

consent that the order for the quorum call be rescinded.

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

THE JUSTICE ACT

Mr. SCOTT of South Carolina. Madam President, I come to the floor to continue a conversation, a dialogue, about the importance of moving forward on the motion to proceed on the JUSTICE Act.

It was just an hour and a half ago, in front of the entire press corps, when I, Leader McCONNELL, and the leadership team on the Republican side had a very open conversation with the press about fact that voting for this motion to proceed is voting for an open process. He said—and I agree—that this process must be open. I have asked that we have amendments, and the leader has said yes.

So, to my friends on the other side who believe that somehow—in some way—this does not include an actual open process, wherein you have a chance over several days, in the sight of the public, to talk about and offer your amendments, that is wrong. If you want a process whereby you will have an opportunity to persuade those in this body and the American people about the value of your amendments, this motion to proceed is a motion you should vote for. More importantly, rather than persuading the American people that this is a motion to proceed that you should vote for, if you really want to get into police reform, we will need a vehicle with which to get there. The JUSTICE Act is that vehicle.

Speaker PELOSI herself said—and I do not often quote Speaker PELOSI or even paraphrase Speaker PELOSI about something that she and I might agree on, but I agree here—that it would be important for us to have a conference, which would require this body to pass legislation. Then it would go to conference with the House. The only way we will pass legislation in this body is for there to be a bipartisan coalition of Republicans and Democrats, working together, because a majority of the Senate is not 51 out of 100. From a legislative purpose, the majority of the Senate is 60 votes. That means we require 60 votes to even start the process of saying to little boys and girls in communities of color around this country: We see you. We hear you.

I grew up in some impoverished communities and in a single-parent household—mired in poverty. I understand how it feels to leave your home, get in a car, and be afraid of being stopped. I get that. I have spoken about that too many times already. What I will say is that this body has a chance to say to those kids: We see you. We hear your concerns.

A motion to proceed is simply a procedural motion that says: Let's debate the underlying bill. Let's have a conversation in front of all of the American people about the importance of doing police reform the right way. If you don't trust the Republicans or if

you don't trust the Democrats, you get to watch the process play out right here, within the world's greatest deliberative body—you can watch it play out right here, live on C-SPAN—and come to your own conclusions about the seriousness of this issue. Yet if we miss that golden opportunity—if we miss the opportunity to debate the underlying issues—all you will wind up with will be talking points and campaigns.

You see, some believe that one side would rather campaign on police reform than solve police issues. I believe that both sides of the aisle have vast majorities of people who are willing to come to the table to have a serious debate on the underlying issues that have brought combustion into this Chamber and solve them, not have them explode. All of us do not have to tackle the issues like I did when I was 16 and 17 and 18 and 25 and 26 and 30. We are all here now on this sacred ground, and we have the ability to say to that young man and to that young lady: We didn't just see you. We didn't just hear you. We acted on it. By doing so, I believe we can make a difference in the lives of Americans whom we actually save.

There have been some criticisms. I sat in my office and listened to some of the criticisms about our JUSTICE Act by my friends on the other side. One of the criticisms was that the JUSTICE Act does not require new reporting measures on use of force. What? I sat in my office, speechless, because our legislation absolutely, positively, unequivocally requires more information. The House bill has a 10-percent penalty, and our legislation has a 20-percent penalty, or twice the penalty.

I heard that our legislation does not ban no-knock warrants, which is critically important because, in Louisville, KY, the conversation around no-knock warrants took a drastic turn in the wrong direction that led to the killing of Breonna Taylor. My friends were talking about how the House bill—their bill—bans no-knock warrants in drug cases, but when you open the legislation and read the pages, what it does ban are no-knock warrants for Federal agents. In Louisville, KY, those were not Federal agents. So the complaint and the concerns about what actually helps situations in places like Louisville, KY, aren't answered by the House bill.

I will be honest. In our legislation, we want to get the data around no-knock warrants so that we can actually direct the resources and the decisions in the right way. So, yes, you could say ours allows for a more deliberative process. Well, let's debate that, and let's come to an agreement.

Next, I heard that the JUSTICE Act would not end choke holds and that their legislation would actually ban choke holds. Let's take a closer look. That is false. With strict penalties facing local police departments, they go after choke holds by holding off on grant dollars for local agencies and

State agencies. Our legislation does the exact same thing. We go after local departments and State agencies by withdrawing some grant dollars.

