, in many cases completely eliminating the Social Security benefit even though the retiree's spouse paid Social Security taxes throughout the marriage; and

Whereas, according to the Congressional Research Service, nearly seven hundred thousand people were affected by the GPO in December 2018, including more than thirty-seven thousand Louisianians; and

Whereas, the WEP applies to those persons who have earned federal, state, or local government retirement or pension benefits in public employment not covered by Social Security, in addition to paying social security taxes while working in employment covered by Social Security; and

Whereas, the WEP reduces the earned Social Security benefit using an averaged indexed monthly earnings formula and may re-

duce Social Security benefits for affected persons by as much as one-half of the retirement benefit earned as a public servant in employment not covered by Social Security; and

Whereas, the WEP causes hardworking individuals to lose a significant portion of the Social Security benefits that they earned themselves; and

Whereas, according to the Congressional Research Service, nearly two million people, or about three percent of all Social Security beneficiaries were affected by the WEP in December 2019; and

Whereas, in certain circumstances both the WEP and the GPO can be applied to a qualifying survivor's benefit, each independently reducing the available benefit and, in combination, eliminating a large portion of the total Social Security benefit available to the survivor; and

Whereas, because of the calculation characteristics of the WEP and the GPO, they have a disproportionately negative effect on employees working in lower-wage government jobs, like teachers, school workers, and state employees; and

Whereas, the number of people affected by the WEP and the GPO is growing as nearly ten thousand baby boomers attain retirement age each day; and

Whereas, individuals drastically affected by the WEP and the GPO may have no choice but to return to work after retirement in order to make ends meet, but the earnings accumulated during reemployment in the public sector may further reduce the Social Security benefits the individual is entitled to; and

Whereas, the global pandemic, the current financial market volatility, medical advances increasing longevity, and the escalating cost of health care further contribute to the expenses that those of social security age must bear; and

Whereas, the WEP and the GPO are established in federal law, and repeal or reduction of the WEP and the GPO can be enacted only by Congress. Therefore, be it

*Resolved*, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to review the Government Pension Offset and the Windfall Elimination Provision Social Security benefit reductions and to consider eliminating or reducing them by supporting H.R. 141 and S. 521 of the 116th Congress, the Social Security Fairness Act; and be it further

*Resolved*, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. WICKER, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 1069. A bill to require the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration, to establish a constituent-driven program to provide a digital information platform capable of efficiently integrating coastal data with decision-support tools, training, and best practices and to support collection of priority coastal geospatial data to inform and improve local, State, regional, and Federal capacities to manage the coastal region, and for other purposes (Rept. No. 116-234).

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. GRASSLEY (for himself, Mr. PETERS, Mr. PORTMAN, Mr. CARPER, Mr. LANKFORD, Ms. HASSAN, Mr. ROMNEY, Mr. TESTER, Ms. COLLINS, and Mrs. FEINSTEIN):

S. 3994. A bill to amend the Inspector General Act of 1978 to provide that the President or certain agency heads may remove an Inspector General, or place an Inspector General on non-duty status, only if certain conditions are satisfied, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. THUNE (for himself and Mr. BROWN):

S. 3995. A bill to limit the authority of States or other taxing jurisdictions to tax certain income of employees for employment duties performed in other States or taxing jurisdictions, and for other purposes; to the Committee on Finance.

By Mr. PORTMAN (for himself, Mr. CARPER, Mr. BARRASSO, Mrs. BLACKBURN, Mr. BRAUN, Mr. COONS, Ms. CORTEZ MASTO, Ms. HASSAN, Mr. HAWLEY, Mr. MANCHIN, Mr. RISCH, Mr. RUBIO, Mr. SCOTT of Florida, Mrs. SHAHEEN, and Mr. TILIS):

S. 3996. A bill to amend the Foreign Relations Authorization Act, Fiscal Year 1979, relating to the conduct of knowledge diplomacy; to the Committee on Foreign Relations.

By Mr. PORTMAN (for himself, Mr. CARPER, Mr. BARRASSO, Mrs. BLACKBURN, Mr. BRAUN, Mr. COONS, Ms. CORTEZ MASTO, Ms. HASSAN, Mr. HAWLEY, Mr. MANCHIN, Mr. RISCH, Mr. RUBIO, Mr. SCOTT of Florida, Mrs. SHAHEEN, and Mr. TILIS):

S. 3997. A bill to strengthen the security and integrity of the United States scientific and research enterprise; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. HYDE-SMITH (for herself and Mr. KING):

S. 3998. A bill to amend title XVIII of the Social Security Act to simplify payments for telehealth services furnished by Federally qualified health centers or rural health clinics under the Medicare program, and for other purposes; to the Committee on Finance.

By Mr. KING (for himself and Mr. YOUNG):

S. 3999. A bill to amend title XVIII of the Social Security Act to ensure access to mental health and behavioral health services furnished through telehealth under the Medicare program; to the Committee on Finance.

By Ms. WARREN (for herself, Mrs. GILLIBRAND, Mr. MARKEY, Mr. BLUMENTHAL, Mr. SANDERS, and Ms. HIRONO):

S. 4000. A bill to require Federal law enforcement and prison officials to obtain or provide immediate medical attention to individuals in custody who display medical distress; to the Committee on the Judiciary.

By Mr. SCOTT of South Carolina (for himself, Mr. BROWN, Mr. GRASSLEY, Mr. WYDEN, Mr. CORNYN, Mr. CARPER, Mr. LANKFORD, Mr. CASEY, Mr. PERDUE, and Ms. HASSAN):

S. 4001. A bill to amend title IX of the Social Security Act to improve emergency unemployment relief for governmental entities and nonprofit organizations; to the Committee on Finance.

By Mr. DURBIN (for himself and Ms. DUCKWORTH):

S. 4002. A bill to amend the Servicemembers Civil Relief Act to extend the interest rate limitation on debt entered into during military service to debt incurred during military service to consolidate or re-finance student loans incurred before military service; to the Committee on Veterans' Affairs.

By Mr. MENENDEZ (for himself, Ms. MURKOWSKI, Mrs. SHAHEEN, Mr. COONS, Mr. CARDIN, Mr. BLUMENTHAL, Mr. MERKLEY, Ms. HARRIS, and Mr. REED):

S. 4003. A bill to improve United States consideration of, and strategic support for, programs to prevent and respond to gender-based violence from the onset of humanitarian emergencies and to build the capacity of humanitarian actors to address the immediate and long-term challenges resulting from such violence, and for other purposes; to the Committee on Foreign Relations.

By Mr. RUBIO:

S. 4004. A bill to ensure that college athletes, and not institutions of higher education, are able to profit from their name, image, and likeness, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. WARREN:

S. 4005. A bill to amend title 31, United States Code, to address claims of the United States Government relating to care received by civilians at military medical treatment facilities, and for other purposes; to the Committee on Armed Services.

By Ms. HASSAN (for herself and Mr. ENZI):

S. 4006. A bill to amend title 31, United States Code, to save Federal funds by authorizing changes to the composition of circulating coins, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CASEY (for himself and Ms. CORTEZ MASTO):

S. 4007. A bill to amend the Trade Act of 1974 to modify the eligibility requirements for the Generalized System of Preferences to strengthen worker protections and to ensure that beneficiary developing countries afford equal rights and protection under the law, regardless of gender, and for other purposes; to the Committee on Finance.

By Mr. CASEY:

S. 4008. A bill to amend the Bipartisan Congressional Trade Priorities and Accountability Act of 2015 to require that any trade agreement subject to expedited procedures under that Act contain certain requirements relating to the origination of goods in non-market economy countries; to the Committee on Finance.

By Mr. CASEY:

S. 4009. A bill to reauthorize the Rivers of Steel National Heritage Area, the Lackawanna Valley National Heritage Area, the Delaware and Lehigh National Heritage Corridor, the Schuylkill River Valley National Heritage Area, and the Oil Region National Heritage Area, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CASEY (for himself and Ms. COLLINS):

S. 4010. A bill to amend the Federal Food, Drug, and Cosmetic Act to make permanent the authority of the Secretary of Health and Human Services to issue priority review vouchers to encourage treatments for rare pediatric diseases; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BLUMENTHAL (for Mr. MARKEY (for himself, Mr. BLUMENTHAL, Mr. SANDERS, Ms. WARREN, and Ms. HARRIS)):

S. 4011. A bill to temporarily suspend certain immigration enforcement activities during disease-related emergencies; to the Committee on the Judiciary.

By Mr. WICKER (for himself, Ms. SINEMA, Mr. GRAHAM, and Mr. COONS):

S. 4012. A bill to establish a \$120,000,000,000 Restaurant Revitalization Fund to provide structured relief to food service or drinking establishments through December 31, 2020, and for other purposes; to the Committee on Finance.

By Ms. WARREN (for herself and Mr. SANDERS):

S. 4013. A bill to prohibit certain transactions during the coronavirus disease 2019 (COVID-19) pandemic; to the Committee on Commerce, Science, and Transportation.

By Mr. CARDIN (for himself, Mr. COONS, Mrs. SHAHEEN, and Mr. CASEY):

S. 4014. A bill to provide for supplemental loans under the Paycheck Protection Program; to the Committee on Small Business and Entrepreneurship.

By Mr. THUNE:

S. 4015. A bill to provide funds to assess the availability, accelerate the deployment, and improve the sustainability of advanced communications services and communications infrastructure in rural America, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. MENENDEZ:

S. 4016. A bill to reiterate the support of Congress for the relationship between the United States and the Federal Republic of Germany, to prevent the weakening of the deterrence capacity of the United States in Europe, to prohibit use of funds to withdraw the United States Armed Forces from Europe, and for other purposes; to the Committee on Foreign Relations.

