

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

RECOGNITION OF THE MINORITY LEADER

The Democratic leader is recognized.

Mr. SCHUMER. Madam President, I ask unanimous consent that I speak for 10 minutes, the Senator from New Jersey for 10 minutes, and then the Senator from California for 10 minutes.

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

JUSTICE IN POLICING ACT

Mr. SCHUMER. Madam President, the past few months have been amongst the most wrenching and tumultuous in recent memory. The deaths of George Floyd, Breonna Taylor, Ahmaud Arbery, as well as from the COVID-19 pandemic, have forced our country to reckon with not only the decades of long failure to reform our police departments and prevent unwarranted brutality against Black Americans but also the centuries-long struggle against racial injustice.

Here in Congress, the Democrats have sought to turn the anger and frustration in our country—and, yes, sometimes despair—into real and meaningful action. The Democrats wish to seize the moment. Three weeks ago, the Democrats announced a bill that would finally bring strong, comprehensive, and lasting change to police departments across America—the Justice in Policing Act, led by Senators BOOKER and HARRIS. The House of Representatives will pass that bill this week, but here in the Senate, we have a much different story.

Senate Republicans have responded to our comprehensive legislation by proposing a bill that is so much weaker on nearly every single count and, worse still, is completely silent on so many issues that scream out for action. Should police officers be held to greater account if they violate Americans' constitutional rights? The Republican bill is silent. Should police departments continue to have easy access to military-grade equipment? The Republican bill is silent. Should police departments be forced to change their behavior when it comes to racial profiling? Should they develop a better use of force standard? Should the Justice Department be empowered and encouraged to investigate police departments that have bad patterns and practices? Silent. Silent. Silent.

In the place of real change and accountability for police officers and departments, the Republican bill proposes a slew of studies and commissions. We don't need to study the problem of police misconduct and violence—we need to solve it. No doubt, these issues are complex, multifaceted, and difficult, but the Republican legislation pretends as if the cancer of police brutality is, in reality, little more than a runny nose.

The national conversation about policing reform, which has been ongoing for several years, was renewed by the terrible killing of George Floyd—his windpipe crushed by an officer who

kept his knee on Floyd's neck for nearly 9 minutes. The bill my Republican friends have drafted would not even completely ban the type of brutal tactics that led to George Floyd's death. The Republican bill does not even fully prevent the kind of tactics that sparked this whole debate in the first place.

Breonna Taylor, a first responder, was asleep in her bed in Louisville, KY, when she was killed by police who were executing a no-knock warrant. The Republican bill does not ban no-knock warrants. It does not limit no-knock warrants or require police departments to provide more information before obtaining them from a court. It calls for more data on the use of no-knock warrants. After the tragic loss of Breonna Taylor, how could the Republican bill not even attempt to prevent the kind of events that led to her death?

Imagine if President Johnson, after the bus boycotts and the march in Selma and the righteous movement for civil rights in America, had proposed a bill that had called for more data on the effectiveness of poll taxes and other voter intimidation techniques. Imagine if President Johnson, instead of the Voting Rights Act, had proposed a voting rights commission to have studied the issue a little bit more.

There is no escaping the fact that the Senate Republicans have drafted a policing bill that is deeply, fundamentally, and irrevocably flawed, and the Democrats are not the only ones to say so.

In this morning's Washington Post, the Floyd family lawyer, Reverend Sharpston, and the NAACP Legal Defense and Educational Fund urged Senators to oppose the GOP reform bill. They called it a nonstarter. That is what we believe as well.

Last night, the NAACP Legal Defense and Educational Fund said that it "cannot support legislation that does not embody a strong accountability framework for police officers and other law enforcement who engage in misconduct."

The lawyer for the families of George Floyd and Breonna Taylor, Ben Crump—one of the Nation's most renowned civil rights attorneys—wrote that the Republican legislation is "in direct contrast to the demands of the people" who have been protesting, and "the Black community is tired of the lip service, and shocked that the [Republican proposal] can be thought of as legislation." That is from the lawyer for the families of Breonna Taylor and George Floyd.

Let me repeat: The attorney representing the families who are seeking justice believe the Republican bill is completely inadequate, lip service, and can hardly be thought of as legislation. How does Leader MCCONNELL respond to that charge? How does he respond when the families' lawyer says his bill is a nonstarter?

Civil rights groups—the noble guardians of these issues for generations

that want nothing more than to see meaningful legislation—are urging the Senate to reject the Republican proposal. They see this bill for the futile and, maybe, cynical ploy that it is. Their opposition speaks louder than almost any other.

Who does America believe when it comes to dealing with these issues—Leader MCCONNELL, who seems to be new to these issues, or the civil rights groups, which have been fighting for change for decades? Who does America believe?

