

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.

I am deeply concerned that the bill on the floor this week fails to meet this moment. It has been nearly 1 month since George Floyd was murdered in my State. We all watched as his life evaporated before our eyes. It was a horrible thing.

People who watched it, whether they were in law enforcement or whether they were just regular citizens who saw this, it hit home to many of them for the first time—and many of them, sadly, in the African-American community for many, many times before that—how truly unjust this is and how immoral this is.

His death was horrifying and inhumane, and it galvanized a nationwide movement for justice.

As Members of the U.S. Senate, we have a responsibility to respond to that call with action, and that means, when you have systemic racism, that you must address it with systemic change.

Some of that is happening in our State and local governments. That is a good thing. But some of that must also happen here. This is not just an issue for one city or one State—my home State—nor is it an issue at just the local level. There is a lot of work that needs to be done at the local level, and that has been acknowledged by mayors and police chiefs across the country.

There is also really important work that we must do here. I was proud to join my colleagues in introducing the Justice in Policing Act, led by Senators BOOKER and HARRIS, which makes comprehensive changes to our justice system that are long overdue.

These reforms—including police officers being held accountable for misconduct, reforming police practices, and improving transparency—will be good for our Nation. The Justice in Policing Act will help to prevent more tragedies like those we have seen—prevent murders.

It is widely supported by groups like the NAACP, the Leadership Conference on Civil and Human Rights, and the National Urban League.

The House is expected to pass the bill this Thursday. Then it comes over here. But instead of taking up that bill, the Justice in Policing Act, Leader MCCONNELL has brought a different bill to the Senate floor: the JUSTICE Act.

My problem with it is, despite the name and despite a lot of the words that we are hearing on the other side, it doesn't get us to where we need to be. In this moment, as people are still marching and demanding change, we cannot confront these urgent issues with half measures or equivocation.

I have serious concerns that this bill does not respond to the nationwide call for justice. Unlike the Justice in Policing Act that is going to pass the House, the bill we are considering here in the Senate lacks critical reforms to strengthen Federal pattern-and-practice investigations, a reform that is urgently needed after we all saw the video of the police officers standing right next to each other with George

Floyd pinned down—pinned to the ground.

I have called on the Department of Justice, with 26 other Senators, to conduct a full-scale investigation into the patterns and practices of the Minneapolis Police Department, and any bill that we consider should make sure the Civil Rights Division has the authority and the resources they need to conduct a thorough investigation.

By the way, our calls have still gone unheeded. During the Obama Justice Department time period, 25 of these cases—pattern-and-practice investigations—were brought. During the Trump Justice Department time period, just one unit of the Springfield, MA, Police Department went through a pattern-and-practice investigation.

I don't know what more proof we need than the fact of the video and the fact that there were other officers standing nearby, the fact that we have called for this with 26 Senators but, still, we await any final word from the Justice Department.

They have informed us that they are still looking at this, but in the meantime, our Department of Human Rights in the State of Minnesota is stepping in to fill the void. I don't think that is the ideal way to do it. You would like a Justice Department that has experience doing this in other jurisdictions, but our State's Department of Human Rights is now stepping in and conducting its own pattern-and-practice investigation.

The bill on the floor fails to help States conduct their own investigations, as I just mentioned, to address systemic problems in culture, training, and accountability at police departments, like what the Minnesota Department of Human Rights is now conducting. By the way, with the proper resources and the experience they are gleaming from former Justice Department officials and the like, this is one way to handle some of this, in addition to the Justice Department.

At a time when our Justice Department has failed to take up these investigations, this provision that is in the Justice in Policing Act is even more critical.

We must also take action to put an end to practices that unnecessarily put people's lives at risk. I worked with Senator GILLIBRAND and Senator SMITH of my State on provisions in the Justice in Policing Act to ban Federal law enforcement officers from using choke holds and other neck restraints and to prohibit States from receiving certain Federal funding unless they have passed laws to ban these practices.

