

those Presidents, Republican and Democrat alike—President Trump, instead of being consoler in chief, shows that he knows only how to be instigator in chief. He has revealed himself really to be a President of his country in name only. I never imagined I would say that of any American President of either party, certainly not of all the predecessors I have had the honor to know.

So we must instead look to ourselves and each other. How do we heal our country? At the local, State, and national levels, we must carry on the cause of criminal justice and police reform. We must push for systematic law enforcement reform. We must elect leaders who will prioritize racial justice and work tirelessly to achieve some measure of that. We must work to build bridges in communities so that we better empathize with the struggles faced by those who have been marginalized for decades on end.

On Monday, Terrence Floyd, George's brother, stood on the spot where his brother died. He made an emotional appeal to the hundreds of people watching and to the Nation. He pled for the protests to remain peaceful. He pled for those who believe they are marginalized and disenfranchised not to give up hope, that their voice matters, and he pled for justice.

His brother died because he needed a breath. His family now asks to take a breath for justice, a breath for peace, a breath for our country, and a breath for George. We should honor his memory by heeding their anguished advice.

There is so much to do. Congress must get to work. During my years in the Senate, I have seen America in crisis. But every time, without exception, I have seen America emerge a more just and stronger nation. The crises America faces today feel overwhelming, historic—some would say existential. But if we stay true to the values that define our Republic—equality, justice, the rule of law—I am hopeful we will make it through as a slightly more perfect union.

I weep for our country; I pray for our country; and I look for better days.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

NOMINATION OF MICHAEL PACK

Mr. MERKLEY. Mr. President, this week our majority leader is asking the Senate to vote on the nomination of Michael Pack to serve as Chief Executive of the U.S. Agency for Global Media.

Mr. Pack's nomination should trouble all of us in this Chamber. It raises the question of whether the U.S. Senate is committed to being the check and balance on the qualifications of those potentially vested with substantial responsibility into positions in our executive branch.

His nomination draws into question the challenge we have, the responsibility we have to ensure that only individuals of talent, experience, and of integrity serve America in the executive

branch. Hamilton commented on this in the Federalist Papers. He said:

To what purpose then require the co-operation of the Senate? I answer, that the necessity of [the Senate's] concurrence would have a powerful though, in general, silent operation. It would be an excellent check upon the spirit of favoritism in the President, and tend greatly to prevent the appointment of unfit characters.

Those words should resonate in this Chamber now. The individual who will come before us, Michael Pack, set up a nonprofit called Public Media Lab, or PML, apparently for the sole purpose to channel contracts to his for-profit operation known as Manifold Productions. Over a period exceeding a decade, he channeled \$4 million from the nonprofit to the for-profit. Not a single contract went anywhere else—no other contracts.

Utilizing a nonprofit to launder for-profit contracts, in the process of which providing tax subsidies to your customers and advantage over your competitors, raises both ethical and legal issues. The legal issues, including potential criminal conduct, have not been resolved. Mr. Pack is, at this moment, under investigation by the attorney general of the District of Columbia.

Mr. Pack, in tax filings to the IRS in 2011 through 2018, did not accurately disclose a relationship between his nonprofit and his for-profit. When he was asked if, in fact, there were common officers between the two, he answered no when the answer was clearly yes. He did not disclose that his for-profit benefited from the setup of the nonprofit.

Mr. Pack did admit to the Committee on Foreign Relations that he made oversights; that is the term he used—"oversights." But he has refused to correct his tax filings.

Mr. Pack, when he was renominated in 2020, inaccurately stated in the records to the committee that his tax returns were complete and accurate. He has refused to provide critical documents to the committee and, in that sense, to the Senate to examine these significant issues. He has refused to provide the agreements between PML and Manifold, his nonprofit and his for-profit, to examine the propriety of the relationship. He has said simply that those documents are confidential and proprietary.

But we should realize that serving in the executive branch is a privilege. We asked for information so that we can exercise our constitutional responsibility. When an individual confronted with substantial ethical and legal issues simply says "I will not provide them" and if the Senate committee says "That is OK," then we are failing in our constitutional responsibility to examine the qualifications of the individual. This is no light responsibility we bear in this Chamber. This is a very significant check and balance of the U.S. Constitution, which each and every one of us swore to uphold when we took our oath of office.

