

town councils, and State governments. We cannot use the blanket approach the government took in shutting down the economy to reopen it. Instead, we need to provide the tools to empower local leaders and businesses who know their communities best to reopen safely so that our country can function again.

I believe that through the perseverance and innovation that American business has always exhibited, we can get our economy back on the path to recent heights without yielding back any territory to the virus.

I yield the floor.

VOTE ON ANDERSON NOMINATION

The PRESIDING OFFICER. All postcloture time has expired.

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

Mr. ALEXANDER. 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 senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. MARKEY), the Senator from Vermont (Mr. SANDERS), the Senator from Hawaii (Mr. SCHATZ), the Senator from Minnesota (Ms. SMITH), and the Senator from Montana (Mr. TESTER) are necessarily absent.

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

The result was announced—yeas 78, nays 17, as follows:

[Rollcall Vote No. 109 Ex.]

YEAS—78

Alexander	Feinstein	Paul
Barrasso	Fischer	Perdue
Bennet	Gardner	Peters
Blackburn	Graham	Portman
Blunt	Grassley	Reed
Boozman	Hassan	Risch
Braun	Hawley	Roberts
Brown	Hirono	Romney
Burr	Hoehn	Rosen
Capito	Hyde-Smith	Rounds
Carper	Inhofe	Rubio
Casey	Johnson	Sasse
Cassidy	Jones	Scott (FL)
Collins	Kaine	Scott (SC)
Coons	Kennedy	Shaheen
Cornyn	King	Shelby
Cortez Masto	Lankford	Sinema
Cotton	Leahy	Stabenow
Cramer	Lee	Sullivan
Crapo	Loeffler	Thune
Cruz	Manchin	Tillis
Daines	McConnell	Toomey
Duckworth	McSally	Warner
Durbin	Menendez	Whitehouse
Enzi	Moran	Wicker
Ernst	Murkowski	Young

NAYS—17

Baldwin	Harris	Schumer
Blumenthal	Heinrich	Udall
Booker	Klobuchar	Van Hollen
Cantwell	Merkley	Warren
Cardin	Murphy	Wyden
Gillibrand	Murray	

NOT VOTING—5

Markey	Schatz	Tester
Sanders	Smith	

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The senior assistant 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 Drew B. Tipton, of Texas, to be United States District Judge for the Southern District of Texas.

Mitch McConnell, Deb Fischer, Steve Daines, Cory Gardner, Tim Scott, Ted Cruz, David Perdue, James E. Risch, Roger F. Wicker, Pat Roberts, Lindsey Graham, Mike Crapo, Michael B. Enzi, John Barrasso, Marsha Blackburn, John Thune, Richard C. Shelby.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Drew B. Tipton, of Texas, to be United States District Judge for the Southern District of Texas, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. MARKEY), the Senator from Vermont (Mr. SANDERS), the Senator from Hawaii (Mr. SCHATZ), the Senator from Minnesota (Ms. SMITH), and the Senator from Montana (Mr. TESTER) are necessarily absent.

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

The result was announced—yeas 53, nays 42, as follows:

[Rollcall Vote No. 110 Ex.]

YEAS—53

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

NAYS—42

Baldwin	Booker	Cardin
Bennet	Brown	Carper
Blumenthal	Cantwell	Casey

Coons
Cortez Masto
Duckworth
Durbin
Feinstein
Gillibrand
Harris
Hassan
Heinrich
Hirono
Jones

Kaine
King
Klobuchar
Leahy
Manchin
Menendez
Merkley
Murphy
Murray
Peters
Reed

Rosen
Schumer
Shaheen
Sinema
Stabenow
Udall
Van Hollen
Warner
Warren
Whitehouse
Wyden

NOT VOTING—5

Markey	Schatz	Tester
Sanders	Smith	

The PRESIDING OFFICER. On this vote, the yeas are 53, the nays are 42.

The motion is agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Drew B. Tipton, of Texas, to be United States District Judge for the Southern District of Texas.

Thereupon, the Senate proceeded to consider the nomination.

The PRESIDING OFFICER. The Democratic leader.

UNANIMOUS CONSENT REQUEST—H.R. 7010

Mr. SCHUMER. Mr. President, in a moment I will ask unanimous consent to pass legislation that makes urgently needed reforms to the PPP to make the program much more functional for all—underline “all”—small businesses.

Let me just name a few of the changes. First, it expands the loan period from 8 weeks to 24 weeks. Currently, workers may be brought back for the 8 weeks, but what good is it if they are again laid off after that short period? It is unrealistic, and small businesses need assistance that can cover the full length of this crisis.