We have used this method in the past, and if there is significant funding attached to it, States will react.

The bill on the floor this week from our Republican counterparts only bans certain types of choke holds—those that restrict airflow but not blood flow—and only in certain situations. This does not go to the point that we need it to go to get the kind of sys-

temic change we need in our criminal justice system.

Critically, the Republican proposal does not include necessary changes to hold individual officers accountable for misconduct, like making records of police misconduct public. Real change comes with accountability and, as drafted, the Republican bill does not provide it. That is why it is opposed by civil rights and criminal justice groups, and it is why the attorney for George Floyd's family—and I had the honor of speaking with George Floyd's family—has said that this bill is “in direct contrast to the demands of the people.”

So where do we go from here? Well, we can start by calling up the bill that will be coming over from the House. We can start by agreeing to work together. Let's have a bipartisan process to develop the consensus bill that we need based on the bill that is going to be coming over from the House.

As a member of the Judiciary Committee, I have seen what happens when we work together to get something done. That is how we passed the FIRST STEP Act, which passed the Senate with a vote of 87 to 12 by reaching across the aisle and by actually doing something—not just a bill full of platitudes or studies but actually doing something, which is what the people are calling out for now.

By the way, there are a lot of good police officers out there, including ones who work around us, and when you put strong standards in place, they meet those standards.

To allow that conduct that we saw on that video to go without national changes to our policing would be just to say, well, it is just this incident in Minnesota, which, of course, is being prosecuted by our attorney general, Keith Ellison. That is how you could resolve it if you thought it just happened once and it just happened in one State, but we know that is not true, my colleagues. We know that is not true. That is why it is so important to take action and pass the actual bill.

We already started this process in the Senate Judiciary Committee. Last week, we held a hearing on these issues. We heard testimony from local leaders like St. Paul Mayor Melvin Carter and law enforcement officers from across the country.

I heard a lot of agreement among many of those who testified—not all of them but many of them: support for banning choke holds, establishing a national use-of-force policy—these are police chiefs—creating a public database of public misconduct, and ensuring independent investigations of police-involved deaths, something I pushed for in my former job.

You cannot have the police department that the officer works for investigating this conduct. That is wrong, as I said publicly years ago.

There are areas where we can find agreement, but we have to mean it. Chairman GRAHAM said at the hearing

that he hopes the Judiciary Committee could consider what has been proposed and “come up with something in common.”

Well, we start with the bill that is going to be coming over from the House, the bill that has been sponsored in the U.S. Senate by Senators BOOKER and HARRIS.

Instead, Leader MCCONNELL is asking us to consider a bill that was drafted in their caucus, yes, but without the input of so many of us who have seen firsthand the damage that has been done here. He is, then, moving that bill directly to the floor instead of letting the Judiciary Committee consider it. I think that fails to make the kind of meaningful change we need in our system.

This is a moment for urgent action, but it is also a moment for fundamental change. If we respond to all of those people out there and the family of George Floyd—whom I got to meet and sat across the pews from at that memorial service—if we respond with silence, then we are complicit. If we respond as the President has suggested, with dominance and by waving a Bible in front of a church for a photo op, then we are monsters.

If we respond with action—meaningful action—colleagues, then we are law-makers, and that is what the people of our State sent us to do.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I want to thank the Senator from Minnesota for her ongoing leadership on so many issues and, certainly, this is one of them. We greatly appreciate and need your voice.

Mr. President, for over the past month, Americans in all parts of our country and from all walks of life have once again been marching for the cause of justice. They are raising their voices and raising the names of those killed by police violence: Eric Garner, Michael Brown, Freddie Gray, Breonna Taylor, George Floyd, and Rayshard Brooks.

Americans aren't marching because of politics. They are not marching because they want the Senate to pretend to address this issue and hope it goes away. Americans aren't marching because they want more studies and reports. No. Americans from all walks of life—young and old, people of all backgrounds, religions, and nationalities—are marching because they are sick and tired of learning about more names. They want the people who represent them here in this Chamber to finally confront this deadly serious issue with the seriousness it deserves.