What theirs says about the ban on choke holds applies only to Federal agents. That is really important. Why is that important? When you are watching at home, you hear there will be a ban on choke holds, but you don't necessarily make the correlation or have the information to reach the conclusion that they are talking only about Federal agents. Why is that important? Because Eric Garner's was not an incident with a Federal agent. It was not.

For 700,000 of the 800,000 law enforcement officers, the ban would not apply. That is really important information to share with the American people. Why is this so? It is called the Constitution. It is a pesky, little thing sometimes, but it is a fact. The Constitution does not allow for the Federal Government to dictate to those in local law enforcement what they can and cannot do. So they use the inducement of resources at the Federal level.

I talked to 10 Democratic Senators today, and I told them all the same: Let's get on the floor and amend the bill and see what happens. By the way, our legislation says the same thing. We instruct the AG to figure out how to ban it for Federal officers, and we reduce money and take money away as a penalty for those departments that have not banned choke holds.

The President's Executive order says that the certification process must include being certified by a governing agency that doesn't look favorably on choke holds. So whether you are in the House or whether you are a Senate Democrat or Republican or are in the White House, we are all closing in on the same outcome.

Here is what may be just as important as the distinctions that, I hope, I have cleared up as to the differences that are not necessarily the biggest differences on the important issues of what they said this morning was not what we were doing. I think selling something is important, but you can sell by manipulating or you can sell by motivating. I want to be clear that our legislation says what it says, not what others say it doesn't say.

Why am I so passionate about this issue? Beyond my 18 stops as a person of color, beyond my issues here in the Senate, beyond the fact that I am the one who grew up in poverty, in a single-parent household—beyond that point—in my legislation, which is the Senate Republican legislation, and the House legislation, there is so much common ground on which we can work, and to lose this moment for the kids and the young adults who are watching this process would be terrible. Let me give you a couple of examples of what I mean by the things that we have in common.

Both sides agree on more deescalation training and on duty-to-intervene

training. Both sides agree on ending choke holds. Both sides agree on passing anti-lynching legislation. Oh, by the way, I and Senator GRASSLEY—the then-chairman of the Committee on the Judiciary—worked with Senator HARRIS and Senator BOOKER to get it passed not once in this Chamber but twice. It stalled in the House before it stalled over here. We got it done twice, and it is another area of agreement. Both sides agree on the importance of more minority hiring in law enforcement. Both sides agree that more body-worn cameras are a good thing. We actually go further and have penalties for not having the body cameras on, but both sides agree. Both sides agree on the creation of a National Criminal Justice Commission, which, by the way, was the No. 1 recommendation of President Obama's Task Force on 21st Century Policing.

So why can't both sides agree on a motion to proceed? If there is that much commonality in the underlying legislation, if we are all watching the same pictures that we have all found disgusting and unbelievable, why can't we agree on tackling the issues in a substantive way here on the floor of the world's greatest deliberative body? That is what we are supposed to do here. We debate the issues. I want the Nation to see; I want the public to see; I want the world to see; I want all of America to see our debating this issue. I thank the Presiding Officer.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Madam President, across the country, there has been a national outcry for justice and for real changes in law to address police brutality and reflect the undeniable truth that Black lives matter.

This week should be our opportunity in the U.S. Senate to come together—Republicans and Democrats—to begin to fix our broken policing system, which is what so many people in big cities and small towns in Oregon and in every State across America are demanding of us. Yet, instead of allowing that kind of bipartisan discussion, Leader MCCONNELL is plowing ahead with partisan business, as usual, on a bill that falls very short of what the Senate ought to accomplish.

I see my friend on the floor, Mr. SCOTT, the distinguished Senator from South Carolina. I want to make it clear that I have great respect for Senator SCOTT. He is an important member of the Senate Committee on Finance, on which both of us serve. I appreciate every opportunity to work with him. In fact, I think a fair number of people around the country will note the work we have just done in the last few weeks on nonprofit organizations. So we will be working together, I know, in the days ahead.