Second, the legislation removes the 25-percent restriction imposed by the Trump administration on the use of loans for fixed costs, rents, mortgages, utilities, and replaces it with new 60-40 payroll-to-nonpayroll expenses. This change will continue PPP's support in getting workers back on the payroll but giving small businesses more flexibility to survive in this crisis, which is essential to the long-term employment prospect of the workers.

For my home State of New York, we have high rents, high utility costs. Many businesses were frozen out when there was 25 percent, but 40 percent will get them in, and that applies to the more high-cost areas throughout the country. Even though these are small businesses, they are struggling under those costs.

Third, the proposal extends the program to the end of the year and makes December 31 the deadline to rehire workers in order to get full forgiveness on the loan. We have a long way to go before the economy will come back in real ways. This will give businesses a more realistic timeline to get the help they need while bringing back employees.

The bill ensures any amounts of the loan not forgiven will have at least a 5-

year term of repayment so that small businesses will not be saddled with the need to be repaid within 2 years. The impact of this crisis is long-lasting and requires lenient terms. We have all heard from small businesses in our States that while they are glad there is a program—they would have gone under without it; it is a very good thing—it needed some changes to make it work for so many small businesses that have been left out or rejected.

I say to small businesses across the country: After this changes, apply again even if you applied the first time because it will be easier to meet the requirements and criteria.

This is not controversial. The House of Representatives passed this legislation with a vote of 417 to 1. We can't wait any longer. Businesses are really suffering for lack of these changes, and to wait and wait and wait—if someone wants to make changes, let's do it when we get to the Heroes bill, to COVID 4. But to delay another week or 2 weeks or 3 weeks to get this all bolted up—we can't afford to wait. Our small businesses cannot afford to wait. These changes are universally agreed to as good ones, and we shouldn't let someone who wants a small change say: Let's stop it until we go forward.

The bill has the broad support of small businesses across industries, mom-and-pop restaurants, underserved businesses, minority businesses, non-profits that have been hit hard by this pandemic. It should be passed by the Senate right now.

These fixes will not solve every problem in PPP. Too many underserved small businesses and minority small businesses are still struggling to get the help they need in these troubled times. These will not diminish in any way the urgency of passing legislation like the Heroes Act, which provides additional help not only for businesses but for homeowners, renters, essential workers, medical facilities, local and State governments, and more. Our Republican colleagues must come to the table and work with us to pass future reforms.

Nor will it divert our caucus in its quest for police reform and racial justice. We have to do that as well.

But today we have an opportunity to pass meaningful reforms that our small businesses need now. We must get this done. Businesses are going under every day. Small businesses that have struggled and sweated—my dad's was one of them—that need help and can't get help because of certain problems in this bill will be so relieved when we pass this legislation, which has already passed the House.

I want to particularly thank two people on our side who have worked long and hard on this legislation, who will speak now. One is Senator CARDIN from Maryland, the ranking member of the Committee on Small Business, and one is Senator SHAHEEN, the senior Senator from New Hampshire, who is also a very active member of the Small Busi-

ness Committee. I hope that passing this legislation in a bipartisan way as it did in the House will give us momentum to keep working on the medical, economic, and racial crises that still affect our Nation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, first, let me thank Senator SCHUMER for bringing this issue to the floor at this time. Senator SCHUMER has been a great leader on what we need to do to help respond to COVID-19. He recognized from the beginning that we needed a balanced program to deal with the health pandemic, with the Marshall Plan, to deal with the help to our State and local governments, and to deal with the economic consequences of COVID-19.

Senator SCHUMER helped us develop a balanced approach to deal with the economic challenges while, yes, helping the individual through unemployment insurance and direct checks from the IRS but also helping our businesses. For small businesses we created new tools; for larger businesses we had loans.

I was proud to be part of a task force that was charged with developing the tools for small business. I want to thank my partner Senator SHAHEEN for her incredible help and leadership in crafting the programs of the Paycheck Protection Program while also dealing with the economic disaster loan program, which was new and a loan forgiveness program.

We did this working with Senators RUBIO and COLLINS. It was truly bipartisan. We did it in a matter of literally a few days—a week or so, and we were able to get this program crafted in a way that it provided incredible relief to the small businesses of our country.