Mr. Pack, when he was president of the Claremont Institute, directed significant funds to his for-profit company for fundraising. His company is not a fundraising company; his company is a film company. So we have asked him to provide the details and documents related to that work to see if there was an inappropriate transfer of funds from a position of responsibility to the personal profit of Michael Pack. But Mr. Pack has refused to provide details. He has refused to provide documents related to that work.

In addition, he prematurely resigned from his role at the Claremont Institute, and it is shrouded in mystery. We do not know if the board found ethical issues. We do not know if they found criminal conduct because he has not responded to our request for documents related to his premature resignation.

Given the gravity of these issues, it makes sense, when he was renominated, that he would reappear before the committee to help clear up these concerns and these issues. Well, we have not had such a hearing.

To summarize, when an individual makes false statements to the IRS and refuses to correct them, when they make false statements to the committee, not in the first time before the committee but the second time before the committee, when they refuse to provide relevant documents to provide significant issues of ethical conduct or potential criminal conduct, when there is an active investigation into that potentially criminal conduct, then we should simply say to the President: Send us a different name.

This man may be well qualified, but he does not wish to provide the information necessary for the Senate to do its responsibility as a check and balance on potentially unfit individuals. To exercise advice and consent in accordance with responsibilities charged to us, we must insist on upholding the standards for records and documents and truthfulness to the committee. We must insist that outstanding investigations be completed when they involve potentially criminal conduct. We must insist that verifiably false statements be corrected. These are not high or exceptional standards; these are fundamental, basic, elementary responsibilities that we carry.

That is why I have written a resolution declaring that the Senate should not vote on a nominee who has made verifiably false statements to Congress or the executive branch and who refuses to correct those statements. Until those statements to both the Foreign Relations Committee and to the IRS are corrected, Michael Pack's nomination should be set aside. We should simply tell the President and exercise our responsibility, for which we have taken an oath of office, to send us someone else. This individual is not prepared to provide the information necessary for the Senate to proceed with his nomination. That is what we should be saying, and we should still be

saying it at this late date. I urge my colleagues to do the right thing by supporting this resolution.

UNANIMOUS CONSENT REQUEST—S. RES. 604

Mr. President, as in legislative session, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 604, which was submitted earlier today. 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 (Mr. SCOTT of Florida). Is there objection?

The PRESIDING OFFICER. The Senator from Idaho.

Mr. RISCH. Mr. President, reserving the right to object, what you are seeing here today is a pure, unadulterated exercise in politics—politics that are steeped with the difference of political philosophy between the two parties.

With relation to the complaint that my colleague has just made that this nomination hasn't been adequately vetted, this nomination was made 2 years ago tomorrow, June 4, 2018.

Mr. Pack came before the committee. He has been before the committee twice. He has produced numerous documents due to the complaints of the Democrats on the committee. He has been looked at by the White House. His business dealings have been looked at by the Justice Department, by the Internal Revenue Service, and he has been cleared of anything.

The U.S. Agency for Global Media is an important agency because it is charged with supporting international broadcasting outlets around the world in the face of the kinds of misinformation and things that are put out by other countries that are untrue.

The real reason for the objection to Mr. Pack's nomination is that this man is a patriot. This is a man who makes documentary films that portray the greatness of America.

Anyone who disagrees with that ought to spend the time to look at the documentary he just made, which was run on public TV within the last 30 days, regarding Clarence Thomas and what he had to go through to get on the Supreme Court. It was a superb representation of what happened in that. If you watch that, you will see why the Democrats are absolutely opposed to Mr. Pack.

But don't take our word for this. RealClearPolitics, after this whole thing started, did its own investigation into this, and they noted that the business arrangements of Mr. Pack used to make these documentaries are very common for documentary filmmakers and, like Pack, filmmakers and television producers also use nonprofits to collect contributions from donors and then set up a for-profit company to make these films. This is exactly what Senator MERKLEY was objecting to.