We Democrats are certain the McConnell plan will not—indeed, cannot—result in any passing of legislation. It is clear the Republican bill, as is, will not get 60 votes. There is overwhelming opposition to the bill in our caucus, and because the bill needs such large-scale and fundamental change, there is no conceivable way that a series of amendments strong enough to cure the defects in the bill could garner 60 votes either. So no bill will pass as a result of this ploy by Senator MCCONNELL. The Republican majority has given the Senate a bad bill and proposed no credible way to sufficiently improve it.

Simply put, Leader MCCONNELL has created a cul-de-sac from which no legislation can emerge. Leader MCCONNELL's plan appears to be designed to get the burden of dealing with policing reform off the Republicans' shoulders by setting up a process which is guaranteed not to result in successful legislation.

Again, Leader MCCONNELL is leading the Senate into a cul-de-sac—a process designed to fail. Yet there is a way out of this cul-de-sac. Yes, there is a way out. It is the same process that has led to success in the Senate time and again. It is a simple word—"bipartisanship."

This morning, Senators BOOKER, HARRIS, and I are sending a letter to Leader MCCONNELL, stressing the need for bipartisan talks to get a constructive starting point on policing reform. If our two parties could get together to draft a bipartisan proposal—and even if we don't agree on everything, we can agree to invoke a real amendment process—then we might produce a bill that has a real shot of passing. If the Republican leader would acknowledge the obvious need for these talks, there is a real chance we could produce legislation that has a shot of passing.

So we are pleading with Leader MCCONNELL: Instead of pressing forward with this partisan bill that is designed to make sure no bill passes, Leader MCCONNELL, pursue a path that is designed to produce real, meaningful policing reform.

In the Senate, where 60 votes are required to achieve almost anything, a bipartisan process is the only way to move forward.

My friends, this could be a moment for the Senate to rise to the occasion. There is certainly something happening out there in America. Hundreds

of thousands of protesters of every faith and color and age have taken to the streets to demand change.

If Americans out in the country can together join in a righteous chorus calling for change, we in the Senate can at least try to come to deliver it, but it is going to take more than typical games here in the Senate that Leader MCCONNELL seems to be now playing.

We are going to have to rise above the take-it-or-leave-it legislating that has trapped us in the status quo on so many issues.

We were able to negotiate a \$3 trillion emergency aid package before bringing it to the floor of the Senate. We have done it on budgets and criminal justice reform, on the Great American Outdoors Act. A bipartisan group put together an immigration bill that passed the Senate with more than two-thirds votes on a very contentious issue because it was bipartisan.

So on even thorny issues like police reform, we can—we can and we must—work with each other, and we need to, in order to achieve a bill that can actually pass the Senate.

So let me repeat my request to Leader MCCONNELL: Let us not retreat to partisan corners on such a vital issue. Let us appeal to the higher instincts of this Chamber and try to find a bill together.

I yield to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BOOKER. Madam President, I thank you for the recognition, and I thank the Democratic leader for his words.

The Democratic leader talked about what is happening in our country. I have never seen something like this before in all my years, where hundreds of thousands of Americans have been out in protest—and not just certain sectors. In all 50 States, in large cities and small towns, Americans from every background, race, religion, and political party have joined together following the gruesome capture of the torture and murder of a fellow American.

This is a profound moment. It is a moral moment. We know this is not a partisan moment because the good will of all Americans is evident, from national polling that shows that real reform is widely supported by people of both parties to just the voices of people who are saying that we are a nation formed around a fundamental idea of life, liberty, and the pursuit of happiness, to have it so fundamentally violated. The call is for us to act, to come together as good men and women and do something to protect human lives.

We have done that before on the Federal level in a bipartisan way, coming together to protect people against indiscriminate violence—from the Violence Against Women Act to even the historic, bipartisan work that went on to get 99 Members of this body behind an anti-lynching bill.

I am grateful for that aspect of our history, that this is a body that has acted multiple times to try and protect human life.

Well, no one need watch a video of 8 minutes and 46 seconds again to understand that this body now holds a true moral choice of how will we act. What will we do in this moral moment in our country? Will we come together and protect life and liberty or will we do nothing and allow the violence to happen, the cycle in our Nation, the name after name after name after name that we know and the thousands of other names that we do not know—Black lives being abused, civil rights being violated, lives being lost because we have failed the moment in our Nation?

A little over 2 weeks ago, Leader SCHUMER, Senator HARRIS, and I, along with colleagues in the House, introduced an act that was narrowly focused on accountability. It zeroed in on what we could do to create accountability, to ensure oversight, to implement transparency, and to ban actions that people in this country, in both parties, widely believe should and must be banned.

The bill that is being put forth by Leader MCCONNELL is wholly unacceptable to bring accountability, transparency, and consequences when our common values as a country are violated. This is not about partisanship—a Republican bill and a Democratic bill. It is about taking meaningful action that will create change.