By Mr. HOEVEN (for himself and Mr. KAINE):

S. 4017. A bill to extend the period for obligations or expenditures for amounts obligated for the National Disaster Resilience competition; to the Committee on Banking, Housing, and Urban Affairs.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. JOHNSON (for himself and Mrs. SHAHEEN):

S. Res. 628. A resolution celebrating the 140th anniversary of the establishment of diplomatic relations between the United States and Romania; to the Committee on Foreign Relations.

By Mr. DAINES (for himself, Mr. PETERS, Mrs. SHAHEEN, Mr. KING, Mr. CRAMER, Ms. MCSALLY, Mr. GARDNER, and Ms. HIRONO):

S. Res. 629. A resolution designating June 2020 as "Great Outdoors Month"; to the Committee on the Judiciary.

By Mr. ALEXANDER (for himself, Mr. DURBIN, Mrs. BLACKBURN, Mr. BLUMENTHAL, Mr. BOOKER, Mr. BOOZMAN, Mrs. CAPITO, Ms. COLLINS, Ms. DUCKWORTH, Mr. INHOFE, Mr. JONES, Ms. KLOBUCHAR, Mr. MANCHIN, Ms. SMITH, Mr. CARPER, and Mr. CARDIN):

S. Res. 630. A resolution designating June 20, 2020, as "American Eagle Day" and celebrating the recovery and restoration of the bald eagle, the national symbol of the United States; considered and agreed to.

By Mr. HAWLEY (for himself, Mr. BLUNT, and Mr. CRUZ):

S. Res. 631. A resolution honoring the life and service of David Dorn and expressing

condolences to the family of David Dorn; considered and agreed to.

By Mr. MENENDEZ (for himself, Mr. RISCH, Mr. CARDIN, Mr. RUBIO, Mr. KAINE, and Mr. CRUZ):

S. Res. 632. A resolution reaffirming the partnership between the United States and the Republic of Ecuador and recognizing the restoration and advancement of economic relations, security, and development opportunities in both nations; to the Committee on Foreign Relations.

#### ADDITIONAL COSPONSORS

S. 785

At the request of Mr. PORTMAN, his name was added as a cosponsor of S. 785, a bill to improve mental health care provided by the Department of Veterans Affairs, and for other purposes.

S. 872

At the request of Mrs. SHAHEEN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 872, a bill to require the Secretary of the Treasury to redesign \$20 Federal reserve notes so as to include a likeness of Harriet Tubman, and for other purposes.

S. 1374

At the request of Ms. MCSALLY, the names of the Senator from Iowa (Ms. ERNST) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S. 1374, a bill to amend title II of the Social Security Act to eliminate the waiting periods for disability insurance benefits and Medicare coverage for individuals with metastatic breast cancer, and for other purposes.

S. 1620

At the request of Mr. PAUL, the name of the Senator from Indiana (Mr. BRAUN) was added as a cosponsor of S. 1620, a bill to amend the Federal Meat Inspection Act to exempt from inspection the slaughter of animals and the preparation of carcasses conducted at a custom slaughter facility, and for other purposes.

S. 3095

At the request of Ms. WARREN, the name of the Senator from Minnesota (Ms. SMITH) was added as a cosponsor of S. 3095, a bill to develop voluntary guidelines for accessible postsecondary electronic instructional materials and related technologies, and for other purposes.

S. 3103

At the request of Mr. DURBIN, the names of the Senator from Arkansas (Mr. BOOZMAN) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 3103, a bill to amend title XVIII of the Social Security Act to restore State authority to waive for certain facilities the 35-mile rule for designating critical access hospitals under the Medicare program.

S. 3599

At the request of Mr. PERDUE, the names of the Senator from Wyoming (Mr. ENZI), the Senator from Virginia (Mr. KAINE) and the Senator from New Hampshire (Ms. HASSAN) were added as

cosponsors of S. 3599, a bill to enhance our Nation's nurse and physician workforce during the COVID-19 crisis by recapturing unused immigrant visas.

S. 3620

At the request of Mr. REED, the name of the Senator from Michigan (Mr. PETERS) was added as a cosponsor of S. 3620, a bill to establish a Housing Assistance Fund at the Department of the Treasury.

S. 3703

At the request of Ms. COLLINS, the names of the Senator from Kansas (Mr. MORAN) and the Senator from New Jersey (Mr. BOOKER) were added as cosponsors of S. 3703, a bill to amend the Elder Abuse Prevention and Prosecution Act to improve the prevention of elder abuse and exploitation of individuals with Alzheimer's disease and related dementias.

S. 3722

At the request of Mr. CRUZ, the names of the Senator from Florida (Mr. SCOTT), the Senator from New Hampshire (Ms. HASSAN), the Senator from Kansas (Mr. MORAN), the Senator from Virginia (Mr. KAINE), the Senator from Idaho (Mr. CRAPO), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from West Virginia (Mrs. CAPITO) and the Senator from Nevada (Ms. CORTEZ MASTO) were added as cosponsors of S. 3722, a bill to authorize funding for a bilateral cooperative program with Israel for the development of health technologies with a focus on combating COVID-19.

S. 3768

At the request of Mr. CASEY, the name of the Senator from Minnesota (Ms. SMITH) was added as a cosponsor of S. 3768, a bill to protect older adults and people with disabilities living in nursing homes, intermediate care facilities, and psychiatric hospitals from COVID-19.

S. 3850

At the request of Ms. WARREN, the name of the Senator from Illinois (Ms. DUCKWORTH) was added as a cosponsor of S. 3850, a bill to require the Centers for Disease Control and Prevention to collect and report certain data concerning COVID-19.

S. 3856

At the request of Ms. WARREN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 3856, a bill to authorize emergency homeless assistance grants under the Emergency Solutions Grants program of the Department of Housing and Urban Development for response to the public health emergency relating to COVID-19, and for other purposes.

S. 3911

At the request of Mrs. SHAHEEN, the name of the Senator from New Hampshire (Ms. HASSAN) was added as a cosponsor of S. 3911, a bill to require the Secretary of Defense to establish a task force to address the effects of the release of perfluoroalkyl substances and polyfluoroalkyl substances from

activities of the Department of Defense, to include exposure to such substances in periodic health assessments of members of the Armed Forces, and for other purposes.

S. 3931

At the request of Mr. PAUL, the name of the Senator from Indiana (Mr. BRAUN) was added as a cosponsor of S. 3931, a bill to prevent the militarization of Federal, State, and local law enforcement by Federal excess property transfers and grant programs.

S. 3981

At the request of Mr. VAN HOLLEN, the name of the Senator from Virginia (Mr. KAINE) was added as a cosponsor of S. 3981, a bill to extend to the Mayor of the District of Columbia the same authority over the National Guard of the District of Columbia as the Governors of the several States exercise over the National Guard of those States with respect to administration of the National Guard and its use to respond to natural disasters and other civil disturbances, and for other purposes.

S. 3982

At the request of Mr. VAN HOLLEN, the name of the Senator from Virginia (Mr. KAINE) was added as a cosponsor of S. 3982, a bill to amend the District of Columbia Home Rule Act to repeal the authority of the President to assume emergency control of the police of the District of Columbia.

S. RES. 509

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

S. RES. 623

At the request of Mr. PORTMAN, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. Res. 623, a resolution commemorating Otto Frederick Warmbier and condemning the North Korean regime for their continued human rights abuses.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTION

By Mr. THUNE (for himself and Mr. BROWN):

S. 3995. A bill to limit the authority of States or other taxing jurisdictions to tax certain income of employees for employment duties performed in other States or taxing jurisdictions, and for other purposes; to the Committee on Finance.

Mr. THUNE. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3995

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Remote and Mobile Worker Relief Act of 2020”.

**SEC. 2. LIMITATIONS ON WITHHOLDING AND TAXATION OF EMPLOYEE INCOME.**

(a) IN GENERAL.—No part of the wages or other remuneration earned by an employee who performs employment duties in more than one taxing jurisdiction shall be subject to income tax in any taxing jurisdiction other than—

(1) the taxing jurisdiction of the employee’s residence; and

(2) the taxing jurisdiction within which the employee is present and performing employment duties for more than 30 days during the calendar year in which the wages or other remuneration is earned.

(b) WAGES OR OTHER REMUNERATION.—Wages or other remuneration earned in any calendar year shall not be subject to income tax withholding and reporting requirements with respect to any taxing jurisdiction unless the employee is subject to income tax in such taxing jurisdiction under subsection (a). Income tax withholding and reporting requirements under subsection (a)(2) shall apply to wages or other remuneration earned as of the commencement date of employment duties in the taxing jurisdiction during the calendar year.

(c) OPERATING RULES.—For purposes of determining penalties related to an employer’s income tax withholding and reporting requirements with respect to any taxing jurisdiction—

(1) an employer may rely on an employee’s annual determination of the time expected to be spent by such employee in the taxing jurisdictions in which the employee will perform duties absent—

(A) the employer’s actual knowledge of fraud by the employee in making the determination; or

(B) collusion between the employer and the employee to evade tax;

(2) except as provided in paragraph (3), if records are maintained by an employer in the regular course of business that record the location of an employee, such records shall not preclude an employer’s ability to rely on an employee’s determination under paragraph (1); and

(3) notwithstanding paragraph (2), if an employer, at its sole discretion, maintains a time and attendance system that tracks where the employee performs duties on a daily basis, data from the time and attendance system shall be used instead of the employee’s determination under paragraph (1).

(d) DEFINITIONS AND SPECIAL RULES.—For purposes of this Act:

(1) DAY.—

(A) Except as provided in subparagraph (B), an employee is considered present and performing employment duties within a taxing jurisdiction for a day if the employee performs more of the employee’s employment duties within such taxing jurisdiction than in any other taxing jurisdiction during a day.