It is time we meet their expectations in this historic moment. This really is a historic moment. It is a historic opportunity for all of us to come together. It is past time to do something to stop the violence. It is time to come together and to do something big and consequential, and it is going to take all of us to be able to do that.

Just think about the big things we have been able to get done in the past decade or so. I am not trying to equate this current moment and this seriousness, but I know we know how to do other big things. The Presiding Officer knows that too. We do things across the aisle. We work across the aisle when we want to get things done.

I think about passing a farm bill, a 5-year farm bill. A lot of people said we couldn't get it done because of all the different interests—the interests of families and food assistance, the interests of farmers and ranchers and so on.

I had my doubts during those times, but we kept on working in a bipartisan way, and in the end we got a bipartisan bill that was good for farmers and our families, good for our environment, good for our economy. In fact, we passed it with an 87-to-13 vote, which is the most votes we have ever had in the Senate for a farm bill.

Police violence and the systemic racism that is behind it deserves at least the same bipartisan effort that we gave the farm bill. In much the same way, the Senate came together across the aisle and got comprehensive immigration reform done. That only happened because people sat down together with different views—Republicans and Democrats—and worked through the complicated issues that were standing in our way, and we got it done in the Senate.

Police violence and the systemic racism behind it deserve at least that same bipartisan effort.

More recently, there was the CARES Act. Democrats and Republicans worked day and night to come together in agreement on the most effective way to meet the needs of Americans during an unprecedented health and economic crisis—which, by the way, we need to do again because we are not done.

Police violence and the systemic racism behind it deserve at least that kind of effort. This is a huge crisis that pulls at the very soul of America. This issue certainly deserves the best of all of us right now, the best of what we can do.

Systemic racism and related police violence certainly deserve, at minimum, the same kind of bipartisan effort we have focused on other issues that have not had the life-and-death consequences of this issue.

The people who are marching and who are crying out for justice deserve a serious response at a serious moment. Leader MCCONNELL needs to take this issue seriously and support a bipartisan process, instead of just moving to a weak, flawed, Republican bill just to pretend that he tried to do something.

The House of Representatives are serious. They are passing a bill this week and sending it over to us. It is a serious bill. I am proud to be a cosponsor of the Senate version with our leaders Senator BOOKER and Senator HARRIS. They are serious about passing the Justice in Policing Act.

Senate Democrats are serious. MITCH MCCONNELL and Senate Republicans

must be serious too. This is the moment. This is the moment for us to be serious together and address this in a big, profound, systemic way.

Eric, Michael, Freddie, Breonna, George, Rayshard, and all of those who are no longer with us, as well as all of those marching, marching, marching and speaking out deserve nothing less than our best at this moment. They deserve a serious bipartisan effort. That is what I support. That is what my Democratic colleagues support.

We know it takes sitting down and listening to each other. It takes working out differences. That is the only way change happens. We are willing to put in whatever time and effort it takes to make this happen, and that is what we are going to continue to fight for.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Ms. DUCKWORTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CASSIDY). Without objection, it is so ordered.

Ms. DUCKWORTH. Mr. President, if you walk outside this building and take a few steps toward the White House, you can almost hear the cries for justice still ringing out through the air; you can almost still smell the tear gas lingering over our Nation's Capital. Listen closely and you might still be able to catch the echoes of the peaceful protesters chanting the name of Breonna Taylor, who was killed in her own home after police executed a no-knock warrant; or the name of George Floyd, who was forced to beg for his life until he couldn't beg any longer, held down under the knee of a police officer who swore an oath to protect and serve; or Rayshard Brooks, who was shot in the back just 11 days ago, even as this moment of national reckoning over police brutality was already under way.