The bill Leader MCCONNELL wants to put on the floor is called the JUSTICE Act. It belies its name because it does not—in any way—even serve as a starting point or even a baseline for negotiations.

The American people are not in the streets chanting “We want more data; we want more data.” The American people are not in the streets chanting “Give us a commission; give us a commission.”

We know the data, and we have had commissions—from the Kerner Report all the way to the Task Force on 21st Century Policing. What we are hearing a demand for, from voices all over our country—including from leaders in police departments to mayors, to local leaders, to activists—is real accountability; that if you do something wrong in America, there will be consequences; that no one is above the law; that we, in this country, will make sure that those who represent law and enforcement do so in a way that accords with our common values and our common ideals.

In fact, we want to go further in this country. We have a greater moral imagination that does not have us trapped in the quicksand of the present but calls to us to rise to a higher ground; that we could be a nation that imagines ourselves having a larger definition of law enforcement, a larger definition of public safety. We cannot get mired in this moment. This must be the start of climbing to that higher ground.

The problem with the bill that Leader MCCONNELL wants to put on the floor, it is not bold. It is not courageous. There is no great imagination about what we can be. It doesn't challenge us to come together. What it does is guarantee that the cycle of violence in our country, the cycle of the abuse of civil rights, the cycle of death that has so moved so many Americans will continue.

If we don't implement real measures of accountability for police officers in this country—as the Republican bill fails to do—it is not if but when we will be back here again after another police officer kills another unarmed Black person and faces no fear of Federal accountability in the courts.

If we don't establish real transparency measures with a national registry of police misconduct—which Leader MCCONNELL's bill fails to do—it is not if but when we will be back here again, after another officer who has a record of inappropriate use of force will get fired from one town and hired in the next and end up hurting another citizen, violating their civil rights or—worse—killing them.

If we do not end those harmful practices that Americans from all backgrounds know are wrong, like racial and religious profiling, no-knock warrants in drug cases, and the use of choke holds—which this McConnell bill fails to do—it is not if but when we will be back here again after another Breonna Taylor is murdered in her own home after a no-knock warrant, after another Eric Garner is suffocated to death on a sidewalk with an inhumane choke hold.

If we do not create a national use-of-force standard in America—which this Republican bill, again, fails to do—we will be back here again the next time another officer uses deadly force when they could have used deescalation because that deadly force was “reasonable,” though not necessary.

I hear the voices. We all hear the voices, the anguish, the agony, the pain, the trauma, the hurt. It has triggered a nation to rise up like has never happened in the last 50 years.

We are in a moment of profound possibility, but what do we face? We face it being shut down here in the Senate over an impotent bill that fails to meet this moment.

The American people are demanding accountability, not commissions; they are demanding accountability, not study; they are demanding accountability, not data collection alone. We have to ask ourselves: Will we stand for a bill with zero accountability or will we rise?

I am so frustrated because I have been here now for 6 years, and I have seen, from inside this body as a Member to even before I came here, how the leader has done bipartisan efforts. I saw it on immigration reform. A Gang of 8 was formed, discussions were had, and they came to a bill. They put it on the floor, and they voted for it.

I have seen it in this COVID crisis. People met and worked on solutions.

I have seen, time and again, when there is a sincere desire to come to a bipartisan consensus, how it works. But this is not how Leader MCCONNELL is acting now.

Where is the good faith? Where is the yearning for justice? Where is the desire to get something real done?

There have been no hearings. He has called for no discussions. He has called for no meaningful engagement—in the way we have done in the past—from stakeholders and groups that have been working on this issue. He has not sent it to the appropriate committee of jurisdiction.

This is not what the American people want. This is not what this moment calls for. This is shameful. This is a desire to turn a page, to point a finger of blame, and to leave the calls for justice in this country falling upon the mute ears, the deaf ears, of a body that should be hearing, listening, and responding.

There is no easy fix for the problems we face, but they do demand work. They don't demand simple monologues; they demand real dialogue. This is not a time to retreat into our corners. It is a time to engage each other.

I cannot, in any way, give any justice or sanction to what is going on in this body now. We will be back here again. We will see more video capturing the dark corners of our country that must be brought into the light and solved with the spirit of this Nation.

I join CHUCK SCHUMER and KAMALA HARRIS in urging Majority Leader MCCONNELL not to proceed in this way. It is not progress. It is an attempt to turn a page on history that we will have to revisit. Every minute, every hour, every day we do not act, Black lives are in danger; our fellow citizens are in danger; we as a Nation, our principles and ideals are in danger.

It is time that we come together and provide hope from this body that serves, truly serves, to honor what the public is calling for, which is action—not retreat but for us to try, in this body, to rise together.

I yield to my colleague from California.

The PRESIDING OFFICER. The Senator from California.