(B) If an employee performs employment duties in a resident taxing jurisdiction and in only one nonresident taxing jurisdiction during one day, such employee shall be considered to have performed more of the employee’s employment duties in the nonresident taxing jurisdiction than in the resident taxing jurisdiction for such day.

(C) For purposes of this paragraph, the portion of the day during which the employee is in transit shall not be considered in determining the location of an employee’s performance of employment duties.

(2) EMPLOYEE.—The term “employee” has the same meaning given to it by the taxing jurisdiction in which the employment duties are performed, except that the term “em-

ployee” shall not include a professional athlete, professional entertainer, qualified production employee, or certain public figures.

(3) PROFESSIONAL ATHLETE.—The term “professional athlete” means a person who performs services in a professional athletic event, provided that the wages or other remuneration are paid to such person for performing services in his or her capacity as a professional athlete.

(4) PROFESSIONAL ENTERTAINER.—The term “professional entertainer” means a person of prominence who performs services in the professional performing arts for wages or other remuneration on a per-event basis, provided that the wages or other remuneration are paid to such person for performing services in his or her capacity as a professional entertainer.

(5) QUALIFIED PRODUCTION EMPLOYEE.—The term “qualified production employee” means a person who performs production services of any nature directly in connection with a taxing jurisdiction qualified, certified or approved film, television or other commercial video production for wages or other remuneration, provided that the wages or other remuneration paid to such person are qualified production costs or expenditures under such taxing jurisdiction’s qualified, certified or approved film incentive program, and that such wages or other remuneration must be subject to withholding under such film incentive program as a condition to treating such wages or other remuneration as a qualified production cost or expenditure.

(6) CERTAIN PUBLIC FIGURES.—The term “certain public figures” means persons of prominence who perform services for wages or other remuneration on a per-event basis, provided that the wages or other remuneration are paid to such person for services provided at a discrete event, in the nature of a speech, public appearance, or similar event.

(7) EMPLOYER.—The term “employer” has the meaning given such term in section 3401(d) of the Internal Revenue Code of 1986 (26 U.S.C. 3401(d)), unless such term is defined by the taxing jurisdiction in which the employee’s employment duties are performed, in which case the taxing jurisdiction’s definition shall prevail.

(8) TAXING JURISDICTION.—The term “taxing jurisdiction” means any of the several States, the District of Columbia, or any territory or possession of the United States, any municipality, city, county, township, parish, transportation district, or assessment jurisdiction, or any other political subdivision within the territorial limits of the United States with the authority to impose a tax, charge, or fee.

(9) TIME AND ATTENDANCE SYSTEM.—The term “time and attendance system” means a system in which—

(A) the employee is required on a contemporaneous basis to record his work location for every day worked outside of the taxing jurisdiction in which the employee’s employment duties are primarily performed; and

(B) the system is designed to allow the employer to allocate the employee’s wages for income tax purposes among all taxing jurisdictions in which the employee performs employment duties for such employer.

(10) WAGES OR OTHER REMUNERATION.—The term “wages or other remuneration” may be limited by the taxing jurisdiction in which the employment duties are performed.

(e) ADJUSTMENT DURING CORONAVIRUS PANDEMIC.—With respect to calendar year 2020, in the case of any employee who performs employment duties in any taxing jurisdiction other than the taxing jurisdiction of the employee’s residence during such year as a result of the COVID-19 public health emergency, subsection (a)(2) shall be applied by substituting “90 days” for “30 days”.

**SEC. 3. STATE AND LOCAL TAX CERTAINTY.**

(a) STATUS OF EMPLOYEES DURING COVERED PERIOD.—Notwithstanding section 2(a)(2) or any provision of law of a taxing jurisdiction, with respect to any employee who is working remotely within such taxing jurisdiction during the covered period—

(1) except as provided under paragraph (2), any wages earned by such employee during such period shall be deemed to have been earned at the primary work location of such employee; and

(2) if an employer, at its sole discretion, maintains a system that tracks where such employee performs duties on a daily basis, wages earned by such employee may, at the election of such employer, be treated as earned at the location in which such duties were remotely performed.

(b) STATUS OF BUSINESSES DURING COVERED PERIOD.—Notwithstanding any provision of law of a taxing jurisdiction—

(1) in the case of an out-of-state business which has any employees working remotely within such jurisdiction during the covered period, the duties performed by such employees within such jurisdiction during such period shall not be sufficient to create any nexus or establish any minimum contacts or level of presence that would otherwise subject such business to any registration, taxation, or other related requirements for businesses operating within such jurisdiction; and

(2) except as provided under subsection (a)(2), with respect to any tax imposed by such taxing jurisdiction which is determined, in whole or in part, based on net or gross receipts or income, for purposes of apportioning or sourcing such receipts or income, any duties performed by an employee of an out-of-state business while working remotely during the covered period—

(A) shall be disregarded with respect to any filing requirements for such tax; and

(B) shall be apportioned and sourced to the tax jurisdiction which includes the primary work location of such employee.

(c) DEFINITIONS.—For purposes of this section—

(1) COVERED PERIOD.—The term “covered period” means, with respect to any employee working remotely, the period—

(A) beginning on the date on which such employee began working remotely; and

(B) ending on the earlier of—

(i) the date on which the employer allows, at the same time—

(I) such employee to return to their primary work location; and

(II) not less than 90 percent of their permanent workforce to return to such work location; or

(ii) December 31, 2020.

(2) EMPLOYEE.—The term “employee” has the same meaning given to it by the taxing jurisdiction in which the employment duties are performed.

(3) EMPLOYER.—The term “employer” has the same meaning given such term under section 2(d)(7).

(4) OUT-OF-STATE BUSINESS.—The term “out-of-state business” means, with respect to any tax jurisdiction, any business entity which, excepting any employees of such business who are working remotely within such jurisdiction during the covered period, would not otherwise be subject to any tax filing requirements under the existing law of such taxing jurisdiction.

(5) PRIMARY WORK LOCATION.—The term “primary work location” means, with respect to an employee, the address of the employer where the employee is regularly assigned to work when such employee is not working remotely during the covered period.

(6) **TAXING JURISDICTION.**—The term “taxing jurisdiction” has the same meaning given such term under section 2(d)(8).

(7) **WAGES.**—The term “wages” means all wages and other remuneration paid to an employee that are subject to tax or withholding requirements under the law of the taxing jurisdiction in which the employment duties are deemed to be performed under subsection (a) during the covered period.

(8) **WORKING REMOTELY.**—The term “working remotely” means the performance of duties by an employee at a location other than the primary work location of such employee at the direction of their employer due to conditions resulting from the public health emergency relating to the virus SARS-CoV-2 or coronavirus disease 2019 (referred to in this paragraph as “COVID-19”), including—

(A) to comply with any government order relating to COVID-19;

(B) to prevent the spread of COVID-19; and

(C) due to the employee or a member of the employee’s family contracting COVID-19.

(d) **PRESERVATION OF AUTHORITY OF TAXING JURISDICTIONS.**—This section shall not be construed as modifying, impairing, superseding, or authorizing the modification, impairment, or supersession of the law of any taxing jurisdiction pertaining to taxation except as expressly provided in subsections (a) through (c).

#### SEC. 4. EFFECTIVE DATE; APPLICABILITY.

(a) **EFFECTIVE DATE.**—This Act shall apply to calendar years beginning after December 31, 2019.

(b) **APPLICABILITY.**—This Act shall not apply to any tax obligation that accrues before January 1, 2020.

By Mr. PORTMAN (for himself, Mr. CARPER, Mr. BARRASSO, Mrs. BLACKBURN, Mr. BRAUN, Mr. COONS, Ms. CORTEZ MASTO, Ms. HASSAN, Mr. HAWLEY, Mr. MANCHIN, Mr. RISCH, Mr. RUBIO, Mr. SCOTT of Florida, Mrs. SHAHEEN, and Mr. TILLIS):

S. 3997. A bill to strengthen the security and integrity of the United States scientific and research enterprise; to the Committee on Homeland Security and Governmental Affairs.

Mr. PORTMAN. Mr. President, I am here on the floor to talk about a significant step forward in holding China accountable for not playing by the rules. Today, after months of work, we are introducing bipartisan legislation called the Safeguarding American Innovation Act that will help crack down on the rampant theft of U.S. taxpayer-funded research and innovation at America’s colleges and universities by foreign governments like China. It’s outrageous, and it has to stop.

At the Permanent Subcommittee on Investigations, which I chair, we conducted a bipartisan year-long investigation in 2019 into how China has used so-called talent recruitment programs, most notably its Thousand Talents Plan, to steal U.S. taxpayer-funded research. The Chinese Communist Party has systematically targeted the most promising U.S. research and researchers, and then paid these grant recipients to take their taxpayer-funded research to China. That research and technology often ends up going directly to China to help fuel the rise of its military and economy. Part of the rea-

son it’s gone on so long, frankly, is because we’ve been asleep at the switch. That’s starting to change in the wake of our Subcommittee investigation.

Right now, our law enforcement officials and other federal entities are working to hold China accountable for this IP theft problem but are limited in the actions they can take under current law. All of the arrests they’ve made so far have been about peripheral financial crimes like wire fraud and tax evasion, not the core issue of taking American taxpayer-paid research to benefit China. Why? Because they don’t have the legal ability to address the root causes of this problem.

That changes today. Along with my Democratic counterpart on the Subcommittee, TOM CARPER from Delaware, we are introducing the bipartisan Safeguarding American Innovation Act to empower the government to protect our research enterprise while keeping it open and transparent.