For nearly a month now, Americans have been lying down, standing up, kneeling, marching, and mourning in the streets. They have been tugging at and prodding our country, trying to drag it forward until it lives up to the words of its Pledge of Allegiance that in this Republic, there is “liberty and justice for all.”

So far, this Nation has failed to make the promise a reality for Black Americans. It has failed the families of Breonna Taylor, George Floyd, and Rayshard Brooks. It has failed every Black child who knows that playing on a jungle gym could be a death sentence. It has failed every Black parent who kisses the top of their child's head before school each morning as their heart breaks with the knowledge that this time could be the last.

I know that I would never be able to fully comprehend the fear and trauma

that Black Americans experience every day. But what I do know is that the burden of this pain can't fall on them alone. The responsibility, the work of bending the moral arc of the universe toward justice can't just be put on the backs of those who have been feeling its weight this whole time. Rather, it is on all of us—Black, White, Asian, Latinx, you name it—to help those families and communities finally receive the justice they deserve.

But I come to the floor today because my Republican colleagues are trying to force through a bill that barely even pays lip service to the crisis at hand. In some ways, it doesn't even accomplish that. In spite of its name, the JUSTICE Act wouldn't begin to bring any semblance of real justice to the victims from Minneapolis to Atlanta to Louisville and beyond.

It should be obvious by now that the epidemic of police brutality will not be fixed by some bandaid bill. We need to reckon with the real, deep, uncomfortable realities and systemic biases that have marred our country for years. We need to bring systemic change to our law enforcement agencies. We need to force a seismic shift in how we root out and respond to police brutality, including banning choke holds and no-knock warrants in drug cases at the Federal level. My friend Senator BOOKER has introduced legislation that would do just that; the Republican bill would not.

We need to hold accountable officers who break the laws they were trusted to enforce, ensuring that independent prosecutors review police uses of force and prosecute officers who act irresponsibly, recognizing that local prosecutors often have a conflict of interest because they rely on the same police departments to win other cases. I have written legislation to do just that, which has been included in the Democratic bill, but the Republican bill would not do anything close.

We need to amend Federal law on qualified immunity so that officers can't just violate Americans' constitutional rights with mere impunity, and we need to mandate anti-bias Federal law enforcement training. Democrats have put forward policy that would do all of that. The Republican bill refuses any such attempt at accountability and wouldn't even ban racial profiling.

It comes down to this: Real justice, real accountability requires these reforms. Yet the JUSTICE Act itself is silent on so many of them. The so-called "reform" bill aims more at reforming public opinion than actually reforming the policies that got us here.

The families grieving today deserve better, as George Floyd's family made it clear when they themselves spoke out against the bill. They know that those who had a loved one stolen from them deserve more than just lip service. They deserve for their Senators, for the officials elected to represent them in what is supposed to be the world's greatest deliberative body to

try to pass legislation that would actually address the issues in question and the crisis at hand.

Look, next week our country will celebrate its Independence Day. What does freedom for any one of us mean if so many of our neighbors still are not free to walk down the street or sleep in their own homes without fearing for their lives? Until every Black American can breathe without a knee on their neck, no American should feel as if we are truly able to take a breath ourselves.

The Republican bill that we are expected to vote on tomorrow isn't just a disappointment. It leaves Black Americans in unnecessary danger. And settling for lip service when lives are at stake isn't just inadequate. It is cruel too.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BENNET. Mr. President, I want to thank my friends, KAMALA HARRIS from California and CORY BOOKER from New Jersey, for leading us in this fight for so many years.

I remember well when I first went to work for the city and county of Denver. One of the first tragedies that we had in the city at that time was the shooting of a young man named Paul Childs in Park Hill by police under circumstances that should never have happened. That was almost 20 years ago, but these headlines haven't stopped. If anything, matters have gotten worse.

As the country has grappled with the pandemic over the last few months, I heard a lot of people talk about how it has revealed a profound sense of inequality in our country, how it has exposed all this injustice in the United States of America.