Ms. HARRIS. Madam President, the murders of George Floyd, Breonna Taylor, and Rayshard Brooks are the latest in a long history of violence against Black people in America, but thanks to the advocacy, thanks to the courage of their mothers and fathers and relatives and all of the civil rights leaders, the lawyers, those who are marching in the streets—and smartphones—everyone can finally bear witness to the violence that has been happening in our country at the hands of police.

Now, let's be clear. This behavior is not new. Mothers have been crying over their dead children's bodies for generations, yet no one would listen. No one would listen.

Emmett Till's mother had the courage, as a leader, to say: The world will listen when they look at my baby's body in that casket. Yet here we are, these many decades and generations later, and still we have not seen meaningful change in America on this subject.

It is time we act. It is time we act. And let us be clear: Sometimes some of the most courageous and important work that has happened in this U.S. Congress has happened not because there was leadership in the body but because the people demanded it and they would not relent until their government and elected leaders and representatives listened to and answered their call for steps toward what we call a more perfect Union.

It has been many a time the case that it is because of the people marching in the streets that we had the Voting Rights Act and Civil Rights Act and the Fair Housing Act—because the people would allow nothing less than that we, as a government, be true to our stated ideals.

Yes, over the last 3½ years in our country, many of us have wondered whether the leaders of this country actually pay homage to and have any desire to institute and to get closer to those ideals.

This is a moment for the U.S. Senate to say we, as a body, will do that; that what is clear right now in this moment and in this movement is that there is still work that can be done—not just should be done but can be done—to come closer to those words inscribed across the street in the U.S. Supreme Court, to effectuate "Equal Justice Under Law." It is within our grasp to do this. It is not just an imperative; it is within our grasp. In America today, people from every State, all 50 States, and in every walk of life are demanding that we take the problem of police brutality seriously. We have this opportunity, and we should see it as such. Where before there may have been reluctance to go against the strength of the status quo, which is always reluctant, if not hostile, to change, the people in the streets of every race, every gender, every age, from every State, are not only giving us permission but demanding that their leaders finally make good on the American promise of "Equal Justice Under Law." They are demanding this change; they are not just asking for it.

So we can't answer the people's demand for accountability with watered-down politics and watered-down policies and obstructionist tactics to distract us from what we clearly know is necessary to meet the calls and the cries of this moment and this movement. I will say that we cannot answer their demands with this Republican attempt to obstruct real progress and real justice in our country.

And for all of the pundits out there who want to entertain a conversation about whether Democrats actually want police reform, are you kidding

me? Are you kidding me? We are responding to the cries in the street; we are taking them seriously; and we have proposed a prescription that actually responds to not just their demands but the specific cases and the bodies which have just most recently been buried, much less the generations of Black bodies which have been buried because of this issue. So don't anyone dare suggest we are standing in the way of progress.

Let us all be clear about what is happening in the politics of this moment. The Republican bill has been thrown out to give lip service to an issue with nothing substantial in it that would actually save or would have saved any of those lives. Let's not be distracted from the task at hand. I intend to vote against a motion to proceed tomorrow. I also intend to vote for a motion to proceed with real reform. I am not against a motion to proceed. We should proceed. Let's proceed with action—not gestures—with action.

Let's talk about the Republican bill. I am a former prosecutor. I have personally prosecuted everything from low-level offenses to homicides. I worked almost my entire career with police officers. What I can tell you is this—and I am certain of it—police officers will tell you how difficult their job becomes when their colleagues and other police officers break the rules and break the law. They will tell you that. They will tell you that it affects the culture of their working environment. It affects the morale of where they work every day. It affects the integrity of their work. What they know is bad cops are bad for good cops.

What we all know is that it is in the best interest of community safety and harmony when the people trust their government, and it is a reciprocal relationship.

In addition to what our bill proposes, the Justice in Policing Act is about accountability and consequence. It is also brought forward with a spirit of what we know is in the best interest of growing trust and the American people's trust in their government.

As a former prosecutor, I will also say that in the criminal justice system, we also talk about and use this phrase "accountability and consequence." We use it all the time, accountability and consequence. There must be accountability and consequence. Almost every time that phrase is invoked, it is directed at the person who was arrested and hardly ever is that phrase directed at the very system itself and the actors in that system.

Where is the accountability and consequence when a system fails the people it is designed to protect? Where is the accountability and consequence when people who have been invested by the people with a gun and a badge—it is the power we give them—where is the accountability and consequence when they abuse that power, one must ask. Our bill is designed to address just

that. I will tell you, there is not one component of the Republican bill that does the same.

Let's talk about the history of where we are today—just recent history, meaning in the U.S. Senate on this subject. On Monday June 9, in response to protests in all 50 States of these United States, Senator CORY BOOKER and I, along with our CBC and House Judiciary colleagues and a majority of our Senate caucus, announced the Justice in Policing Act. Over 1 week later, the people are marching in the streets. Let's just remember this. People are marching in the streets every night, every day. Well, 1 week later, somebody got the memo, and then what did they do? They came up with what they call the JUSTICE Act as a way to essentially show that they have something but to basically obstruct what already had been put in place. They did it because they knew that the people were demanding something. What they put up, instead of meeting those demands, was a tactic to obstruct the progress of the Justice in Policing Act.