First, our bill makes it a crime failing to disclose their foreign ties on federal grant applications, which, shockingly, it currently isn’t.

It requires the Office of Management and Budget, OMB, to streamline and coordinate grant-making between the federal agencies so there’s needed accountability and transparency when it comes to tracking the billions of dollars of taxpayer-funded grant money that’s being distributed.

It also allows the State Department to deny visas to foreign researchers who we know are seeking to steal research and IP by exploiting exemptions in our export control laws. This may surprise you, but the State Department can’t do that now. Career foreign service officers, employees at the State Department, have asked us to provide this authority.

Our bill also requires research institutions and universities to provide the State Department basic information about the sensitive technologies that a foreign researcher will have access to.

And our bill ensures transparency by requiring universities to report any foreign gift of \$50,000 or more and empowering the Department of Education to fine universities that repeatedly fail to disclose these gifts.

Rather than just pointing the finger at China, we ought to be looking at our own government and our own institutions and doing a better job here. Until we start to get our own house in order and take a firmer stance on foreign influence here in this country, we’re not going to see much improvement. That’s what this legislation does. In turn, I think showing that we’re serious about fixing our own vulnerabilities will send a firm but fair signal to China—and other adversaries looking to take advantage of our research enterprise—to change their behavior. I encourage my colleagues to support this bipartisan effort.

I yield back.

By Mr. DURBIN (for himself and Ms. DUCKWORTH):

S. 4002. A bill to amend the Servicemembers Civil Relief Act to extend the interest rate limitation on debt entered into during military service to debt incurred during military service to consolidate or refinance student loans incurred before military service; to the Committee on Veterans’ Affairs.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 4002

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Service-member Student Loan Affordability Act of 2020”.

#### SEC. 2. INTEREST RATE LIMITATION ON DEBT ENTERED INTO DURING MILITARY SERVICE TO CONSOLIDATE OR REFINANCE STUDENT LOANS INCURRED BEFORE MILITARY SERVICE.

(a) **IN GENERAL.**—Subsection (a) of section 207 of the Servicemembers Civil Relief Act (50 U.S.C. 3937) is amended—

(1) in paragraph (1), by inserting “ON DEBT INCURRED BEFORE SERVICE” after “LIMITATION TO 6 PERCENT”;

(2) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(3) by inserting after paragraph (1) the following new paragraph (2):

“(2) **LIMITATION TO 6 PERCENT ON DEBT INCURRED DURING SERVICE TO CONSOLIDATE OR REFINANCE STUDENT LOANS INCURRED BEFORE SERVICE.**—An obligation or liability bearing interest at a rate in excess of 6 percent per year that is incurred by a servicemember, or the servicemember and the servicemember’s spouse jointly, during military service to consolidate or refinance one or more student loans incurred by the servicemember before such military service shall not bear an interest at a rate in excess of 6 percent during the period of military service.”;

(4) in paragraph (3), as redesignated by paragraph (2) of this subsection, by inserting “or (2)” after “paragraph (1)”; and

(5) in paragraph (4), as so redesignated, by striking “paragraph (2)” and inserting “paragraph (3)”.

(b) **IMPLEMENTATION OF LIMITATION.**—Subsection (b) of such section is amended—

(1) in paragraph (1)(A), by striking “the interest rate limitation in subsection (a)” and inserting “an interest rate limitation in paragraph (1) or (2) of subsection (a)”;

and

(2) in paragraph (2)—

(A) in the paragraph heading, by striking “EFFECTIVE AS OF DATE OF ORDER TO ACTIVE DUTY” and inserting “EFFECTIVE DATE”; and

(B) by inserting before the period at the end the following: “in the case of an obligation or liability covered by subsection (a)(1), or as of the date the servicemember (or servicemember and spouse jointly) incurs the obligation or liability concerned under subsection (a)(2)”.

(c) **STUDENT LOAN DEFINED.**—Subsection (d) of such section is amended by adding at the end the following new paragraph:

“(3) **STUDENT LOAN.**—The term ‘student loan’ means the following:

“(A) A Federal student loan made, insured, or guaranteed under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

“(B) A private student loan as that term is defined section 140(a) of the Truth in Lending Act (15 U.S.C. 1650(a)).”.



By Mr. THUNE:

S. 4015. A bill to provide funds to assess the availability, accelerate the deployment, and improve the sustainability of advanced communications services and communications infrastructure in rural America, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. THUNE. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 4015

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Rural Connectivity Advancement Program Act of 2020”.

#### SEC. 2. DEPOSIT OF SPECTRUM AUCTION PROCEEDS IN RURAL BROADBAND ASSESSMENT AND DEPLOYMENT FUND.

Section 309(j)(8) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)) is amended—

(1) in subparagraph (A), by striking “and (G)” and inserting “(G), and (H)”; and

(2) by adding at the end the following:

“(H) ASSESSMENT AND DEPLOYMENT SET-ASIDE.—

“(i) IN GENERAL.—Notwithstanding subparagraph (A), and except as provided in subparagraphs (B), (D), (E), (F), and (G), 10 percent of the net proceeds from each use of a system of competitive bidding under this subsection completed before September 30, 2022, shall be deposited in the Rural Broadband Assessment and Deployment Fund established under section 3 of the Rural Connectivity Advancement Program Act of 2020.

“(ii) NET PROCEEDS DEFINED.—For purposes of this subparagraph, the term ‘net proceeds’, with respect to the use of a system of competitive bidding, means the proceeds remaining after subtracting all auction-related expenditures, including—

“(I) relocation payments, including accelerated relocation payments;

“(II) payments to incumbent licensees for the relinquishment of all or a portion of the spectrum usage rights of those licensees;

“(III) costs associated with the reallocation of spectrum, whether on an exclusive or shared use basis;

“(IV) relocation or sharing costs, including for planning for relocation or sharing; and

“(V) bidding credits.”.

#### SEC. 3. DIRECTION AND USE OF RURAL BROADBAND ASSESSMENT AND DEPLOYMENT FUND PROCEEDS.

(a) DEFINITIONS.—In this subsection—

(1) the term “Commission” means the Federal Communications Commission; and

(2) the term “high-cost programs” means—

(A) the program for Universal Service Support for High-Cost Areas set forth under subpart D of part 54 of title 47, Code of Federal Regulations, or any successor regulations;

(B) the Rural Digital Opportunity Fund set forth under subpart J of part 54 of title 47, Code of Federal Regulations, or any successor regulations;

(C) the Interstate Common Line Support Mechanism for Rate-of-Return Carriers set forth under subpart K of part 54 of title 47, Code of Federal Regulations, or any successor regulations;

(D) the Mobility Fund set forth under subpart L of part 54 of title 47, Code of Federal Regulations, or any successor regulations;

(E) the High Cost Loop Support for Rate-of-Return Carriers program set forth under subpart M of part 54 of title 47, Code of Federal Regulations, or any successor regulations;

(F) the Uniendo a Puerto Rico Fund and the Connect USVI Fund set forth under subpart O of part 54 of title 47, Code of Federal Regulations, or any successor regulations; and

(G) the Rural Broadband Experiments, as established by the Commission under part 54 of title 47, Code of Federal Regulations.

(b) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States a fund to be known as the “Rural Broadband Assessment and Deployment Fund”.

(c) BORROWING AUTHORITY.—

(1) IN GENERAL.—Beginning on the date on which the Commission announces the results of an auction under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)), the Commission may borrow from the Treasury of the United States an amount not to exceed the amount that will be deposited in the Rural Broadband Assessment and Deployment Fund under paragraph (8)(H) of that section (as added by section 2 of this Act) as a result of that auction.

(2) REIMBURSEMENT.—The Commission shall reimburse the general fund of the Treasury, without interest, for any amounts borrowed under paragraph (1) as funds are deposited into the Rural Broadband Assessment and Deployment Fund.

(d) AVAILABILITY OF AMOUNTS.—Any amounts borrowed under subsection (c)(1) and any amounts in the Rural Broadband Assessment and Deployment Fund that are not necessary for reimbursement of the general fund of the Treasury for such borrowed amounts shall be available to the Commission for use in accordance with subsection (e).

(e) USE OF AMOUNTS.—

(1) ESTABLISHMENT OF PROGRAM OR PROGRAMS.—The Commission shall use the amounts made available under subsection (d) to establish 1 or more programs that are separate from, but are coordinated with and complement, the high-cost programs to address—

(A) gaps that remain in broadband internet access service coverage in high-cost rural areas despite the operations of the high-cost programs; and

(B) shortfalls in sufficient funding of the high-cost programs that could adversely affect the sustainability of services or reasonable comparability of rates that are supported by those programs.

(2) PURPOSES.—In carrying out paragraph (1), the Commission shall use amounts made available under subsection (d) in an efficient and cost-effective manner only—

(A) for the assessment of, and to provide subsidies in a technology-neutral manner through a competitive process (subject to weighting preferences for performance quality and other service metrics as the Commission may find appropriate) to providers for support of, deployment of broadband-capable infrastructure in high-cost rural areas that the Commission determines are unserved by fixed terrestrial broadband internet access service at a download speed of not less than 25 megabits per second and an upload speed of not less than 3 megabits per second (or such higher speed as the Commission may determine appropriate based upon an evolving definition of universal service); and

(B) to assess, and provide subsidies to providers to enable providers to sustain, broadband internet access service in any rural area in which—

(i) only one provider of fixed terrestrial broadband internet access service operates; and

(ii) the high-cost nature of the area precludes the offering of voice service and broadband internet access service at rates and performance levels available in urban areas as determined by the Urban Rate Survey conducted by the Commission.