We should not have needed a pandemic to expose the injustice that exists in the United States of America. It should not have taken a pandemic to alert people to the injustice in our country. If you have been paying any attention, if you have listened at all to the Black voices in the United States of America, then you know these injustices have been with us for generations.

In the case of our law enforcement system, they have literally had life-and-death consequences for Black Americans, and it just keeps happening. One reason it keeps happening—the one reason it happened to Ahmaud Arbery, Breonna Taylor, or George Floyd—is that what happened to them would never happen to my three daughters; what happened to them would never happen to me. It has never occurred to me once, when I am walking around my neighborhood in Denver, that what happened to them could happen to me or my children. That is what is meant, in part, by White privilege—a privilege that almost everybody in this Chamber enjoys.

I think we can never accept that we live in a country where one group of

people is less safe than another for no reason other than the color of their skin. We have to refuse to accept it, but that is the country in which we live.

We have to acknowledge, finally, what KAMALA HARRIS and CORY BOOKER and others have been telling us, which is that our criminal justice system in this country is broken.

Our long history of unequal treatment of poor and minority criminal offenders—especially Black Americans—has evolved into a system of mass incarceration unlike that of any other developed democracy. A network of dystopian, privatized prison spreads across the land to house people who, in many cases, shouldn't even be behind bars, who were convicted for infractions relating to things that are legal in the State of Colorado today.

According to Ta-Nehisi Coates' definitive article on the subject of the U.S. mass incarceration, our country accounts for less than 5 percent of the world's population but 25 percent of those who are incarcerated. Our closest competitor—and it is hard to find one—is Russia, a virtual police state.

In our country, there is nothing equal about who is incarcerated. Black males between the ages of 20 and 39 are incarcerated at a rate 10 times the rate of their White peers. Every one of these issues needs to be reexamined and formed not by ideology but by pragmatism and, most important, the moral commandments of a just society. That is what the patriotic Americans in our streets in downtowns demand. They are not calling for one more commission. They are not calling for one more study. They are calling for real reform. That is what people mean when they say: This moment calls for real reform. That is what the people are saying in the streets.

With respect to my colleagues on the other side, the proposal Senator MCCONNELL has put forward doesn't come close to meeting that test. His bill, his proposal, which is meant to paper this over and get through to another chapter, not address the issue—his bill still allows the use of choke holds, the same choke holds that suffocated the life from Eric Garner. It doesn't ban no-knock warrants, the same practice that led police to break down Breonna Taylor's door and shoot her eight times in her own apartment. It doesn't make it easier for families like the family of George Floyd to seek justice when their loved ones have been victimized by police brutality. It doesn't even ban racial profiling. There is virtually nothing in this bill to respond to the families calling for justice or to save lives from police practices that have no place in America in the year 2020.

This is not a time for half measures, for one more attempt to use talking points and legislative tricks to make it seem like we are doing something when we are not. The idea that the country isn't ready for a comprehensive approach is not true.

I will yield to my colleague from Connecticut in just a minute.

Last week in Colorado—my State, a Western State, a purple State—we became the first State in America to pass a sweeping police accountability bill into law. It is almost exactly like the one we have proposed here. We passed that bill 52 to 13 in the State House and 32 to 2 in the Senate—32 to 2. Only two Republicans in the Senate voted against that bill. Every single Democrat voted for that bill. And that is Colorado, out in the middle of the country. It sets a standard for what we need to do in Washington, which is to pass the Justice in Policing Act that Senator HARRIS and Senator BOOKER have put forward because we will never heal as a nation, as a country, unless we confront and dismantle the systemic injustice and the systemic racism that still plagues America, running as it does in a straight line from slavery to Jim Crow, to the redlining of our housing and banking system, to the mass incarceration that we have, to the prisons that Ta-Nehisi Coates refers to as “The Gray Wastes.”

