

or she would have to first be convicted of Federal murder, and then it would need to be proven beyond a reasonable doubt that the victim was killed or targeted because he or she was a law enforcement officer.

I also want to point out that the death penalty itself has widespread issues and many instances of misapplication. DNA testing and other science have proven that innocent people have been executed. The Innocence Project has found that 21 of 375 individuals who were falsely convicted and exonerated by DNA testing since 1989 had served time on death row.

The death penalty has also been applied in a racially discriminatory way. A 1990 GAO report on capital sentencing noted that 82 percent of studies conducted between 1972 and 1990 found that the race of the victim influenced whether a capital murder charge was brought or a death sentence imposed.

As Justice Breyer has noted, “The factors that most clearly ought to affect application of the death penalty, namely, comparative egregiousness of the crime, often do not. Instead, circumstances that ought not to affect application of the death penalty, such as race, gender or geography, often do.” That is in a recent Supreme Court case here in 2015.

I also understand that this bill has not been through the regular order in the Judiciary Committee. It is important that legislation that would have serious consequences is fully examined by the Judiciary Committee, the committee of jurisdiction here.

I would also like to take this opportunity to call attention to key legislation that addresses violence and should come to the floor, and that is the Violence Against Women Reauthorization Act.

VAWA authorization expired over a year and a half ago, on February 15, 2019. Funding continues, but key improvements are being delayed by lack of reauthorization.

The Violence Against Women Reauthorization Act of 2019 is supported by all 47 Democratic Senators. The House passed the bill 263 to 158. Thirty-three House Republicans voted yes on that bill. This bill would extend VAWA for 5 years, through 2024.

As the vice chairman of the Senate Committee on Indian Affairs, I know how critical this bill is to Indian Country. Data from the U.S. Department of Justice indicates that Native women face murder rates that are more than 10 times the national average murder rate. There are more than 5,000 cases of missing American Indian and Alaska Native women, and 55 percent of Native women have experienced domestic violence. More than four in five American Indian and Alaska Native women experience violence in their lifetimes. Without enactment of a VAWA reauthorization, these Tribes will lack the jurisdictional tools they need to keep their communities safe.

The VAWA bill also explicitly states that grant recipients can train staff to

prevent LGBT discrimination, and it adds dating partners convicted of domestic violence and stalking to the category of persons barred from having handguns.

This bill would make a real difference in preventing violent crimes against women and has passed the House and has been pending before us here in the Senate for many months.

For these reasons, I respectfully object to the Senator's request.

The PRESIDING OFFICER. The objection is heard.

The Senator from Pennsylvania.

Mr. TOOMEY. Mr. President, first of all, let me just say that bringing up VAWA can't be anything other than an attempt to obfuscate from the case that is in front of us. I would be happy to talk about VAWA. I happen to agree that violence against women is a serious issue. It is a serious problem. All the programs in VAWA are still fully funded. They continue.

I don't think anybody in this body or the other body has done as much as I have done to make sure that the resources in the Crime Victims Fund go to the victims of crime—very much including women who are victims of violent crime and children and the groups who serve those victims.

As a matter of fact, I have supported previous versions of VAWA. There has been a bipartisan effort to get a new reauthorization of VAWA. Senator ERNST and Senator FEINSTEIN have spent months developing that. But that is not the version that has been under consideration here.

No, there is nothing incompatible about passing my legislation, the Thin Blue Line Act, standing up to protect local law enforcement, and having a separate consideration on VAWA. They are not mutually exclusive. They are not in any way related to each other. But, unfortunately, our Democratic colleagues are not willing to simply extend the same protection we extend to Federal law enforcement officials to the local law enforcement officials who are at risk every single day.

I am very disappointed that my colleague from New Mexico would object to a very simple and sensible bill that has bipartisan support.

The PRESIDING OFFICER. The Senator from New Mexico.

UNANIMOUS CONSENT REQUEST—S. 2843

Mr. UDALL. Mr. President, as if in legislation session, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 2843, the Violence Against Women Reauthorization Act, and that the Senate proceed to its immediate consideration; further, that the bill be considered read a third time and passed and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. TOOMEY. Mr. President, for the reasons that I mentioned earlier in my comments, I object to this version of VAWA.