Then they are playing a political game around here saying: "Look, the Democrats won't vote for policing reform." No. We are actually fully prepared to vote for policing reform, which is why a week earlier than you figured it out, we figured it out and put it on paper and presented it to the Nation.

Let's not play political games today and tomorrow. Let us understand that Senator MCCONNELL, the majority leader, made it clear—you know, I say to the Senator from New Jersey, Mr. BOOKER, I wasn't here for those days when he saw a lot of that bipartisan work. I did see it with other COVID bills, and I am thankful that did happen, but what I see most recently on this issue is that Senator MCCONNELL made it clear that he had no intention of passing bipartisan comprehensive legislation on policing reform. What we have seen is that instead of an ability for all of us in this Chamber to pass the Justice in Policing Act—which has already gained 227 cosponsors, enough to pass the House—instead, the Senate leader has scheduled this vote tomorrow, not to solve the problem of police brutality in America but to solve his political problem, to which he has taken no stand and that caucus has taken no meaningful stand on an issue that has people in our streets marching for the last 3 weeks, and those marching folks will go on.

The proposal was carefully crafted that is being offered tomorrow for a vote. The Republican proposal was carefully crafted to deflect from real change by merely, as my colleague Senator BOOKER outlined and Senator SCHUMER outlined—by merely offering to study the problem without doing anything to solve it.

Mr. CORNYN. Madam President, would the Senator yield for a question?

Ms. HARRIS. When I am finished, I will.

The Republican bill does not even provide a baseline for a discussion or amendment on police reform in that there are no mechanisms to hold law enforcement officers accountable in court for their misconduct. There is no transparency into police misconduct, which is necessary, of course, to enable communities to hold officers accountable. There is no requirement of data collection on all use-of-force incidents or on racial or religious profiling. There is no ban on harmful policing policies and practices, such as racial and religious profiling and no-knock warrants in drug cases. We are not banning all no-knock warrants in drug cases because Breonna Taylor would be alive today had that been the case. There is no reform to the issues of choke holds or carotid holds in the Republican bill that is being offered. There is no national standard for use of force.

I am happy to entertain the question from the Senator from Texas. Then I will conclude my comments.

The PRESIDING OFFICER (Mrs. LOEFFLER). The Senator from Texas.

Mr. CORNYN. Madam President, I wonder if the Senator would tell me, the JUSTICE Act that it sounds like the Democratic conference intends to block tomorrow includes the anti-lynching legislation that you and Senator BOOKER have championed; are you aware of that?

Ms. HARRIS. The same one RAND PAUL obstructed a couple of weeks ago? Yes, I am aware of that.

Mr. CORNYN. Madam President, so the Senators are going to block their own anti-lynching bill by their vote tomorrow.

Ms. HARRIS. Absolutely not. I think it is important we not distract the American people from the task at hand.

We cannot pull out a specific component of this bill and leave everything else in the garbage bin. That is the logical and actual and practical conclusion of where you are going with the suggestion that we would sacrifice issues like no-knock warrants, issues like a national standard for use of force, issues like the need for independent investigations of police misconduct, issues like pattern and practice investigations with subpoena power for the Department of Justice for the sake of one. It is like asking a mother to save one of her children and leave the others.

Mr. CORNYN. Would the Senator yield for another question?

Ms. HARRIS. Absolutely.

Mr. CORNYN. Madam President, the Senator certainly is familiar with the rules of the Senate, which allow Senators to offer amendments to improve legislation once we get on it, but if the Democratic conference is going to prevent the Senate from actually getting on the bill, there is no opportunity for any Senator, you or any one of us, to offer amendments to improve it.

I would further ask the Senator, aren't you aware of the fact that there

are 60-vote thresholds on the back end so that if we get on the bill and you don't like the way it turns out, you can block it on the back end; is the Senator aware of those options you have?

Ms. HARRIS. Senator CORNYN, we are honored to serve on the Senate Judiciary Committee, as does Senator BOOKER and Senator DURBIN. We all serve on the Judiciary Committee. The two Senate officers serve with you on the Senate Judiciary Committee. As you know, because we have been present during our most recent hearings, we have asked that there would be a meaningful discussion of the Justice in Policing Act in that committee. None has occurred.

If we are going to talk about process, let us look at all the tools that are available to well-intentioned, well-meaning legislators, if the goal is actually to solve and address the issue at hand. I have seen no evidence of that. I have seen no evidence. In fact, what I have seen in reading some of the newspapers—sometimes they get things wrong, but if they got it right, the Senate leader says that he has no interest in engaging in that kind of discussion or debate before putting the bill on the floor for a vote tomorrow.