(3) TRIBAL CONSIDERATIONS.—In distributing amounts under this subsection, the Commission shall consider the broadband internet access service needs of residents of Tribal lands (as defined in section 54.400 of title 47, Code of Federal Regulations, or any successor regulation).

(4) LIMITATIONS.—

(A) PROHIBITION ON FUNDING OTHER PROGRAMS.—

(i) IN GENERAL.—The Commission may not use amounts made available under subsection (d) to fund any program that was not established by the Commission under paragraph (1) of this subsection, including any program established under section 254 of the Communications Act of 1934 (47 U.S.C. 254) in effect on the date of enactment of this Act, except for using the Universal Service Administrative Company to administer funding.

(ii) RULE OF CONSTRUCTION.—Nothing in clause (i) shall be construed to prohibit the Commission from using amounts made available under subsection (d) to supplement the provision of support under the high-cost programs, as authorized under paragraph (1)(B) of this subsection.

(B) TRANSPARENCY AND ACCOUNTABILITY FOR ADDRESSING GAPS IN COVERAGE.—The Commission shall establish transparency and accountability requirements for amounts made available for the purpose set forth in paragraph (1)(A) that, at a minimum—

(i) provide—

(I) a process for challenging any initial determination by the Commission regarding whether an area is served or unserved; and

(II) written public notice on the website of the Commission of—

(aa) how each challenge under subparagraph (I) was decided; and

(bb) the reasons of the Commission for each decision;

(ii) establish broadband service buildout milestones and require periodic certification by funding recipients to ensure compliance with the broadband service buildout milestones;

(iii) establish a maximum buildout timeframe of 4 years beginning on the date on which funding is provided;

(iv) establish periodic reporting requirements for funding recipients that identify, at a minimum, the nature of the service provided in each area where funding is provided;

(v) establish standard penalties for non-compliance with the requirements established under this subparagraph and as may be further prescribed by the Commission;

(vi) establish procedures for recovery of funds, in whole or in part, from funding recipients in the event of default or non-compliance with the requirements established under this subparagraph and as may be further prescribed by the Commission; and

(vii) require a funding recipient to—

(I) offer voice service and broadband internet access service; and

(II) permit a consumer to subscribe to one type of service described in subclause (I) or both types; and

(C) TRANSPARENCY AND ACCOUNTABILITY FOR ADDRESSING SHORTFALLS IN FUNDING.—The Commission shall establish transparency and accountability requirements for amounts made available for the purpose set forth in subparagraph (1)(B) that, at a minimum—

(i) establish periodic reporting and certification requirements for funding recipients to ensure that the funding results in the offering of voice service and broadband internet access service at reasonably comparable rates and performance levels;

(ii) establish standard penalties for non-compliance with the requirements established under this subparagraph and as may be further prescribed by the Commission;

(iii) establish procedures for recovery of funds, in whole or in part, from funding recipients in the event of default or non-compliance with the requirements established under this subparagraph and as may be further prescribed by the Commission; and

(iv) require a funding recipient to—

(I) offer voice service and broadband internet access service; and

(II) permit a consumer to subscribe to one type of service described in subclause (I) or both types.

(f) REPORTS.—

(1) AUCTION-SPECIFIC REPORTS.—Not later than 30 days after the date on which the Commission announces the results of an auction under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)), the Commission shall publish and submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the amount of net proceeds that will be deposited in the Rural Broadband Assessment and Deployment Fund under paragraph (8)(H) of that section (as added by section 2 of this Act) as a result of that auction.

(2) AUCTION PROCEEDS DEPLOYMENT REPORT.—Section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) is amended by adding at the end the following:

“(19) REPORT ON RURAL BROADBAND ASSESSMENT AND DEPLOYMENT FUND PROCEEDS.—Not later than March 1, 2021, and not less frequently than annually thereafter, the Commission shall publish and submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on—

“(A) the distribution of amounts made available under section 3(d) of the Rural Connectivity Advancement Program Act of 2020 for the preceding year; and

“(B) the projected distribution of amounts that will be made available under section 3(d) of the Rural Connectivity Advancement Program Act of 2020 for the year after the year in which the report is published and submitted.”.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 628—CELEBRATING THE 140TH ANNIVERSARY OF THE ESTABLISHMENT OF DIPLOMATIC RELATIONS BETWEEN THE UNITED STATES AND ROMANIA

Mr. JOHNSON (for himself and Mrs. SHAHEEN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 628

Whereas the United States established diplomatic relations with Romania in June 1880;

Whereas, in 1997, the United States and Romania established a long-term partnership based on the United States' recognition of Romania's strategic importance, the commitment to shared values, and a common interest in stability and democratic progress;

Whereas Romania joined the North Atlantic Treaty Organization (NATO) in 2004 and hosts NATO's Multi-national Division Headquarters South East, a NATO Force Integration Unit, the Multi-national Brigade South East, and the Aegis Ashore Missile Defense System, a key element of the United States European Phased Adaptive Approach missile defense system;

Whereas, in 2011, the United States and Romania issued the “Joint Declaration on Strategic Partnership for the 21st Century Between the United States of America and Romania”, reflecting increasing cooperation between the countries and throughout the Black Sea region to promote security, democracy, free market opportunities, and cultural exchange;

Whereas Romania continues to modernize its armed forces and is 1 of 7 NATO members to have met its 2014 Wales Summit commitment to allocate at least 2 percent of gross domestic product for defense spending;

Whereas the Romanian Armed Forces have supported NATO and United States operations in Iraq, Afghanistan, and other theaters for almost 2 decades, contributing more than 30,000 total combat and support personnel to those missions, some of whom have made the ultimate sacrifice;

Whereas Romania is a member of the Global Coalition to Defeat ISIS, provided humanitarian assistance to the people of Iraq and Syria, and is making significant contributions to the fight against international terrorism;

Whereas, on August 20, 2019, the United States and Romania signed a memorandum of understanding outlining a shared commitment to developing a secure and vibrant fifth-generation wireless infrastructure based on free and fair competition, transparency, and the rule of law—including a rigorous evaluation of vendors.

Whereas Romania has played a leading role in the establishment of the Three Seas Initiative and was one of the first countries to invest in the Three Seas Initiative Investment Fund, which aims to increase energy independence and infrastructure connectivity across Central and Eastern Europe;

Whereas the United States and Romania have been deepening their economic relationship through increased bilateral trade and investment, and in 2017, Romania hosted the tenth annual United States Commercial Service Trade Winds Forum and Trade Mission, helping United States companies boost exports across Southeast Europe;

Whereas, in 2018, as Romania celebrated its Unification Centennial, Governors from across the United States issued Proclamations to congratulate Romanians and Romanian-Americans on that historic milestone, illustrating the close ties and friendship that exist between the United States and Romania;

Whereas, in 2019, Romanians all across the United States commemorated 30 years since Romania's liberation from the former communist regime, a powerful reminder of the fall of the Iron Curtain in 1989 and a celebration of the triumphant call of freedom, liberty, and dignity;

Whereas the Romanian people have made progress in their efforts to hold their institutions and leadership accountable in the continued fight against high-level corruption;

Whereas Romania resides in the strategically important and increasingly militarized Black Sea region, and has proven itself a critical security ally in the region, including by hosting the annual NATO Sea Shield exercise;

Whereas, during these times of unprecedented challenge caused by the COVID-19 pandemic crisis, the United States and Ro-

mania are strengthening their partnership, such as through United States assistance with targeted funds, strategic military airlift and medical emergency equipment, and Romanian support for the swift repatriation of United States nationals overseas;

Whereas, as a sign of solidarity and friendship between the people of Romania and the United States, Romania sent its first medical and expert support and advisory mission to Alabama, assigning 15 Romanian doctors, medical staff, and chemical and biological risk experts to exchange best practices and assist local COVID-19 efforts in care facilities, nursing homes, and hospitals across the State; and

Whereas 2020 marks the 140th anniversary of the establishment of diplomatic relations between the United States and Romania: Now, therefore, be it

*Resolved*, That the Senate—

(1) celebrates the 140th anniversary of the establishment of diplomatic relations between the United States and Romania;

(2) applauds the Government and the people of Romania for the significant strides they have made in governance, anti-corruption, rule of law, economic reforms, and their continuing pursuit of democratic, social, and economic progress;

(3) encourages the United States Government to use its leadership in NATO to advocate for an upgraded NATO presence in Romania, in order to better accommodate the evolving threat environment in and around the Black Sea region; and

(4) reaffirms the enduring alliance between the United States and Romania, based upon shared democratic values, security partnership, and increasing economic ties.

### SENATE RESOLUTION 629—DESIGNATING JUNE 2020 AS “GREAT OUTDOORS MONTH”

Mr. DAINES (for himself, Mr. PETERS, Mrs. SHAHEEN, Mr. KING, Mr. CRAMER, Ms. MCSALLY, Mr. GARDNER, and Ms. HIRONO) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 629

Whereas hundreds of millions of individuals in the United States participate in outdoor recreation annually;

Whereas Congress enacted the Outdoor Recreation Jobs and Economic Impact Act of 2016 (Public Law 114-249; 130 Stat. 999) to assess and analyze the outdoor recreation economy of the United States and the effects attributable to the outdoor recreation economy on the overall economy of the United States;

Whereas the Outdoor Recreation Satellite Account updated in September 2019 by the Bureau of Economic Analysis of the Department of Commerce shows that outdoor recreation contributed more than \$427,000,000,000 of current-dollar gross domestic product to the economy of the United States in 2017, comprising approximately 2.2 percent of the current-dollar gross domestic product;

Whereas the Outdoor Recreation Satellite Account shows that, in 2017, the outdoor recreation sector experienced faster growth in real gross output, compensation, and employment than the overall economy of the United States, while also providing 5,200,000 jobs across the United States;

Whereas the Consolidated Appropriations Act, 2019 (Public Law 116-6; 133 Stat. 13) encouraged the Department of Commerce to continue its work with the Outdoor Recreation Satellite Account;

Whereas regular outdoor recreation is associated with economic growth, positive health outcomes, and better quality of life;

Whereas many outdoor recreation businesses are small businesses, which have been heavily impacted by the COVID-19 pandemic;

Whereas, as a result of the COVID-19 pandemic, many outdoor recreation businesses have experienced decreases in sales and have furloughed or laid off employees;

Whereas outdoor recreation businesses are cornerstones of rural communities and outdoor recreation is part of the national heritage of the United States; and

Whereas June 2020 is an appropriate month to designate as “Great Outdoors Month” to provide an opportunity to celebrate the importance of the great outdoors: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates June 2020 as “Great Outdoors Month”; and

(2) encourages all individuals in the United States to responsibly participate in recreation activities in the great outdoors during June 2020 and year-round.