So today, what is the record? There are 4.4 million loans that have been issued under the Paycheck Protection Program, and \$510 billion has been made available to small businesses in this country. It literally has been a lifeline allowing small companies to continue to exist. You see, with small companies, we get more job growth than bigger companies. We get ideas on how to deal with economic challenges. But in economic downturns they don't have the liquidity and resilience that larger companies have. That is why we had to pass this type of help. We did that in March, and when we passed those bills in March, quite frankly we thought that by now the economy would be in a much better shape than it is and that small businesses would be able to return to somewhat of a normal economy. Well, that is not the case.

We recognize that certain businesses—such as those in the hospitality field, health clubs, caterers, museums, and the list goes on and on—have virtually not been able to open at all yet, and they are going to need more help than just the 8 weeks that was planned in the Paycheck Protection Program.

That is why the legislation that passed the House was part of this bipartisan, bicameral effort to give additional flexibility for those who had the paycheck protection plan loans. We recognize now that 8 weeks is not long enough, and that is why this legislation would change that 8 weeks to 24 weeks, giving small businesses a greater opportunity to qualify for a maximum amount of loan forgiveness and giving small businesses more flexibility on how they allocate those funds between payroll and nonpayroll expenses.

As we heard today in our first oversight hearing in the Small Business and Entrepreneurship Committee, small businesses are different. Maybe 8 weeks works for some, but maybe it doesn't work for others. Maybe 75 percent of payroll works for one but doesn't work for another. We need a program that can fit the vast majority of small businesses, and the changes represented in the House bill represents those changes that if we had recognized in March that this pandemic would have continuing impact on our economy well beyond 8 weeks, would have certainly been considered during that period of time.

Now is the time to pass this. I just want to underscore this point. The 8 weeks will expire for the first loans that were issued under the PPP program next week. Small businesses need predictability. They need to know whether this is going to be the law or not before they apply for their forgiveness. So we don't have any extra time. We need to pass this right now. It is a bipartisan effort and is a bipartisan bill.

What Senator SCHUMER said is absolutely correct. We will have other opportunities to deal with other provisions to help small businesses. We are not finished. We recognize that there are small businesses that may need additional help, particularly those who have seen dramatic reductions in their revenues and the smaller of the small businesses and those underserved communities. We need to pay attention to do something about that. But let's get this program working right today. Let's give the notices to small businesses and get this passed through the Senate today so that small businesses can plan on how to deal with the next several months.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I am so pleased to be able to join Leader SCHUMER and my colleague and ranking member of the small business committee, Senator CARDIN. I am grateful for his leadership and for the partnership that we had back in March with Senators RUBIO and COLLINS. It truly was a bipartisan partnership to try and address the challenges that small businesses are facing across this country.

In New Hampshire small businesses are our lifeblood. They were going

under because of this pandemic, so the Paycheck Protection Program has been a lifesaver. But we know there are things that need to change about it in order for it to continue to help those businesses.

In New Hampshire we have 22,000 small businesses and nonprofits that have received over \$2.5 billion in forgivable loans under the program.

But we have also heard from many of those businesses that there are improvements and fixes that are necessary, businesses like The Little Grille, a New Hampshire restaurant with locations in Littleton and Woodsville. They said that PPP has been a lifesaver. But they have only 2 weeks remaining on their forgivable term, and if the terms of the loan are not addressed, the owners of The Little Grille told us that they will be back in the same position they were at the start of the pandemic, and they may be forced to lay off staff.

We have heard from the Portsmouth Brewery, which received their PPP loan, and they want to rehire their 28 employees but they need more flexibility and extensions to the program to resume operations.

Then, of course, we have heard from Big Dave's Bagels & Deli in North Conway. His 32-year-old bakery was predominantly takeout before the pandemic, but he was able to keep his employees on and offer hazard pay because his approval for the PPP loan came through at the very end of April. Now he needs flexibility and loan terms if he is going to keep his employees on the payroll.

I could go on and on with example after example, but the important thing is, as Senators SCHUMER and CARDIN have said so eloquently, those first loans are about to end, and if we don't do something to help those businesses, they are going to be back in the same place that they were in in March when the shelter-at-home and the stay-at-home orders began in New Hampshire and across this country.

So we need to do something. This legislation addresses the concerns that people have expressed. I think we also need to provide additional funding or additional help over the next month until things open back up in the economy.

But, in the short term, the legislation addresses the concerns that we have been hearing from small businesses, and I hope we are going to see our colleagues pass it by unanimous consent so that there is some certainty for those businesses as they try and open back up in this very difficult environment.

Mr. SCHUMER. Madam President, let me thank my colleagues from Maryland and New Hampshire for their eloquence.

Again, we need to act now. We have waited long enough to make these changes. The House passed them 417 to 1. There may be changes people want to make, but I would urge that we pass

this bill now—we pass this bill immediately—because small businesses need the certainty. In the next week or two, many will be affected negatively if we don't get this legislation passed.