Mr. CORNYN. Madam President, may I ask one last question?

Will the Senator yield?

What I am trying to fathom is why the Senator would rather have these negotiations occur behind closed doors as opposed to here on the floor of the Senate with the American people to see broadcast on television? Don't you think that sort of interaction and debate and negotiation out in front of all 330 million Americans would be beneficial to healing our country and coming to some consensus about what the appropriate reforms should be?

Ms. HARRIS. Indeed. That is the beauty of the Judiciary Committee; our meetings are public meetings.

I will conclude my remarks by saying that I do believe now is the time for Congress to pass legislation that will bring real change and real improvement. It is time that we meet this moment and meet the movement that we are seeing outside of these doors. We are seeing people of every race, gender, age, and religion marching together in unison as Americans. We are seeing people putting their bodies on the line in the face of more excessive force and tear gas to stand for equality for all people.

The bill that is being offered for a vote tomorrow does not, in any way, meet the needs of this moment and the longstanding needs America has had for reform.

I will, therefore, join Senators SCHUMER and BOOKER in not only sending a letter to Senator MCCONNELL this morning demanding the Senate vote on the Justice in Policing Act, but I will say I fully intend to vote against a motion to proceed until and unless we are, as a body, prepared to offer meaningful reforms upon which we can debate.

I will say also that one of the other problems with what is being offered by our colleagues across the aisle is it is not meeting the moment in terms of need for reform. It is simply, basically, they constructed a confessional, where there can be a confession of misdeeds after the fact, and that in no way meets the moment in terms of reforms that are necessary.

In the immortal words of my great Uncle Sherman, God rest his soul, "That dog don't hunt."

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. First, I want to thank my colleagues, Senators BOOKER and HARRIS. Thanks for your leadership and courage and the fact that have dedicated yourself to this moment.

Some would say we are fortunate; others would say we are blessed to be at this moment in this place in the roles that we currently have. Can you imagine across the United States of America how many people would like to be standing where we are standing today? Despite the frustration, we have a voice. We have an opportunity. We, as U.S. Senators, have the power, if we use it, to do something about what threatens America.

Imagine how 8 minutes 46 seconds could have such profound impact on this Nation of over 300 million people and the world, but then to realize that 8 minutes 46 seconds merely reminded us of all of the other issues, all of the other cases, all of the other George Floyds who came before.

I have just been stunned in my own home State of Illinois—which I dearly love and know fairly well—by what I have seen in the streets of towns large and small. In the city of Chicago, just this last Juneteenth weekend, there was an amazing display of unity on Black Lives Matter. The African-American ministers led it, but all the rest of us were happy to be part of it because it meant so much.

Then you go downstate Illinois to towns like our capital city, Springfield, or Jerseyville, IL, and attend Black Lives Matter rallies there that were organized by two young women, African-American high school juniors. They organized 1,500 people in Springfield for a Black Lives Matter rally.

Nykeyla Henderson and her twin sister Nykia Henderson said: Let's call together students and friends about Black Lives Matter. Fifteen hundred people showed up. No windows were broken, no looting, no screaming, no shouting, no cursing. It was a textbook display of constitutional authority that each of us as a citizen has, and they used it so well. I salute them even to this day.

Then, to go down to Jerseyville, a small rural community that I have represented over the years—which may or may not have a minority population at all—and to have, from 20 miles away, a high school junior, a young African-American woman whose name is Laylahny Davis, who did exactly the

same thing: She called together hundreds of people—in this case, some 350 on the courthouse lawn in Jerseyville—to celebrate Black Lives Matter.

I have never seen anything like this. I have never seen it reach this level of commitment. Trust me, these young women were doing this, knowing that some of the people standing on the perimeter were not their friends, but they had the courage to be there because they believed in what they were doing.

Do we have the courage at this moment to speak up for real change? How many times in the history of this country can Senators come to the floor and say that it is within our grasp? We can make America better, and we can perfect this great Nation to even be greater with courage.

What I hear from my colleagues—Senators HARRIS and BOOKER—I could not agree with more. I am going to vote against this motion to proceed tomorrow. I believe, as they do, that we as a Senate can do better. We can do better in the Senate Judiciary Committee, which throughout generations has been the place to go, the forum to visit, the last stop, if you will, on the most important issues of our day—the Senate Judiciary Committee—time and again.

I have been blessed to serve there for over two decades, and I look back on the history of that body before I arrived, and I think to myself: DURBIN, you are a lucky man to be on the Senate Judiciary Committee of the U.S. Senate, particularly at this moment. This is not only our issue; this is our moment in the Senate Judiciary Committee and on the floor of the U.S. Senate. That is why Senator MCCONNELL's tactic is so empty and so obvious.