As I said on the floor the other day, anyone who studied the history of our democracy knows how tough it is to make progress. The struggle has always been a battle from the very beginning of our founding, between our highest ideals and our worst instincts as a country. More often than not, the fulcrum of that battle from the founding until today has been race. Progress on these lines has never been easy. It has never come easy.

Among us are still people whose politics are aimed at stripping some citizens of their rights and opportunity, who despise pluralism, who succumb to fearful hatreds like racism or who care nothing for anyone but themselves. Their presence means that the rest of us, most of us, who Martin Luther King, Jr., called the great decent majority, must share an even deeper understanding of our patriotic obligation to our fellow Americans and to our Republic. Right now, that obligation means doing everything in our power to answer the call of Americans in our streets and downtowns, from DC to Denver, and beyond, who are calling for an America where no one is denied protection of the law or justice or their own life because of the color of their skin.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, I have been doing a lot of listening over these past months. Like Americans across this country, I have been doing a lot of listening to the dedicated and passionate people, our fellow Americans, who have marched in the streets and our communities with passion, but peacefully, in their cries for justice. In fact, I have marched with them in 15 or more demonstrations in Connecticut—big cities, Hartford, Stamford, New Haven; smaller cities, Lyme, Marl-

borough, Trumbull, Windsor, Glastonbury; and then places like Torrington, East Hartford, Danbury—all across the State, proud to be with people from Connecticut, led by our young people, as are many great social movements and revolutions of our time led by young people who have the audacity and hope to cast aside the normal and say: There is no going back. There is no rolling back to the old normal. What we need is action.

That has been the common theme in these cries for justice—the demands for accountability, the pleas for an end to racism, generations of racial justice, and racism with historic roots in so many of our institutions, including some of our law enforcement. But they are demanding more than just our listening and more than just our speaking. They are demanding action—real action, real reform, real change with real teeth and new laws.

The time has come for us in this Congress to heed those calls. We need legislation that honors the memories and the lives of those who have lost their futures: Michael Brown, Philando Castile, Sandra Bland, and countless others added to George Floyd, Breonna Taylor, Ahmaud Arbery, and Rayshard Brooks. Some are in the headlines. Some of their deaths have been caught on video—but so many thousands never on video, never publicized, and never known to the public.

In their memory, but also for the sake of our future, we should move forward with action. We are here today because, simply and starkly, the Republican JUSTICE Act fails to meet this moment. It fails that test.

I have been listening not only to the folks in the streets and our communities but also to my great colleagues CORY BOOKER and KAMALA HARRIS. Clearly, from what we have heard from them and the work they have done, along with many of us, to fashion the Justice in Policing Act, the Republican proposal is a shadow of what it should be—unacceptably weak, nibbling around the edges of this problem, without any guarantee that Black Americans will not again ask us whether their lives are worth \$20.

The JUSTICE Act fails completely to address the harmful policing practices that we know have cost lives. The deaths of Breonna Taylor and Eric Garner are not anomalies. Choke holds and no-knock warrants are known to be costly. They have cost Black lives. The JUSTICE Act ignores this truth.

Americans are not marching in the streets so we might “study” these phenomena. They are not begging us to design programs “disincentivizing” practices that are literally killing Americans—Black Americans—Americans who deserve justice.

The notion we could respond to this moment with a commission or several commissions and incentives to do better is insulting to all of us. We need legislation that explicitly bans the use of choke holds and no-knock warrants

in drug cases so we can credibly tell the American people we hear you, and we will act.

Communities of color must be able to trust that law enforcement will be held accountable if they commit criminal acts. The Republican JUSTICE Act completely lacks any mechanism to hold law enforcement officers accountable in court for their misconduct. It makes no change to section 242 of title XVIII, which makes it a Federal crime to willfully deprive a person of constitutional rights.

This criminal statute can be used to hold officers accountable for the use of excessive force—something we all know led to the deaths of far too many Black and Brown people in this country. I believe that criminal liability is a critical tool in the law enforcement accountability toolbox but only if it is used.