So I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 710, which was received from the House; 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. BLACKBURN). Is there objection?

The Senator from Wisconsin.

Mr. JOHNSON. Madam President, reserving the right to object, I appreciate my colleague's desire to help small businesses. I really don't think there is a stronger advocate in support of small business in all of Congress. I think I have proved that with my work in tax reform, fighting for 95 percent of American businesses that are pass-through entities.

I think my colleagues on the floor here today realize that what the House passed has one very significant flaw in it—probably a technical drafting error but a significant flaw—which says that if you don't spend 60 percent of the PPP loan on payroll, you get no forgiveness, which was a dramatic difference from what it was when you had 75 percent.

I am in favor of all those changes. As Senator SHAHEEN pointed out, there are a lot of problems with PPP that need to be corrected. My only objection is, before we authorize this and put an authorization date all the way to December 31, we need to make sure those changes are made.

So my only objection is we should not extend this authorization without significant reforms that I hope my colleagues would all agree with; for example, the fact that many businesses—again, I am not denying that PPP provided very swift funding to businesses that truly needed it. It was a real lifeline. It worked from that standpoint.

But, in our case, we all knew that we had to do something massive, we had to do something quick, but we also knew it was going to be far from perfect. In our haste in crafting this, we made it possible for many businesses that didn't need it at all to have access to those funds, and we don't have an unlimited checking account.

When we give money to support businesses that don't need it, we are going to have less money to give to those that truly do need it.

Unfortunately, what we are down to here with this unanimous consent request—we have been working in good faith with the sponsors of the House bill, with the Republican leadership. I reached out to the Democratic leader, saying that we are very close; I think we will probably be able to pass the House bill, with assurances, by unanimous consent, just not at this moment.

So, again, I appreciate their thoughts. I am really not disagreeing

with the fact that we have to do something. I want to do something as well. I just want to make sure that if we do put more money into this thing, it is not going to be flowing to businesses that don't need it, thereby denying those businesses that truly do need it in a more targeted fashion.

So, Madam President, I object.

The PRESIDING OFFICER. Objection is heard.

The Democratic leader.

Mr. SCHUMER. Madam President, I respect the good faith and sincerity in my colleague from Wisconsin.

I would say this: If we change this bill and then go to conference with the House, we risk too much delay. We should move the bill now. We are willing to, certainly, look at the changes that my colleague from Wisconsin proposes, and we can do that in a UC tomorrow, next week, whenever—but not hold this bill up because, even if the Senator is right in his interpretation—which may be right; it may be wrong—it doesn't affect 95 percent of the businesses in the next few weeks that need help.

So we ought to pass this bill, help the urgent needs that those businesses have, and whatever corrections that my colleague from Wisconsin wishes to make, I am sure my colleagues from Maryland and New Hampshire and I would look at it. But to hold this bill up now, which passed 417 to 1 in the House and which does so many good and needed things, unaffected by the provision that he is having trouble with, I think would be a sincere mistake.

So I would ask him to reconsider. We need to pass this bill today.

Mr. JOHNSON. Will the Democratic leader yield?

Mr. SCHUMER. I will be happy to yield.

Mr. JOHNSON. What we are working on is not a change to this legislation. The way we are working this we will still be able to pass this piece of legislation unamended, unchanged, with a letter of intent from the chairs and the ranking members of the Small Business Committees of both the House and the Senate—together with a commitment from the majority leader—and we can pass this as-is.

We don't have to delay it. We are just this close. I am objecting at this time. Give us a little bit more time to work out that method, and then we will be able to pass this measure without amendment—no changes—pass this and then work in good faith together to make those changes I think we all agree need to be changed in the future.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Will my colleague from Wisconsin yield for a question?

Mr. JOHNSON. Sure.

Mrs. SHAHEEN. Do I understand that you think you will have some resolution of this by this afternoon, so you expect at that point to come back in with another UC request to pass this bill?

Mr. JOHNSON. Yes. With cooperation from the chairmen and the ranking members of both committees, I think we will be able to get this thing done.

Again, our request is really very simple. I am not the only one. We don't want to see this program automatically reauthorized until the end of December. Now, there is some dispute as to whether the language actually does that. It sounds like the intent was not to do that; it was just to allow people to spend money through the end of December, which we have no problem with.

Mrs. SHAHEEN. That is my understanding of the bill; it doesn't allow you to apply for the loan through December.