We understand how the Senate works. If you have been here 5 minutes, you know. He is the majority leader. He calls the shots. He decides what is coming to the floor, which amendments will be offered, which will not be offered, which bills will move forward, and which bills will stop. It is his power to do it. It is a very powerful position.

Instead of saying to us: Start in the Senate Judiciary Committee, find a bipartisan measure to bring to the floor, and then let's work together to have meaningful amendments but to have it, in fact, enacted—instead of that, he said: Take our bill or leave it. If you don't want to vote for the Republican bill on this subject, go home and defend your vote. I am prepared to and I think my colleagues are too.

Listen to what the National Association for the Advancement of Colored People Legal Defense Fund said about this bill today. This organization is an incredible organization, and if you don't know much about it, read "Devil in the Grove," a story of Thurgood Marshall in the late 1940s and 1950s, risking his life defending African Americans who were facing criminal charges across the United States.

The NAACP Legal Defense Fund said: "In this moment, we cannot support legislation that does not embody a strong accountability framework for police officers and other law enforcement who engage in misconduct as well as needed reforms to policing practices."

The group wrote in a letter, a copy of which was sent to Members of the Senate, and they went on to say: "We urge you to vote no on the motion to proceed with consideration of the JUSTICE Act"—which is the Republican bill—"and instead advance reforms that will hold law enforcement accountable and offer more transparency of policing practices such as those embodied in S. 3912, the Justice in Policing Act of 2020"—a bill which I am honored to cosponsor with my friends, Senators BOOKER and HARRIS.

This morning I sat down and decided to read in detail the analysis of these two bills. It is night and day in terms of the direction they take. Something as fundamental as choke holds—does America know what a choke hold is? We saw it and will never forget it. We saw that knee on George Floyd's neck, and we watched the minutes pass by and his life ebb away. Can we be anything less than resolute on the issue of choke holds? Our bill is. It bans them. It bans them. The restriction of blood or oxygen or the carotid artery—we are specific; we are specific. Sadly, the Republican bill is not.

We also defined "deadly force" and what is less than "lethal force." We specifically defined it. What does the Republican bill do? It calls on the Attorney General of the United States to develop a policy—to develop a policy—Attorney General William Barr.

On no-knock—I thank Senator HARRIS for raising that—we have direct legal limits on the use of no-knock, which was, in fact, the procedure followed that led to the death of Breonna Taylor in Louisville, KY. What does the Republican bill have? A reporting requirement—a reporting requirement.

Body cameras? We require them. We put penalties in the law for those who don't use them. We also require that they be on vehicles, law enforcement vehicles. The Republican bill does not require them. It offers grants to police departments that want to buy them and then asks from those departments "assurances" that they are using them.

On the misconduct registry, we establish public access to the misconduct registry when it comes to police misconduct. But there is no public access in the Republican bill.

Yes, it is true, as was noted earlier by the Senator from Texas, there is commonality on issues like anti-lynching—thank goodness—a mere century after we started debating it in the U.S. Senate. We have reached that point, and I am glad we have.

When it comes to training, data, and demographics, there are many areas of commonality, but there are specific areas that this bill—the one we have

introduced—includes that are not included in the Republican bill: Criminal liability under the Civil Rights Act—we changed the standard to make it truly an attainable standard on the Democratic bill; qualified immunity; civil rights investigations; the power of subpoena, which we give to the Department of Justice; the use-of-force investigation; grants for independent investigation; and—this is a measure I have worked on for a while and am so glad it is included here—banning racial profiling once and for all.

I want to salute a former colleague from Wisconsin, Russ Feingold. He was one of the earliest on this whole issue of profiling, a courageous position on his part at that moment in history. Finally, we include it in our bill.

It is not included in the Republican bill. Instead, what they offer are commissions, data collection, and a couple of other criminal offenses, each of which is worthy of consideration but should not be enough to divert us from our goal.

I am going to conclude by saying this. I feel blessed to be here in the U.S. Senate at this moment in history. I feel fortunate to have a chance, with my colleagues on both sides of the aisle, to change the history of this country in the right direction. My goodness, it is so long overdue. After all of the 400 years of slavery, when it first came to our shore, and the greed and racism that fed it as that insidious original sin of our country, now is our chance to do something in our generation to make a difference for those future generations that march in the street and look to us for real change.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Ms. HIRONO. Madam President, I share the strong words and position and perspective of my wonderful colleagues, colleagues who spoke before me just now—Senators HARRIS, BOOKER, and DURBIN—calling for real policing reform, not the bill that is coming before the floor tomorrow.

#### THE EQUALITY ACT

Madam President, this morning I would like to turn to another issue that should concern all of us and that deserves our attention. On December 17, 1990, Genora Dancel and Ninia Baehr walked into the Hawaii Department of Health in Honolulu to apply for a marriage license.