# SENATE RESOLUTION 630—DESIGNATING JUNE 20, 2020, AS “AMERICAN EAGLE DAY” AND CELEBRATING THE RECOVERY AND RESTORATION OF THE BALD EAGLE, THE NATIONAL SYMBOL OF THE UNITED STATES

Mr. ALEXANDER (for himself, Mr. DURBIN, Mrs. BLACKBURN, Mr. BLUMENTHAL, Mr. BOOKER, Mr. BOOZMAN, Mrs. CAPITO, Ms. COLLINS, Ms. DUCKWORTH, Mr. INHOFE, Mr. JONES, Ms. KLOBUCHAR, Mr. MANCHIN, Ms. SMITH, Mr. CARPER, and Mr. CARDIN) submitted the following resolution; which was considered and agreed to:

## S. RES. 630

Whereas the bald eagle was chosen as the central image of the Great Seal of the United States on June 20, 1782, by the Founding Fathers at the Congress of the Confederation;

Whereas the bald eagle is widely known as the living national symbol of the United States and for many generations has represented values, such as—

- (1) freedom;
- (2) democracy;
- (3) courage;
- (4) strength;
- (5) spirit;
- (6) independence;
- (7) justice; and
- (8) excellence;

Whereas the bald eagle is unique to North America and cannot be found naturally in any other part of the world, which was one of the primary reasons the Founding Fathers selected the bald eagle to symbolize the Government of the United States;

Whereas the bald eagle is the central image used in the official logos of many branches and departments of the Federal Government, including—

- (1) the Executive Office of the President;
- (2) Congress;
- (3) the Supreme Court of the United States;
- (4) the Department of Defense;
- (5) the Department of the Treasury;
- (6) the Department of Justice;
- (7) the Department of State;
- (8) the Department of Commerce;
- (9) the Department of Homeland Security;
- (10) the Department of Veterans Affairs;
- (11) the Department of Labor;
- (12) the Department of Health and Human Services;

(13) the Department of Energy;

(14) the Department of Housing and Urban Development;

(15) the Central Intelligence Agency; and

(16) the United States Postal Service;

Whereas the bald eagle is an inspiring symbol of the spirit of freedom and the sovereignty of the United States;

Whereas the image and symbolism of the bald eagle has—

(1) played a significant role in art, music, literature, architecture, commerce, education, and culture in the United States; and

(2) appeared on United States stamps, currency, and coinage;

Whereas the bald eagle was endangered and facing possible extinction in the lower 48 States but has made a gradual and encouraging comeback to the land, waterways, and skies of the United States;

Whereas the dramatic recovery of the national bird of the United States is an endangered species success story and an inspirational example to other environmental, natural resource, and wildlife conservation efforts worldwide;

Whereas, in 1940, noting that the bald eagle was threatened with extinction, Congress passed the Act entitled “An Act for the protection of the bald eagle”, approved June 8, 1940 (16 U.S.C. 668 et seq.), which prohibited killing, selling, or possessing a bald eagle, and a 1962 amendment to that Act expanded protection to the golden eagle (referred to collectively in this preamble as the “Bald and Golden Eagle Protection Act”);

Whereas, by 1963, there were only an estimated 417 nesting pairs of bald eagles remaining in the lower 48 States, with loss of habitat, poaching, and the use of pesticides and other environmental contaminants contributing to the near demise of the national bird of the United States;

Whereas, in 1967, the bald eagle was officially declared an endangered species under Public Law 89-669 (80 Stat. 926) (commonly known as the “Endangered Species Preservation Act of 1966”) in areas in the United States south of the 40th parallel due to the dramatic decline in the population of the bald eagle in the lower 48 States;

Whereas the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) was enacted in 1973, and in 1978, the bald eagle was listed as an endangered species throughout the lower 48 States, except in the States of Michigan, Minnesota, Oregon, Washington, and Wisconsin, in which the bald eagle was listed as a threatened species;

Whereas, in July 1995, the United States Fish and Wildlife Service announced that in the lower 48 States, the bald eagle had recovered sufficiently to change the status of the species from endangered to threatened;

Whereas, by 2007, bald eagles residing in the lower 48 States had rebounded to approximately 11,000 pairs;

Whereas, on June 28, 2007, the Secretary of the Interior and the Director of the United States Fish and Wildlife Service removed the bald eagle from protection under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), but the bald eagle continues to be protected under the Bald and Golden Eagle Protection Act, the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.), section 42 of title 18, United States Code (referred to in this preamble as the “Lacey Act”), and the Lacey Act Amendments of 1981 (16 U.S.C. 3371 et seq.);

Whereas Challenger, the trained, educational bald eagle of the American Eagle Foundation in Pigeon Forge, Tennessee, was invited by the Secretary of the Interior to perform a free-flight demonstration during the official bald eagle delisting ceremony held at the Jefferson Memorial in Washington, District of Columbia;

Whereas experts and population growth charts estimate that the bald eagle population could reach 15,000 pairs, even though a physical count has not been conducted by State and Federal wildlife agencies since 2007;

Whereas caring and concerned agencies, corporations, organizations, and people of the United States representing Federal and State governments and the private sector passionately and resourcefully banded together, determined to save and protect the national bird of the United States;

Whereas the recovery of the bald eagle population in the United States was largely accomplished through—

(1) the dedicated and vigilant efforts of Federal and State wildlife agencies and nonprofit organizations, such as the American Eagle Foundation;

(2) public education;

(3) captive breeding and release programs;

(4) hacking and release programs; and

(5) the translocation of bald eagles from places in the United States with dense bald eagle populations to suitable locations in the lower 48 States that had suffered a decrease in bald eagle populations;

Whereas various nonprofit organizations, such as the Southeastern Raptor Center at Auburn University in the State of Alabama, contribute to the continuing recovery of the bald eagle through rehabilitation and educational efforts;

Whereas the bald eagle might have been lost permanently if not for dedicated conservation efforts and strict protection laws such as—

(1) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(2) the Bald and Golden Eagle Protection Act;

(3) the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.);

(4) the Lacey Act; and

(5) the Lacey Act Amendments of 1981 (16 U.S.C. 3371 et seq.); and

Whereas the sustained recovery of the bald eagle population will require the continuation of recovery, management, education, and public awareness programs to ensure that the population numbers and habitat of the bald eagle remain healthy and secure for generations to come: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates June 20, 2020, as “American Eagle Day”; and

(2) applauds the issuance of bald eagle commemorative coins by the Secretary of the Treasury to generate critical funds for the protection of the bald eagle; and

(3) encourages—

(A) educational entities, organizations, businesses, conservation groups, and government agencies with a shared interest in conserving endangered species to collaborate and develop educational tools for use in the public schools of the United States; and

(B) the people of the United States to observe American Eagle Day with appropriate ceremonies and other activities.

# SENATE RESOLUTION 631—HONORING THE LIFE AND SERVICE OF DAVID DORN AND EXPRESSING CONDOLENCES TO THE FAMILY OF DAVID DORN

Mr. HAWLEY (for himself, Mr. BLUNT, and Mr. CRUZ) submitted the following resolution; which was considered and agreed to:

## S. RES. 631

Whereas David Dorn was born on October 29, 1942, in St. Louis, Missouri;

Whereas David Dorn was—

(1) a loving husband to Sergeant Ann Marie Dorn;

(2) a father of 5 children;

(3) a grandfather of 10 grandchildren; and

(4) a dedicated public servant;

Whereas David Dorn graduated from Hadley Technical High School before attending St. Louis Community College at Forest Park and Tarkio College to study criminal justice;

Whereas David Dorn began his service with the Metropolitan Police Department, City of St. Louis (referred to in this preamble as the "St. Louis Police Department") as a patrol officer in 1969;

Whereas, over the course of his career with the St. Louis Police Department, David Dorn—

(1) performed his duties with distinction and commitment;

(2) rose to the rank of captain; and

(3) acted as the deputy commander of the Bureau of Patrol Support, which oversaw 9 agencies within the St. Louis Police Department;

Whereas David Dorn demonstrated dedication to the city of St. Louis by serving in the St. Louis Police Department for 38 years before retiring in October 2007;

Whereas, on February 12, 2008, David Dorn returned to public service as Chief of Police of the Moline Acres Police Department;

Whereas, after a long career in law enforcement, David Dorn served his community by mentoring and assisting disadvantaged youth;

Whereas, on June 2, 2020, David Dorn responded to the looting of a business owned by a friend;

Whereas, in an act of senseless violence, a gunman opened fire on David Dorn in the course of that robbery, mortally wounding Dorn as Dorn was protecting his community; and

Whereas, on June 4, 2020, the people of St. Louis gathered to honor David Dorn and participated in a march to end violence: Now, therefore, be it

*Resolved*, That the Senate—

(1) extends heartfelt condolences to the family and friends of David Dorn;

(2) recognizes and honors David Dorn as a hero who lived a life of service to his community and others through the pursuit of justice and the protection of individuals in the community; and

(3) expresses deep respect and appreciation for the selfless character and sacrifice of David Dorn.