Mr. JOHNSON. So, again, CRS actually interprets it as a full authorization, so we just need to show what that true intent is, put that letter into the CONGRESSIONAL RECORD so that we are certain that we are not reauthorizing this or authorizing it through December 31; that the authorization does end June 30 so that, if we do want to put more funds into a program like PPP, that new program will have the type of directed reforms that I think we really could gain agreement on.

Mr. SCHUMER. Madam President, I thank my colleague. I would simply say that it seems to me he has it a little backward.

We should pass this bill and then work on the changes—not hold this bill up. Who knows what can happen? Maybe it will happen today; maybe it will not. We have the moment to do it now. We waited 2½ days. We could have done the UC Monday. We waited until Wednesday afternoon. We are leaving here tomorrow at about 1.

The House is not in session now. It would be very, very wise and helpful to small business—and I have talked to many of them all across the country—to pass this bill now, and then we will work in good faith on the small change that my colleague wished to have.

Mr. JOHNSON. Will the Senator yield?

Mr. SCHUMER. I yield.

Mr. JOHNSON. The way we are working this out, there would be no change required, just a letter for the CONGRESSIONAL RECORD stating what I believe the intent was, just to allow people to spend to the end of December. We are just working out the details of that language, and then we will be able to allow this to pass by unanimous consent.

By the way, I have gotten other Members who are objecting to this to agree to this as well.

So just give us a little bit more time; agree to that language. Hopefully, the ranking member would agree with that letter for the CONGRESSIONAL RECORD. Pass this bill, unchanged. Then, in the future—because this PPP will expire June 30, but the need does not.

If you read my article in the Wall Street Journal, I have a number of, I

think, innovative ideas for what we can do to help restore capital for businesses that are going to need it to reopen our economy, and I would love to work very closely.

I obviously have experience in businesses and small businesses and would like to work with the chairman and ranking member of the Small Business Committee.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. If the Senator would yield, he has mentioned several different issues. I appreciate the fact that we are trying to get this done today and that he is indicating we have a path forward to get this completed this afternoon and the House bill to the President, which is our objective, so that small business owners understand—24 weeks before their loans expire and understand the additional flexibility on how they can spend the money because they are making those decisions, literally, today.

The Senator mentioned several different issues that he is concerned about, but it appears that the one area in which he is seeking consensus here deals with the authority to issue a loan under the PPP program through June of this year, which is what the law is, and I don't believe it is changed by the House bill. Is that the issue for which you are seeking to get consensus from the ranking member and chairman?

Mr. JOHNSON. I believe so. Again, there is a dispute as to what the language actually says. Again, I have no problem with the full \$660 billion that has already been appropriated to be spent whenever. But I don't want to reauthorize the program past June 30 without the types of reforms that we can talk about. Then we will pass it through regular order.

What I am suggesting here is to just wait until we have this letter of intent for the RECORD. We are just asking the chairman or ranking member of the Small Business Committees of both houses to agree to and sign, and then we will pass this bill as-is, unchanged, to give those small businesses the certainty we want to provide them.

Mr. CARDIN. I am just trying to figure out what I am supposed to be signing as ranking member of the committee. If I understand—because the Senator had mentioned problems with the 60 percent—

Mr. JOHNSON. We will deal with those in the future.

Mr. CARDIN. I just want to make sure we have—

Mr. JOHNSON. I have no demands other than one—again, we are so close. We are first working it out on our side, and then we will consult you, and maybe we will pass it yet tonight or early tomorrow morning. That is my goal as well.

The PRESIDING OFFICER. The Democratic leader.

Mr. SCHUMER. Madam President, if my friend from Wisconsin is willing to delay the other changes he wants and

try to work those out, it would make eminent sense to delay this one, as well, and try to work that out and pass this bill. You never know what happens.

We should pass it today, not wait for tomorrow. We should pass it now, not wait a few hours. Lord knows what can happen. Businesses are crying out.

I think our moving here will move the process forward. It wouldn't have moved as quickly as if we didn't move the bill, but it is still a better bet to help small businesses, even with the concern my colleague has, to pass this bill now.

I would make one final plea: Let's pass it now. If not, we should pass it today.

Mr. JOHNSON. I am happy to come back or let you come back and ask for unanimous consent if we get this hammered out, and I will not object. But, at this point, I am going to object until we get this hammered out.

The PRESIDING OFFICER. Objection is heard.

Mr. SCHUMER. I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Madam President, I rise today as the United States of America, again, faces the enormous challenge and responsibility of striving to live up to the preamble of the Constitution of the United States.

The preamble provides: "We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America."