They had met earlier that year in a Honolulu parking lot and felt an immediate connection. Their first date lasted for 9 hours. They eventually fell in love and got engaged, despite knowing that the law prohibited their marriage.

They faced a choice: Give up their dream of getting married or take their fight to court to demand that they be treated equally. Although, up to that point, Ms. Dancel had led a private life and her family was unaware of her sexual orientation, for her the choice was clear. She later recalled: “I had been

discriminated against and was living as a second-class citizen. All of that, emotionally, came to mind. For me it was a no-brainer decision. This was something I had to fight for, and I had to do my part.”

The courts in Hawaii agreed with Ms. Dancel and Ms. Baehr. On May 5, 1993, the Hawaii Supreme Court issued a historic decision that changed the course of the LGBTQ rights movement. It ruled that denying same-sex couples the right to marry violates the equal protection clause of the Hawaii constitution unless the State could prove a compelling State interest.

This ruling sparked a chain reaction that eventually resulted in the U.S. Supreme Court’s 2015 decision in *Obergefell v. Hodges*, which affirmed the right of same-sex couples to marry. It was a hard-won victory for the LGBTQ community in its long fight for equality.

In July 2017, the Trump administration sought to undermine this victory for equality. It intervened in a court case to argue that LGBTQ individuals are not protected from employment discrimination based on their sexual orientation. This position directly contradicted the position of the Equal Employment Opportunity Commission, which had made clear in 2015 that discrimination based on sexual orientation was illegal.

Last Monday, the Supreme Court rejected the Trump administration’s efforts and held that the Federal civil rights statute prohibiting employment discrimination—title VII—does protect LGBTQ individuals. While the decision was another major victory for equality, the fight is far from over.

The Trump administration has not only sought to undo protections for LGBTQ individuals before the court, but Donald Trump and Senator MCCONNELL have also been busy working to undermine LGBTQ equality through the judges—the judges whom this Senate confirms—themselves.

Over the past 3 years, Donald Trump and Senator MCCONNELL have been busy packing the court with judges who have demonstrated hostility toward the rights of LGBTQ individuals. In fact, so far, about 40 percent—40 percent—of Trump’s circuit court judges have anti-LGBTQ records, and another one, Cory Wilson, is set to be confirmed this week. As a State legislator, Wilson voted for a bill that would allow businesses and people to deny services to LGBTQ individuals. The Human Rights Campaign called that bill “the worst anti-LGBTQ state law in the U.S.”

Another example: Recently confirmed to the Ninth Circuit, Trump Judge Lawrence VanDyke previously claimed that “same-sex marriage will hurt families, and consequently children and society.” His actions have reflected these views. He has opposed same-sex marriages and supported businesses that discriminate against same-sex couples.

Similarly, Trump Judge Stephen Menashi in the Second Circuit and

Trump Judge Andrew Brasher, Eleventh Circuit, have argued for the right of businesses to discriminate against LGBTQ individuals.

With the Federal courts stacked with Trump judges like these, it is critical that Congress act now to fully enshrine equality and protections for LGBTQ individuals into law.

The Supreme Court has now made clear that employers cannot discriminate against LGBTQ people in the workplace. But other legal protections against discrimination, such as in healthcare, education, housing, and financial credit, are at risk of being eroded by the Trump administration and Trump judges.

In fact, the Trump administration is doing just that. Just 2 weeks ago, it finalized a rule that eliminated nondiscrimination protections under Federal law for LGBTQ people receiving healthcare and obtaining health insurance.

Last month, the Trump administration issued a letter ruling that title IX requires schools to ban transgender students from participating in school sports based on their gender identity. In 2002, Congress renamed title IX in honor of my friend, Congresswoman Patsy T. Mink. Patsy was a champion for gender equality and nondiscrimination and would certainly be appalled by the Trump administration’s interpretation of title IX.

The Trump administration has already banned most transgender people from serving in the military. It has rescinded protections for transgender students that allowed them to use bathrooms corresponding with their gender identity.

The Trump administration’s attacks against LGBTQ equality make it all the more urgent that Congress needs to make explicit that Federal law protects against discrimination based on sexual orientation and gender identity.

More than a year ago, the House did that by passing the Equality Act with bipartisan support. The Equality Act would prevent the Trump administration from exploiting any ambiguity in the law by adding clarifications in existing civil rights laws to make explicit that sexual orientation and gender identity are prohibited bases for discrimination. This includes the Civil Rights Act of 1964, the Fair Housing Act, the Equal Credit Opportunity Act, the Jury Selection and Services Act, and other civil rights statutes.

The Equality Act would also amend the Civil Rights Act of 1964 to prohibit discrimination in public places and services and federally funded programs on the basis of sex, including sexual orientation and gender identity.

In addition, the Equality Act would update the types of public spaces and services covered under current law to expressly include stores, shopping centers, online retailers, banks, and places that provide legal services, transportation services, and other types of services.