Having said that, they went on to interview others, including attorneys and everything else. Another producer

with no business ties to Pack told RealClearPolitics "that he set up the same two-pronged way of funding films last year on the advice of counsel, who told him it was standard operating procedure."

This has been looked at. It has been reviewed. Look, the committee has had this in its hands for almost 2 years. I have been really patient. Every time that I set this for a hearing and they wanted more time, I let that go.

Finally, the last time, I was really, really disappointed in the Democrats' engagement of the political system, enjoining it with the potential criminal justice system, to try to stop this.

The night before the business meeting, I got a letter from the attorney general for the District of Columbia—obviously a partisan individual—that says that he is going to look at this and, therefore, he is investigating it. The Democrats then said: Well, we can't go ahead with this because he is being investigated by this partisan person from DC.

Look, I am on the Ethics Committee. There are six of us. Half of us sit on the Foreign Relations Committee. In every instance I can think of on the Ethics Committee where the U.S. Justice Department has asked us to stand down because they were doing a legitimate criminal investigation, we have done so.

In this particular case, it was a partisan agency of the District of Columbia that noticed that they were going to do this investigation.

I started my career as a prosecutor. I have always felt that the justice system and the prosecuting system should be above politics, but to get a partisan individual to send a letter—after 2 years—on the eve of the business meeting, that he was going to open a business meeting again, after many delays, was just too much.

But I did delay the business meeting for 1 week, and after that 1 week we had a business meeting. The Democrats made motion after motion to delay. Again, I was as patient as I could be.

I said during these motions that we were only going to go on so long with this. Finally, as was noted by some of the attorneys in the room, had this occurrence happened in a court of law, the attorneys would have been held in contempt of court for making repetitive motions that were obviously delay motions and done spuriously.

So, after the eighth motion, I declared the motions out of order, and we went to what democracies do. We went to a vote. To no one's surprise, it was a straight party-line vote: 12 votes to send Mr. Pack's confirmation to the floor for confirmation and 10 votes against that.

This is a democracy. The way we do this is we have disagreements, particularly when it comes to political matters such as this, but to try to engage the justice system in this I find just really, really disheartening.

We are going to have a vote on Mr. Pack, and it is very simple. If you

don't want Mr. Pack to take this job, then you vote no, and if you do, then you say yes. But this has been investigated back and forth. Regardless of the breast-beating and the rending of garments over what an awful person he is and how awful his businesses have been, keep in mind, this is all politics. If you see the kind of work that he has done, he makes America proud when he makes a documentary.

So I would object to the resolution that has been proposed.

The PRESIDING OFFICER. Objection is heard.

The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I ask to speak for up to 5 minutes before the vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MENENDEZ. Mr. President, I want to, first of all, thank Senator MERKLEY for his leadership on the resolution and for his thoughtful and substantive contributions as a member of the Senate Foreign Relations Committee and to express our deep disappointment that our Republican colleagues are blocking his resolution, which basically says that we should not move forward on a nominee—in this case, this nominee—when there are false statements to the IRS and to the Foreign Relations Committee for which he refuses to correct the record, which would have consequences. Those are indisputable.

It is abundantly clear that we need to formalize some standards that apply equally to all nominees, Democrat and Republican alike, and we should think of it as a floor beneath which the Senate should not fall.

Now, it is amazing to me that I know my Republican colleagues used to care about tax issues. As a matter of fact, they denied a previous distinguished majority leader of the Senate—on some arcane issue—the opportunity to become the Secretary of Health and Human Services. They have done it a bunch of times.

This issue is a \$4 million tax issue in which Mr. Pack took his nonprofit, totally controlled by him—totally controlled by him—and had all the moneys that were solicited to the nonprofit then sent to his for-profit company, totally controlled by him—totally controlled by him. And no other disbursements were made from the nonprofit for anyone else, for any other entity.

I didn't hear until now that the Justice Department and the IRS has reviewed this. It should be forthcoming, then, that they have cleared this, that this is now in the course of business. We can create a nonprofit; go ahead and get moneys from people; they will get their deductions; and then we can send it to ourselves for profit. That is one heck of a process.

Now, the chairman continues to say "2 years." Well, 2 years ago there was a Republican chairman of the committee—our colleague Bob Corker. He