Right now, civil liability is available, albeit an inadequate remedy so long as a qualified immunity is not reformed. But very often, in 99 percent of the cases, any civil remedy involves indemnification by the municipal government. Indemnification means the individual officer feels no financial penalty and very often little other penalty. Criminal liability involving potentially prison concentrates the mind. It is a strong deterrent.

As I said in a hearing that we conducted in the Judiciary Committee, we need change to make it a real remedy and a real deterrent. When Officer Chauvin held his knee on George Floyd’s neck for 8 minutes 46 seconds, he looked straight into those cameras with impunity because he assumed he would never be prosecuted criminally. He never imagined that justice would find him, and justice still must find him in a criminal court. He ignored the pleas of bystanders telling him to stop. He ignored George Floyd, as he begged for his life.

These kinds of actions by an individual in a system that has shielded people like them simply encourage more of them. Section 242’s change in the standard of criminal intent will provide real criminal culpability for police who deserve it.

The Republican JUSTICE Act relies mainly on data collection, which may be used to inform policy proposal at some later time. It pushes down the road any real action.

We already have statistics. Since 2015, there have been 5,000 fatal shootings by on-duty police officers. In the past year, over 1,000 people have been shot and killed by police. Black Americans account for less than 13 percent of the country’s population, but they are killed at more than twice the rate of White Americans.

Data is important. In fact, I was the lead sponsor of the Death in Custody Reporting Act, passed about 6 years ago. Regrettably and inexcusably, that measure has never been enforced so that it has never really been effective. We must make it so. But it shows the

limitation of any data collection system. The fact is, systematic racism law enforcement has gone unchecked for too long. The time for accountability is now. It is long overdue.

Let me say, finally, for most of my professional career, I have helped to enforce the laws. I have been a trial lawyer, yes, but I also served as the chief Federal prosecutor—the U.S. attorney—for Connecticut for 4½ years and then as attorney general of my State for 20. I have seen some of the best in law enforcement and some of the worst.

We need a higher standard, not just in words or paper but in fact. We need a standard that is worthy of the people who have marched and cried for justice throughout American history, who have tried to dream of a better system and a fairer country. There is so much work for us to do. At this moment, we must seize the opportunity, a point of consensus, to come together and act in a way that is worthy of this great Nation. We have proposed exactly that action in the Justice in Policing Act. We should be moving forward on it now, not on a bill that is truly unacceptably weak and inadequate and unworthy of this historic moment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

#### THE JUSTICE ACT

Mr. BROWN. Thank you, Mr. President. Thousands of Americans are protesting in communities across our country demanding that our country be better. The protests are an expression of grief for Ms. Taylor and Mr. Floyd and Mr. Arbery and Mr. Brooks and so many other Black Americans murdered by the people who are supposed to protect them. They are an expression of frustration and anger. It is 2020. It is the year 2020, a century and a half after the official end of slavery, five and a half decades after the passage of the Civil Rights Act, and still Black Americans are fighting the same fight. They are also an expression of hope against racism. We demand that our country do better. Demanding that we live up to our founding ideals is one of the most patriotic things anyone can do.

We need to listen to the Black voices leading these calls for justice and take real action. That is what Democrats want to do, and my colleagues Senator HARRIS and Senator BOOKER and the Congressional Black Caucus in the House have led bicameral efforts and have a serious plan, the Justice in Policing Act. Everybody knows it is a serious plan—everybody. It would implement real, meaningful reform. It would actually hold police accountable. It makes clear: no more choke holds, no more unchecked police misconduct, no more militarization of police.

Of course, we know this isn't the only thing we need to do. Policing didn't create institutional racism; it is a product of it and often reinforces it. We have a lot of work to do beyond this,

but these reforms are an important start to making policing in our country more just.