# SENATE RESOLUTION 632—RE-AFFIRMING THE PARTNERSHIP BETWEEN THE UNITED STATES AND THE REPUBLIC OF ECUADOR AND RECOGNIZING THE RESTORATION AND ADVANCEMENT OF ECONOMIC RELATIONS, SECURITY, AND DEVELOPMENT OPPORTUNITIES IN BOTH NATIONS

Mr. MENENDEZ (for himself, Mr. RISCH, Mr. CARDIN, Mr. RUBIO, Mr. KAINE, and Mr. CRUZ) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 632

Whereas the United States and Ecuador have enjoyed a history of bilateral partnership and cooperation, and share the aims of promoting democratic values, economic prosperity, and the security of both nations;

Whereas the United States and Ecuador have taken important steps to restore the bilateral relationship between the United

States and Ecuador, including by signing various agreements to strengthen economic ties, security cooperation, and development opportunities;

Whereas President Moreno has signaled Ecuador's commitment to promoting democratic values and has advocated for greater government transparency;

Whereas in February 2018, more than 64 percent of Ecuadorians voted, in a constitutional referendum, to reinstate a 2-term presidential limit, an effort that was carried out by President Moreno's administration and which is indicative of the Ecuadorian people's support for presidential term limits as a reasonable check against a history of corruption and abuse of power;

Whereas the United States-Ecuador bilateral relationship has been historically characterized by strong commercial and investment ties through the Generalized System of Preferences, the United States-Ecuador Trade and Investment Council, and the Treaty between the United States of America and the Republic of Ecuador Concerning the Encouragement and Reciprocal Protection of Investment, done at Washington August 27, 1993, which was terminated by Ecuador's previous government, effective May 18, 2018;

Whereas President Moreno's administration has committed to implement economic policies that will lay the groundwork for sustainable economic growth, while protecting the poorest and most vulnerable people;

Whereas, under President Moreno's leadership, there have been significant advances in areas related to freedom of expression, including through the reform of the controversial Ecuadorian Communications Law;

Whereas the Government of Ecuador has called for the peaceful restoration of democracy and the rule of law in Venezuela and Ecuador has been a generous host of approximately 385,000 Venezuelan refugees;

Whereas on May 15, 2019, the United States Agency for International Development (USAID) and Ecuador's Ministry of Foreign Affairs and Human Mobility signed a Memorandum of Understanding agreeing to the return of the USAID Mission to Ecuador after the 53-year program was forced to close in 2014 due to tensions in the bilateral relationship;

Whereas Ecuador has been one of the countries most affected by the COVID-19 pandemic in Latin America, with more than 42,000 confirmed cases and approximately 3,500 deaths as of June 5, 2020, which has overwhelmed the country's health care system and aggravated the country's already challenging economic situation;

Whereas in response to the COVID-19 pandemic, USAID is providing Ecuador with technical support and training in diagnostics, and technical assistance in clinical management, risk communication, and community engagement; and

Whereas the United States and Ecuador have agreed to advance security cooperation on law enforcement, counternarcotics, anticorruption, and bilateral military training and assistance: Now, therefore, be it

*Resolved*, That the Senate—

(1) reaffirms its commitment—

(A) to the historic partnership between the United States and Ecuador; and

(B) to continue working to strengthen the relationship between the United States and Ecuador based on mutual respect and shared democratic values and principles;

(2) recognizes President Lenin Moreno and his administration for recommitting Ecuador to democratic values, anti-corruption efforts, and the adoption of economic policies that will benefit the people of Ecuador;

(3) commends the important steps that President Moreno and his administration

have taken to protect freedom of expression and freedom of the press in his country;

(4) encourages the Republic of Ecuador to ensure that the rights of refugees and asylum seekers are protected; and

(5) supports actions to strengthen the historic bilateral relationship between the United States and Ecuador, including—

(A) the establishment of robust bilateral trade and investment frameworks with Ecuador to build mutual prosperity through greater transparency and competitiveness;

(B) stronger law enforcement and security cooperation between the two countries, including in cybersecurity, border management, counternarcotics, anti-money laundering, military and civilian security professionalization, and criminal justice capabilities;

(C) the return of the United States Agency for International Development and the extension of the Peace Corps Program in Ecuador;

(D) continued United States assistance for Ecuador's response to combat the COVID-19 pandemic;

(E) closer ties between Americans and Ecuadorians through English language learning and teaching programs that foster greater professional and educational opportunities;

(F) continued efforts to protect freedom of expression and freedom of the press; and

(G) continued efforts to ensure that the rights of refugees and asylum seekers are protected.

## AUTHORITY FOR COMMITTEES TO MEET

Mr. McCONNELL. Mr. President, I have 2 requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority leaders.

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

### COMMITTEE ON ARMED SERVICES

The Committee on Armed Services is authorized to meet during the session of the Senate on Thursday, June 18, 2020, at 9:30 a.m., to conduct a hearing.

### COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Thursday, June 18, 2020, at 9:30 a.m., to conduct a hearing.

## EXECUTIVE SESSION

### EXECUTIVE CALENDAR

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session for the consideration of the following nomination: Executive Calendar No. 702.

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

The clerk will report the nomination.

The legislative clerk read the nomination of Sethuraman Panchanathan, of Arizona, to be Director of the National Science Foundation for a term of six years.

Thereupon, the Senate proceeded to consider the nomination.

Mr. McCONNELL. I ask unanimous consent that the Senate vote on the nomination with no intervening action or debate; that if confirmed, the motion to reconsider be considered made and laid upon the table; and that the President be immediately notified of the Senate's action.

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

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

The nomination was confirmed.

#### EXECUTIVE CALENDAR

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the en bloc consideration of the following nominations: Executive Calendar Nos. 642 and 651.

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

The clerk will report the nominations en bloc.

The legislative clerk read the nominations of Peter M. McCoy, Jr., of South Carolina, to be United States Attorney for the District of South Carolina for the term of four years, and Vincent F. DeMarco, of New York, to be United States Marshal for the Eastern District of New York for the term of four years.

Thereupon, the Senate proceeded to consider the nominations en bloc.

Mr. McCONNELL. I ask unanimous consent that the Senate vote on the nominations en bloc with no intervening action or debate; that if confirmed, the motions to reconsider be considered made and laid upon the table en bloc; and that the President be immediately notified of the Senate's action.

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

The question is, Will the Senate advise and consent to the McCoy and DeMarco nominations en bloc?

The nominations were confirmed en bloc.

#### EXECUTIVE CALENDAR

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the en bloc consideration of the following nominations: Executive Calendar Nos. 713 and 716.

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

The clerk will report the nominations en bloc.

The legislative clerk read the nominations of William Zollars, of Kansas, to be a Governor of the United States Postal Service for a term expiring December 8, 2022, and Donald Lee Moak, of Florida, to be a Governor of the United States Postal Service for a term expiring December 8, 2022.

Thereupon, the Senate proceeded to consider the nominations en bloc.

Mr. McCONNELL. I ask unanimous consent that the Senate vote on the nominations en bloc with no inter-

vening action or debate; that if confirmed, the motions to reconsider be considered made and laid upon the table en bloc; and that the President be immediately notified of the Senate's action.

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

The question is, Will the Senate advise and consent to the Zollars and Moak nominations en bloc?

The nominations were confirmed en bloc.

#### REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NOS. 116-2, 116-3, AND 116-4

Mr. McCONNELL. Mr. President, I ask unanimous consent that the injunction of secrecy be removed from the following treaties transmitted to the Senate on June 18, 2020, by the President of the United States: Extradition Treaty with the Republic of Croatia, Treaty Document No. 116-2; Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation, Treaty Document No. 116-3; Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft, Treaty Document No. 116-4; I further ask that the treaties be considered as having been read the first time; that they be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

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

The messages of the President are as follows:

*To the Senate of the United States:*

With a view to receiving advice and consent of the Senate to ratification, I transmit herewith the Agreement between the Government of the United States of America and the Government of the Republic of Croatia comprising the instrument as contemplated by Article 3(2) of the Agreement on Extradition between the United States of America and the European Union, signed June 25, 2003, as to the Application of the Treaty on Extradition signed on October 25, 1901 (the "U.S.-Croatia Extradition Agreement"), and the Agreement between the Government of the United States and the Government of the Republic of Croatia comprising the Instrument as contemplated by Article 3(3) of the Agreement on Mutual Legal Assistance between the United States of America and the European Union signed at Washington on June 25, 2003 (the "U.S.-Croatia Mutual Legal Assistance Agreement"), both signed at Washington on December 10, 2019. I also transmit, for the information of the Senate, the report of the Department of State with respect to the U.S.-Croatia Extradition and Mutual Legal Assistance Agreements. Following Croatia's accession to the European Union on July 1, 2013, these two agreements

fulfill the requirements, in respect of Croatia, for implementing bilateral instruments between the United States and each member of the European Union contained in the Agreements on Extradition and Mutual Legal Assistance between the United States of America and the European Union, both of which entered into force on February 1, 2010.

The U.S.-Croatia Extradition Agreement modernizes in important respects the Treaty between the United States of America and the Kingdom of Serbia for the Extradition of Fugitives from Justice, signed October 25, 1901 (the "1901 Extradition Treaty"), which is currently in force between the United States of America and the Republic of Croatia. Most significantly, it replaces the outdated list of extraditable offenses with the modern "dual criminality" approach, thereby enabling coverage of newer offenses, such as cyber-related crimes, environmental offenses, and money laundering. In addition, it includes several provisions updating and streamlining procedural requirements for preparing and transmitting extradition documents.