I note that our Founders, who were far from perfect when it came to racial issues, thought that justice was more important than domestic tranquility. They listed justice first.

Today, America is grieving over the brutal and unnecessary death of George Floyd in Minneapolis on May 25. Both State and Federal law enforcement officers are moving quickly to bring the police officers in this case to justice and hold them accountable for their actions, as Mr. Floyd's cries of "I can't breathe" went unanswered as the life drained out of him.

Video taken by several witnesses show that George Floyd—who was Black and was unarmed—was handcuffed and pinned to the ground by a police officer who held his knee against Mr. Floyd's neck as he pleaded for his life. Mr. Floyd was on the ground, repeatedly telling the officer that he could not breathe. And despite the fact that bystanders are all heard on video begging the officer to relent, he did not remove his knee from Mr. Floyd's neck until after an ambulance arrived.

Eventually Mr. Floyd lost consciousness. He was pronounced dead after being transported to a local hospital.

As leaders, regardless of party, we cannot stay silent about George

Floyd's death. Black lives matter. George Floyd was a father, a son, and a brother. His life mattered. He did not need to die. He and his family deserve justice. How many other Black men and women have died at the hands of law enforcement or vigilante civilians due to the color of their skin but have not been caught on video? Those victims deserve justice too.

We must act, working together, to fundamentally reform the ways police across this Nation interact with the communities they serve.

On Monday night, President Trump once again failed to lead this Nation in a time of crisis, and he has forfeited his moral authority as President. Spraying tear gas at peaceful protesters to clear a path for a photo op is opposite of American values and basic human rights. It violates civil and human rights under any circumstances.

President Trump fans the flames of racism and seeks to divide Americans for political purposes, just as he did in Charlottesville and far too many places since. He seems willfully blind to the reason people are protesting in the first place—to end systematic racism in the repeated and tragic targeting of Blacks by law enforcement.

Congress, finally, must act to pass a comprehensive plan to reform police community relations, improve training and hiring of police officers, and hold police accountable for misconduct and use of excessive force. We must rebuild trust between the police and the communities they serve.

For those who are asking "Why did it take so long?" the answer is "We have been trying." It should not have taken so long, but year after year too many of my colleagues have put partisanship before justice and equality.

As both the House and Senate prepare to hold hearings on police reform and racial profiling issues, I want to bring to my colleagues' attention two pieces of legislation that I have filed: The End Racial and Religious Profiling Act and the Law Enforcement Trust and Integrity Act. If enacted, these two bills could make an enormous difference and constitute a giant step forward in reforming police departments in America and rebuilding trust between police officers and the communities they are sworn to protect and serve.

The End Racial and Religious Profiling Act is designed to enforce the constitutional right to equal protection under the law by eliminating racial profiling at all levels of law enforcement by changing the policies and procedures underlying the practice.

First, the bill provides a prohibition on racial profiling, enforceable by declaratory or injunctive relief. It creates a standard definition of racial profiling, which now includes religion, gender, and other protected categories for Federal, State, and local law enforcement, enforcing criminal, civil, and immigration laws.

Can law enforcement still provide a detailed description of a suspect that

includes race? The answer is yes. But the bill prohibits blanket targeting solely based on race or one of the other protected categories.

This bill also mandates training on racial profiling issues as part of Federal law enforcement training, the collection of data on all routine and spontaneous investigatory activities, and the creation of procedures for receiving, investigating, and responding meaningfully to complaints alleging racial profiling by law enforcement.

Systematic racism will not disappear overnight. We must engage all law enforcement in aggressive training and then have data to show where there is progress and where challenges remain. Our bill authorizes the Department of Justice grants for the development and implementation of best policing practices.

The second bill is the Law Enforcement Trust and Integrity Act that I have filed. The Law Enforcement Trust and Integrity Act takes a comprehensive approach at addressing the issue of police accountability and building trust between police departments and their communities.

This legislation provides incentives for local police organizations to voluntarily adopt performance-based standards to ensure that instances of misconduct will be minimized through appropriate management, training, and oversight protocols. The bill provides that if such incidents do occur, they will be properly investigated.

The bill provides police officers—the vast majority of whom perform their job professionally, putting their lives on the line daily, protecting their communities—with the tools necessary to improve community relations and enhance their professional growth and education.

It authorizes \$25 million for additional expenses related to the enforcement of civil rights statutes, including compliance with consent decrees or judgments regarding police misconduct brought by the Department of Justice.

