

I urge support for this amendment.
I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

THE LEGAL SYSTEM

Ms. WARREN. Mr. President, across the street at the Supreme Court, four simple words are engraved on the face of the building: "Equal Justice Under Law." That is supposed to be the basic premise of our legal system: that our laws are just and that everyone—no matter how rich, how powerful or how well connected—will be held equally accountable if they break those laws.

But that is not the America we live in. It is not equal justice when a kid gets thrown in jail for stealing a car while a CEO gets a huge raise when his company steals billions. It is not equal justice when someone hooked on opioids gets locked up for buying pills on the street, but banking executives get off scot-free for laundering nearly a \$1 billion of drug cartel money.

We have one set of law on the books, but there are really two legal systems. One legal system is for big corporations, for the wealthy and the powerful. In this legal system, government officials fret about unintended consequences if they are too tough. In this legal system, instead of demanding actual punishment for breaking the law, the government regularly accepts token fines and phony promises to do better next time. In this legal system, even after huge companies plead guilty to felonies, law enforcement officials are so timid that they don't even bring charges against individuals who work there. That is one system.

The second system is for everyone else. In this second system, whoever breaks the law can be held accountable. Government enforcement isn't timid here. It is aggressive, and consequences be damned. Just ask the families of Sandra Bland, Freddie Gray, and Michael Brown about how aggressive they are.

In this legal system, the government locks up people for decades, ruining lives over minor drug crimes because that is what the law demands.

Yes, there are two legal systems—one for the rich and powerful and one for everyone else.

Last Friday I released a report about the special legal system for big corporations and their executives. The report is called "Rigged Justice," and it lists 20 examples from last year alone in which the government caught big companies breaking the law—defrauding taxpayers, covering up deadly safety problems, stealing billions from consumers and clients—and then just let them off easy. In most cases the government imposed fines and didn't require any admission of guilt. In the 20 cases I examined, just 1 executive went to jail for a measly 3 months, and that case involved 29 deaths. Most fines were only a tiny fraction of the company's annual profits, and some were

structured so that the companies could just write them off as a tax deduction.

It is all part of a rigged game in Washington. Big businesses and powerful donors, with their armies of lobbyists and lawyers, write the rules to protect themselves. And when they don't follow the rules, they work the system to avoid any real responsibility.

How can it be that corporate offenders are repeatedly left off the hook when the vast majority of Americans—Republicans, Democrats, and Independents—want tougher punishment and stronger new laws for corporate crimes?

Well, that is how a rigged system works. Giant companies win no matter what the American people want.

Currently, we can see the rigged game in action. Republican politicians love to say they are tough on crime. They love to talk about personal responsibility and accountability when they are back home in their districts. But when they come to Washington, they are pushing to make it even easier for corporate criminals to escape justice.

This is one example. It starts, actually, with a great idea: reforming the criminal justice sentencing system to help some of the thousands of people who have been locked away for years for low-level offenses. Legislators in both parties have been working for years to slowly build bipartisan momentum for sentencing the reform. This is enormously important—a first step away from a broken system where half of our Federal jails are filled with nonviolent drug offenders. But now, all of a sudden, some Republicans are threatening to block reform unless Congress includes a so-called mens rea amendment to make it much harder for the government to prosecute hundreds of corporate crimes—crimes for everything from wire fraud to mislabeling prescription drugs.

In other words, for these Republicans, the price of helping people unjustly locked up in jail for years will be to make it even harder to lock up a white collar criminal for even a single day.

That is shameful—shameful. It is shameful because we are already way too easy on corporate lawbreakers.

And that is not all. Tomorrow the House will be voting on another Republican bill. This one would make it much harder to investigate and prosecute bank fraud. Yes, you heard that right. Tomorrow the House will be voting on a Republican bill to make it much harder to investigate and prosecute bank fraud.

When the bankers triggered the savings and loan crisis in the late 1980s, more than 1,000 of them were convicted of crimes and many got serious jail time. Boy, bankers learned their lesson. Now the lesson was not "Don't break the law." The lesson they learned was "Get Washington on your side." And it worked.

After systemic fraud on Wall Street helped spark a financial crisis in 2008

that cost millions of Americans their jobs and their homes, Federal prosecutors didn't put a single Wall Street executive in jail. Spineless regulators extracted a few fines and then just moved on.

But I guess even those fines were just too much for the big banks and their fancy executives. So now they have gotten their buddies in Congress to line up behind a bill that would gut one of their main laws, called FIRREA, which the Justice Department used to impose those fines.

It has been 7 years since the financial crisis. A lot of people in Washington may want to forget, but the American people have long memories. They remember how corporate fraud caused millions of families to lose their homes, their jobs, and their pensions. They also remember who made out like bandits, and they didn't send us here to help out the bandits.

The American people expect better from us. They expect us to straighten out our criminal justice system and reform drug enforcement practices that do nothing but destroy lives and communities. They expect us to stand against unjustified violence. But they also expect us to protect the financial system and to hold Wall Street executives accountable when they break the law. They expect us to hold big companies accountable when they steal billions of dollars from taxpayers, when they rip off students, veterans, retirees or single moms; or when they cover up health or safety problems, and people get sick, people get hurt or people die because of it.

The American people know that we have two legal systems, but they expect us to fix it. They expect us to stand for justice. They expect us to once again honor the simple notion that, in America, nobody is above the law. And anyone in Congress who thinks they can simply talk tough on crime and then vote to make it harder to crack down on corporate criminals, hear this: I promise you—I promise you, the American people are watching, and they will remember.

I yield the floor.

The PRESIDING OFFICER (Mr. COTTON). The Senator from Michigan.

FLINT, MICHIGAN, WATER CRISIS

Ms. STABENOW. Mr. President, I rise today to speak about an urgent and truly tragic situation in Flint, MI, and ask my colleagues in the Senate to look very hard at what has happened here and to help us address this issue.

This is a public health emergency on a massive scale. It is unprecedented. I don't know of any other American city where families in the entire city—in the entire city—can't drink their water, can't cook with their water, can't bathe their children with the water.

We need to be very clear. This morning, as every other morning now going on 2 years, people in Flint took showers by pouring bottled water over their