The U.S.-Croatia Mutual Legal Assistance Agreement formalizes and strengthens the institutional framework for legal assistance between the United States of America and the Republic of Croatia in criminal matters. Because the United States of America and the Republic of Croatia do not have a bilateral mutual legal assistance treaty in force, the U.S.-Croatia Mutual Legal Assistance Agreement is a partial treaty governing only those issues regulated by the U.S.-European Union Mutual Legal Assistance Agreement, specifically: identification of bank information, joint investigative teams, video-conferencing, expedited transmission of requests, assistance to administrative authorities, use limitations, confidentiality, and grounds for refusal. This approach is consistent with that taken with other European Union member states (Bulgaria, Denmark, Finland, Malta, Portugal, Slovak Republic, and Slovenia) with which the United States does not have an existing mutual legal assistance treaty.

I recommend that the Senate give early and favorable consideration to the U.S.-Croatia Extradition Agreement and the U.S.-Croatia Mutual Legal Assistance Agreement.

DONALD J. TRUMP.  
THE WHITE HOUSE, June 18, 2020.

*To the Senate of the United States:*

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft (the "Beijing Protocol"), adopted by the International Civil Aviation Organization International Conference on Air Law (Diplomatic Conference on Aviation Security) in Beijing on September 10, 2010, and signed by the United States on that

same date. I also transmit, for the information of the Senate, the report of the Department of State with respect to the Beijing Protocol.

The Beijing Protocol is an important component of international efforts to prevent and punish terrorism targeting civil aviation. It supplements the Convention for the Suppression of Unlawful Seizure of Aircraft, done at The Hague on December 16, 1970 (the "Hague Convention"), and fills several gaps in the existing international legal framework for combatting global terrorism. It will significantly advance cooperation between States Parties in the prevention of the full range of unlawful acts relating to civil aviation and in the prosecution and punishment of offenders.

The Beijing Protocol amends the existing hijacking offense in the Hague Convention to cover hijackings that occur pre- or post-flight and addresses situations in which the offender may attempt to control an aircraft from outside of the aircraft, such as by remotely interfering with flight operation or data transmission systems. The Beijing Protocol requires States Parties to criminalize these acts under their domestic laws and to cooperate to prevent and investigate suspected crimes under the Beijing Protocol. It includes an "extradite or prosecute" obligation with respect to persons accused of committing, attempting to commit, conspiring to commit, or aiding in the commission of such offenses.

Some changes to United States law will be needed for the United States to implement provisions of the Beijing Protocol, obligating the United States to criminalize certain offenses, make those offenses punishable by appropriate penalties, and authorize the assertion of jurisdiction over such offenses. Proposed legislation is being separately transmitted by my Administration to the Congress.

I recommend that the Senate give early and favorable consideration to the Beijing Protocol, subject to a reservation and certain understandings that are described in the accompanying report of the Department of State.

DONALD J. TRUMP.  
THE WHITE HOUSE, June 18, 2020.

#### *To the Senate of the United States:*

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation (the "Beijing Convention"), adopted by the International Civil Aviation Organization International Conference on Air Law (Diplomatic Conference on Aviation Security) in Beijing on September 10, 2010, and signed by the United States on that same date. I also transmit, for the information of the Senate, the report of the Department of State with respect to the Beijing Convention.

The Beijing Convention is an important component of international efforts

to prevent and punish both terrorism targeting civil aviation and the proliferation of weapons of mass destruction. As between parties to the Beijing Convention, it replaces and supersedes the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, done at Montreal, September 23, 1971, and its supplementary protocol, the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, done at Montreal, February 24, 1988. It significantly strengthens the existing international counterterrorism legal framework and facilitates the prosecution and extradition of those who seek to commit acts of terror, including acts such as those committed on September 11, 2001.

The Beijing Convention establishes the first international treaty framework that criminalizes certain terrorist acts, including using an aircraft in a terrorist activity and certain acts relating to the transport of weapons of mass destruction or related materials by aircraft. The Beijing Convention requires States Parties to criminalize specified acts under their domestic laws and to cooperate to prevent and investigate suspected crimes under the Beijing Convention. It includes an "extradite or prosecute" obligation with respect to persons accused of committing, attempting to commit, conspiring to commit, or aiding in the commission of such offenses.

Some changes to United States law will be needed for the United States to implement provisions of the Beijing Convention obligating the United States to criminalize certain offenses, make those offenses punishable by appropriate penalties, and authorize the assertion of jurisdiction over such offenses. Proposed legislation is being separately transmitted by my Administration to the Congress.

I recommend that the Senate give early and favorable consideration to the Beijing Convention, subject to a reservation and certain understandings that are described in the accompanying report of the Department of State.

DONALD J. TRUMP.  
THE WHITE HOUSE, June 18, 2020.

#### LEGISLATIVE SESSION

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate resume legislative session.

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

#### WOMEN VETERANS APPRECIATION DAY

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of S. Res. 616 and the Senate proceed to its immediate consideration.

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

The legislative clerk read as follows:

A resolution (S. Res. 616) designating June 12, 2020, as "Women Veterans Appreciation Day".

There being no objection, the committee was discharged, and the Senate proceeded to consider the resolution.

Mr. McCONNELL. Mr. President, I further ask that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 616) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of June 11, 2020, under "Submitted Resolutions.")

#### AMERICAN EAGLE DAY

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 630, submitted earlier today.

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

The legislative clerk read as follows:

A resolution (S. Res. 630) designating June 20, 2020, as "American Eagle Day" and celebrating the recovery and restoration of the bald eagle, the national symbol of the United States.

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

Mr. McCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 630) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

#### HONORING THE LIFE AND SERVICE OF DAVID DORN AND EXPRESSING CONDOLENCES TO THE FAMILY OF DAVID DORN

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 631, submitted earlier today.

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

The legislative clerk read as follows:

A resolution (S. Res. 631) honoring the life and service of David Dorn and expressing condolences to the family of David Dorn.

The PRESIDING OFFICER. Is there objection to proceeding to the measure?

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

Mr. McCONNELL. I ask unanimous consent that the resolution be agreed



to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 631) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

#### ORDERS FOR MONDAY, JUNE 22, 2020

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 3 p.m., Monday, June 22; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; further, that following leader remarks, the Senate proceed to executive session to resume consideration of the Wilson nomination. Finally, I ask unanimous consent that notwithstanding the provisions of rule XXII, the cloture vote on the Wilson nomination occur at 5:30 p.m.

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

#### ADJOURNMENT UNTIL MONDAY, JUNE 22, 2020, AT 3 P.M.

Mr. McCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 4:03 p.m., adjourned until Monday, June 22, 2020, at 3 p.m.

#### NOMINATIONS

Executive nominations received by the Senate:

##### SECURITIES AND EXCHANGE COMMISSION

CAROLINE A. CRENSHAW, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE SECURITIES AND EXCHANGE COMMISSION FOR A TERM EXPIRING JUNE 5, 2024, VICE ROBERT J. JACKSON, JR., TERM EXPIRED.

##### DEPARTMENT OF DEFENSE

BRADLEY D. HANSELL, OF VIRGINIA, TO BE A DEPUTY UNDER SECRETARY OF DEFENSE, VICE KARI A. BINGEN.

##### NATIONAL CREDIT UNION ADMINISTRATION

KYLE HAUPTMAN, OF MAINE, TO BE A MEMBER OF THE NATIONAL CREDIT UNION ADMINISTRATION BOARD FOR A TERM EXPIRING AUGUST 2, 2025, VICE J. MARK MCWATTERS, TERM EXPIRED.

##### DEPARTMENT OF STATE

CYNTHIA KIERSCHT, OF MINNESOTA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ISLAMIC REPUBLIC OF MAURITANIA.

GEETA PASI, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA.

#### THE JUDICIARY

JAMES P. ARGUELLES, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF CALIFORNIA, VICE LAWRENCE JOSEPH O'NEILL, RETIRED.

FRED JOSEPH FEDERICI III, OF NEW MEXICO, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW MEXICO, VICE ROBERT C. BRACK, RETIRED.

BRENDA M. SAIZ, OF NEW MEXICO, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW MEXICO, VICE JUDITH C. HERRERA, RETIRED.

#### CONFIRMATIONS

Executive nominations confirmed by the Senate June 18, 2020:

##### DEPARTMENT OF JUSTICE

PETER M. MCCOY, JR., OF SOUTH CAROLINA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF SOUTH CAROLINA FOR THE TERM OF FOUR YEARS.

VINCENT F. DEMARCO, OF NEW YORK, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF NEW YORK FOR THE TERM OF FOUR YEARS.

##### NATIONAL SCIENCE FOUNDATION

SETHURAMAN PANCHANATHAN, OF ARIZONA, TO BE DIRECTOR OF THE NATIONAL SCIENCE FOUNDATION FOR A TERM OF SIX YEARS.

#### THE JUDICIARY

JUSTIN REED WALKER, OF KENTUCKY, TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT.

##### UNITED STATES POSTAL SERVICE

WILLIAM ZOLLARS, OF KANSAS, TO BE A GOVERNOR OF THE UNITED STATES POSTAL SERVICE FOR A TERM EXPIRING DECEMBER 8, 2022.

DONALD LEE MOAK, OF FLORIDA, TO BE A GOVERNOR OF THE UNITED STATES POSTAL SERVICE FOR A TERM EXPIRING DECEMBER 8, 2022.