In Baltimore City, for example, the Baltimore Police Department voluntarily entered into a consent decree in 2017 with the U.S. Department of Justice to overhaul the police department. An earlier Department of Justice report had found a widespread pattern and practice of illegal and unconstitutional conduct by the Baltimore Police Department through targeting African-American residents for disproportionate and disparate treatment.

The legislation I have authored also authorizes appropriations for additional expenses related to conflict resolution, including programs managed by the Department of Justice's Community Relations Services within the Civil Rights Division.

I am pleased that, to date, the protests in Baltimore have been largely peaceful, especially compared to 2015 after the death of Freddie Gray in Baltimore Police Department custody.

I do hope my fellow Americans look to Baltimore in 2020 as an example for

how to peacefully protest and petition the government for redress of grievances, as Baltimore has willingly agreed to work with the U.S. Department of Justice to overhaul its entire police force so that policing its citizens is both fair and effective.

As many of my colleagues have said before, "Civil Rights is still the unfinished business of America." Prejudice, discrimination, and outright racism continues to limit the lives of the large number of our people. We must continue the struggle today in order to make urgent progress.

As I close, I am reminded of my dear friend, the late Representative Elijah Cummings, who died last year. He was a fellow Baltimorean and fellow graduate of the University of Maryland Law School. He gave the eulogy for Freddie Gray in 2015, who died after being arrested and taken into police department custody.

During the church service, he closed with a quote from the Book of Amos:

I want justice, oceans of it. I want fairness, rivers of it. That's what I want. That's all I want.

Elijah also asked a pointed question of those of us at the funeral that day, as well as to the news cameras that were broadcasting the event nationally and around the world. Elijah asked: "Did anyone recognize Freddie when he was alive . . . did anyone see him?"

Elijah asked whether society had done all that it could have done when Gray was "struggling to simply be all God meant for him to be?"

Today, I ask my fellow Americans to ask that question when it comes to the lives of not only George Floyd but Tony McDade, Sean Reed, Breonna Taylor, and Ahmaud Arbery. I say here today to Black Americans: I see you. I hear you. You are men and women. You have families. You have the same rights as every other individual in this country.

In a 2019 interview with "60 Minutes," Steve Kroft noted as follows:

Cummings is not a patient man. It's a lesson he learned from his late grandmother, who imparted her mindset shortly before she died. White people, she told him, had been telling African Americans to wait—and he shouldn't.

She says, "Your daddy, he been waiting and waiting and waiting for a better day," Cummings recalled. She said, "He's going to wait, and he's going to die." She said, "Don't you wait."

Then, in his late sixties, Elijah Cummings said that when he looks into the future, he also reflects on his life. "I realized that with African American people, where we've been blocked from being all that God meant for us to be, I don't have time to be patient."

Yes, Elijah often said of America that "we are better than this." Let's prove Elijah right. I urge the Senate not to be patient any longer and wait for the next death of an African American in police custody before taking action. Let us hold our hearings and then expeditiously take up and pass legislation, including the two bills I have explained on the floor today, as the next

steps in establishing justice in our still imperfect Union.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Madam President, I ask unanimous consent that I be allowed to complete my remarks before the vote occurs.

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

RUSSIA INVESTIGATION

Mr. CORNYN. Madam President, since the Federal Bureau of Investigation launched the Crossfire Hurricane counterintelligence investigation in July of 2016, there has been no shortage of media coverage of Russia's involvement in our 2016 election. For the better part of 3 years, there has been news; there has been speculation; there have been rumors; there have been partisan accusations made about that topic.

Trying to keep up with the names and the dates, the allegations left you feeling like an old-school detective show—names and photos pinned to a board, with strings of yarn connecting all the pieces. Everyone expected the release of the special counsel's report to be the moment when those dots were finally connected and it explained what happened and who was responsible.

It is safe to say that did not happen. Even though the Mueller report did not find any collusion or obstruction, there was a lot of information that since has been made public about its origins, its motivation, and the means by which that investigation occurred. In fact, rather than settling the matter, these revelations have prompted a whole new range of questions about the investigation itself.

First of all, we had Rod Rosenstein in the Judiciary Committee. He was the Deputy Attorney General. I asked him whether he was aware of any precedent for what happened in 2016 when, at the same time, both major parties' political nominees for President of the United States were the subject of open FBI investigations. He said: No, there is no precedent for that.

First, of course, it was the Hillary email scandal, after which Director Comey made another unprecedented move and had a press conference saying that even though she had been essentially grossly negligent in handling this private email server, he thought that no reasonable prosecutor would bring charges against her.

As much as Secretary Clinton might have appreciated that announcement, or not, a few weeks later, the FBI Director wrote another letter and said: Hey, we have some Anthony Weiner emails that came up on his laptop, so we need to reopen the investigation just a few days before the general election.