The Justice in Policing Act would create real change in our justice system, and communities across the country can't afford for us to not act on this meaningful legislation. What we cannot do is pass something just called police reform that does so little to actually reform policing and then turn around and tell Black mothers and fathers whose children who have been slain: See, we solved it. Our work here is done.

I respect Senator SCOTT, and I appreciate his coming to the table and taking on this issue. I know he is fighting an uphill battle with his own caucus. I know that. So many on his side of the aisle don't want to do anything, but they think they need to check the box.

I want to work with Senator SCOTT and with anyone of either party on real solutions. All of us on our side do. But I am not willing to participate in a political charade to vote on something that has no chance to lead to real change. It just checks a box and provides politicians with a talking point. It is an insult to Black families who have been fed empty promise after empty promise, year after year, decade after decade, generation after generation.

We need to listen to the communities that suffer the most at the hands of police violence. They all agree that the Senate Republican bill is simply not serious. It will not fix the problems. We will be right back here sooner rather than later. Virtually every major civil rights group opposes this bill: the NAACP Legal Defense Fund; the Urban League; the Young Women's Christian Association, one of the most important civil rights and women's rights organizations in the country.

It doesn't ban no-knock warrants; the Justice in Policing Act does. It doesn't stop the militarization of police departments; the Justice in Policing Act does. It doesn't create a national misconduct registry; the Justice in Policing Act does. It doesn't ban choke holds; the Justice in Policing Act does. These are all steps that civil rights groups have said are critical to any reform effort. It is the bare minimum.

All this bill offers is more studies of questions we already know the answers to. We don't need more studies. We don't need more task forces. We don't need, as Senator MCCONNELL specializes in, more delaying tactics. We need accountability. The JUSTICE Act even puts us in danger of moving in the opposite direction by providing more funding for policing without adequate rules and regulations and without a similar investment in community support.

The NAACP says this bill "ignores the public demands to reimagine public safety by shrinking the purview of law enforcement and providing better funding to agencies equipped to address the

critical needs of communities such as social services, mental health services, and education."

The Urban League says this Scott bill "dances around the edges in a show of political posturing."

We refuse to engage in that political posturing. We refuse to act like it is just a box we check and then we can move on. We refuse to insult Black Americans by pretending—pretending—this is a serious effort. People have suffered too long for that.

We have been here before. This isn't the first wave of protests or the second. In 2014, after the murders of Tamir Rice in my city of Cleveland and Michael Brown in Ferguson, MO, President Obama's legislation laid important groundwork for reform. They studied what reforms would be most effective. They instituted consent decrees with cities to hold departments accountable, and they created a roadmap we could follow. But President Trump undid much of the progress the Obama administration made.

The Urban League put out a plan for reform around the time of the murder of Tamir Rice after Michael Brown's murder in 2014. Since then, nearly 1,300 Black men and women—think of that—more than 1,300 Black men and women have been fatally shot by the police since the deaths of Michael Brown and Tamir Rice 6 years ago. This bill does nothing to stop the practices that killed them.

Black Americans know their lives are put in danger by police every day. We must listen to them. People all around the country—Black and White and Brown, in small towns and big cities, young and old—are listening, waking up, and joining the calls for change. The peaceful demonstrations and protests all over my State in Black and White neighborhoods and integrated communities and small towns and rural Ohio, in big cities, in suburbs everywhere—let's follow their lead. Let's actually hear the voices that have been silenced for too long.

I urge my colleagues to vote no and, instead, to work with us on real, meaningful reform to transform our public safety system into one that actually keeps people safe.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I rise today to address the nationwide call for reasonable, sensible police reforms. Last month, the American people watched in horror as a police officer knelt down on the neck of George Floyd for 8 minutes and 46 seconds, killing him.

"I can't breathe." It was a slow execution caught on video, a metaphor for the systematic racism and injustices Black and Brown communities endure every day. But unlike other horrific videos of police killings that have sparked protests, this feels different. This is a moment when people of all races and walks of life have taken to