Unfortunately, the majority leader is giving short shrift to this debate on ending systemic racism by putting forward an inadequate bill and essentially daring the other side to oppose it. That

is not the way you bring together both sides to address big, important national challenges.

Let me take just a few minutes to talk about some of the specific shortcomings of the legislation that Senator MCCONNELL wants to bring to the floor. For example, how can 100 Senators not agree that choke holds are wrong and ought to be banned? That is what my Democratic colleagues and I have called for: a nationwide ban on choke holds, period—full stop.

The Republican bill does not take that same strong, firm position. In my view, you cannot equivocate when it comes to a reform as basic as banning the choke hold. Anything short of a ban creates loopholes for the use of choke holds, and that is the wrong way to go for our country.

Second, this bill doesn't create any real accountability for police misconduct. It doesn't set up independent investigations for prosecutions of police abuses. It doesn't create national standards for law enforcement. It does not end qualified immunity.

Those issues are right at the center of the challenge of reforming policing in America, and they are the issues the American people want to see addressed head-on.

A lot of what the majority's bill—Senator MCCONNELL's bill—does with respect to police conduct is essentially collecting data. Nobody is protesting collecting data. What people are protesting on is they want to save lives. The Senate ought to do better and make those real changes that improve public safety.

Third, the extreme militarization of our police forces in recent years. It is actually an issue that goes back more than a few years, but the danger of a military mindset in domestic law enforcement was never more clear than when Trump officials started talking about “dominating the battle space.”

Our communities are not war zones; our citizens are not enemy combatants; and our police officers should not be occupying forces, so why has the United States undergone this years' long military mobilization on its own streets, against its own people?

It is long past time for this to end and for all our communities to institute 21st century community policing policies, but the Republican bill does not do that either.

The truth is, Senator SCOTT's bill does take a few good steps, like establishing the duty to intervene and making lynching a Federal crime. Those are issues that I and other Democrats would like to work on with Senator SCOTT on a comprehensive bill, but that is not what Senator MCCONNELL has put on offer this week.

My concern is that if the Senate takes up the McConnell bill, it is going to just be business as usual under the Republican leader: a short debate cut off arbitrarily, not enough votes, and not enough improvements to the actual bill. I just don't believe that, when mil-

lions and millions of Americans are demanding more, that business as usual is somehow acceptable.

That video of the murder of George Floyd at the hands of police stirred a part of America's national consciousness. There have been peaceful protests in all 50 States over the last few weeks calling for us to stamp out racial injustice—people of all ethnicities, of all ages, all genders. It has been a rare display of common purpose and common engagement in America.

As Senators, we have an obligation to respond to that call with something significantly better than business as usual. I know that Senator SCOTT wants to get there. I know that my Democratic colleagues and I want to get there.

I am proud to support Senator BOOKER and Senator HARRIS, who have been doing outstanding work on this issue, and I know that, regardless of the outcome of tomorrow's vote, we are going to keep working.

As for this week, the Senate would be wrong to just rush this process and just check the box with a partisan process, a partisan approach, before shrugging its shoulders and moving on to the task of dealing with more far-right judges.

So I am going to vote against cloture. I urge my colleagues to do the same.

I yield the floor.

The PRESIDING OFFICER (Mr. BOOZMAN). The Senator from Minnesota.

VOTING

Ms. KLOBUCHAR. Mr. President, I rise today and thank my colleague from Oregon and also thank him for his work on the voting bill. We just had a discussion with Senator BLUNT about that, and while we didn't agree on the bill, there is a discussion that is ongoing—as we head into another COVID package, possibly, which we really believe we need to—on working on some funding issues for the States as we look at more and more balloting from home and how important that is.

I want to thank Senator WYDEN for his leadership for so long on that issue. I brought up his home State in a speech about an hour or so ago and the work that Oregon has done with ballot-by-home and, I think, ballots from home.

I actually think I used the number of percentage of fraud as 0.0000001, or something like that, to show that what the President said is not true; that we have had, actually, in many States across the country—including Utah, a redder State—a big success with voting from home.

JUSTICE IN POLICING ACT

Mr. President, I rise today on another matter, and that is to urge the Senate to consider meaningful, comprehensive legislation to make systemic changes to our justice system that will save lives—save lives in the Black community and save lives in all communities of color that have experienced injustice for far too long.