Well, you can imagine Secretary Clinton didn't appreciate that. Many people have said that it is because of the FBI's unprecedented involvement in the middle of a Presidential election that it damaged, if not decided, the election in 2016.

And then, of course, there is the Trump-Russia influence investigation, better known as Crossfire Hurricane, leading up to the Mueller investigation and where we are today. In the time since the special counsel completed his investigation and issued his report more than a year ago, we have learned more about the behind-the-scenes work that guided the Russia probe.

Thanks to Inspector General Horowitz and his team at the Department of Justice, thanks to the DNI, the Director of National Intelligence, and others for declassifying important information, we have a whole lot more insight and transparency into exactly what happened. But these revelations have given all of us pause for grave concern. They have highlighted a pattern of sloppiness and outright abuse of power at the highest levels of the Federal Bureau of Investigation and beyond and raised red flags that must be addressed.

In the Senate, it is our duty to get to the bottom of how and why this happened. I can't imagine any Democrat, any Republican, any American saying what happened in the 2016 election to Hillary Clinton and to Donald Trump was OK. Our law enforcement agencies should not play a starring role in an election leading up to the Nation's highest office.

This morning, the first step in our investigation into the origins, means, and methods of the Crossfire Hurricane investigation occurred in the Judiciary Committee. That is where we heard from Deputy Attorney General Rod Rosenstein. He wasn't the Deputy Attorney General until the spring of 2017, but he did play a key role in the investigation. He signed one of the applications for the Foreign Intelligence Surveillance Act warrant that allowed the FBI to essentially surveil an American citizen. He was the one who appointed Special Counsel Bob Mueller. He ended up being not only an investigator but also a witness in the process.

His account of what happened in the Crossfire Hurricane investigation is important to understanding both the actions and the motivations that drove that investigation. In fact, he said this morning, in response to Chairman LINDSEY GRAHAM's question, if you knew then what you know now, would you have signed, sworn to this verified application for a warrant to surveil an American citizen, Carter Page? He said: No. To his credit, he said no. "If I knew then, what I know now."

Some of my greatest concerns stem from the Department of Justice Inspector General's report about those FISA abuses, as they are called—Foreign Intelligence Surveillance Act. This is extraordinary authority given by Congress under very strict rules, and they are supervised by the Foreign Intelligence Surveillance Court, which was established to provide oversight of these surveillance activities, including surveillance of American citizens under very narrow and restricted guardrails.

If the U.S. intelligence authorities, or law enforcement agencies, believe surveillance is critical to a national security investigation, they submit an application to the Foreign Intelligence Surveillance Court to receive that authorization. This is an important step in protecting the rights of American citizens and making sure that our intelligence and law enforcement authorities perform their job consistent with congressional intent and direction. But these verified, in other words, sworn documents are critical, in which accuracy is paramount. That is why they are required to be verified—that is, sworn to—by the top officials at the Department of Justice.

We now know that the applications of the former Trump campaign aide Carter Page were riddled with errors. In the initial Carter Page FISA application, Inspector General Horowitz identified what he called seven mistakes. In the three renewals, he had found an additional 10. These weren't necessarily honest mistakes. In fact, they included significant and material errors, including the deliberate falsification, lying—lying to the Foreign Intelligence Surveillance Court about Carter Page's past service to the U.S. Government.

To make matters worse, even as new and exculpatory material came to light, this information was not reflected in renewal applications. It was sort of a cut-and-paste job. Those agents who prepared those materials that were signed by people like Rod Rosenstein lied to deceive the court so they could continue to surveil, or spy, on an American citizen—something we do not want to happen unless they are truly an agent of a foreign power and there is probable cause to show that they are such.

These revelations were very troubling in December of 2019, and they are just as troubling today. It does also raise questions about the motivations for the investigation, in the first place. Falsifying a FISA application is clearly not an action one would take if you were in pursuit of the truth. We need to know why the initial application and three renewals were riddled with lies and omissions and how these inaccurate applications were approved by high-ranking officials at the Department of Justice.

Second, this raises serious questions about the way investigations of average Americans are being handled. If these agents were able to break every rule in the book to spy on a Presidential candidate—who ultimately was elected—and are facing no consequences, no accountability, what protections exist for the rest of us in America? Who is going to notice their error-ridden FISA applications if it is John or Jane Q. Public?

What is even more disconcerting is, if this happened once—and it did happen more than once—what is to stop it from happening again? The American people need and deserve answers to