The PRESIDING OFFICER. Objection is heard.

The Senator from New Mexico.

Mr. UDALL. Mr. President, thank you for the recognition today.

We rise—a number of Senators who will be speaking today in this hour—we rise today to demand that the White House immediately remove William Perry Pendley from exercising the authority of the Director of the Bureau of Land Management and nominate a qualified person to be Director, subject to Senate confirmation.

William Perry Pendley embodies the Trump administration's approach to conservation—they don't believe in it. He embodies the Trump administration's approach to Tribal sovereignty—they don't respect it. His continued employment at BLM embodies the Trump administration's approach to the law and the separation of powers—they will trample all over it every chance they get.

Mr. Pendley has been exercising the authority of the Director since July 2019. Let's get one thing straight: This title has no basis in law. He is serving as Acting BLM Director under temporary appointments that the Secretary keeps renewing in a cynical ploy to evade the Constitution, the Federal Vacancies Reform Act, and the judgment of the Senate.

Mr. Pendley's record on conservation is so bad, so antithetical to the agency he oversees, that the Trump administration knew he wouldn't survive a Senate confirmation. So, instead, they have concocted this shell game.

The Director of BLM is subject to Senate confirmation. This administration did not bother to nominate anyone for 4 years until June of this year when Mr. Pendley was formally nominated. However, the ink had barely dried on his nomination papers before the President was forced to withdraw the nomination.

From the beginning, the conservation outdoor recreation sports men and women communities have been uniformly opposed to Mr. Pendley's appointment, but that is not why the President withdrew his nomination. He withdrew the nomination because Mr. Pendley's extreme anti-public lands positions made him too toxic for Republican Senators from Western States facing tough reelections.

If Mr. Pendley can't be confirmed as BLM Director, he should not remain the de facto leader of the agency. He should be immediately removed. No more shell games. There are many reasons Mr. Pendley is unfit to serve, more than I have time to discuss, but let me discuss three with you now.

First, over the course of his 40-year career, he has established himself as one of the premier anti-public lands crusaders in the Nation. He has repeatedly advocated that the Federal Government sell off public lands, arguing that was the Nation's Founders' intent.

As recently as 2016, he penned an op-ed entitled—and I quote here from his

op-ed—"The Federal Government Should Follow the Constitution and Sell Its Western Lands." This is from the man who is now charged with running the agency that oversees our public lands. It is appalling.

BLM manages 245 million acres on behalf of the American people. Managing these public lands is the central mission of the job, and he doesn't think there should be any. It is no wonder he is trouble for western Republican candidates. Poll after poll of westerners show overwhelming support for public lands among Republicans, Democrats, and Independents. Selling off our national heritage to the highest bidder is extreme and extremely unpopular.

Mr. Pendley has been singularly focused on renting out our public lands to extraction industries to the exclusion of other purposes, such as conservation, outdoor recreation, and preservation of cultural and historic values.

As Deputy Assistant Secretary of Energy and Minerals for the Department of the Interior in the 1980s, Pendley was a tireless advocate for opening up public lands, from the Outer Continental Shelf to wilderness areas, to drilling and mining. When he was in charge of coal leasing in the interior in the 1980s, he helped coal companies get a sweetheart deal—leasing 1.6 million tons of coal in the Powder River Basin at bargain basement prices. The General Accounting Office concluded that Federal taxpayers received about \$100 million below fair market value for that sale, or about \$286 million in today's dollars.

Mr. Pendley was removed from his position after that GAO report, and he hasn't changed one bit over the years. As executive director of the Mountain States Legal Foundation for 30 years, Pendley fought tooth and nail for drilling and mining on our public lands. If left unchecked, I have no doubt Mr. Pendley will continue to turn back the clock on 60 years of our Nation reckoning with the devastating consequences of recklessly extracting from the Earth.

Second, Mr. Pendley's well-documented racist attitudes make him unfit for his role. He has disdain for Native Americans—their Tribal sovereignty and their religious practices. He is very anti-immigrant. He smears the Black Lives Matter movement. He called Native religious views: "pantheism, paganism, and cultural myths." He has fought against protecting their sacred sites on Federal lands.

It is Pendley's BLM that wanted to hold virtual meetings to determine the future of the greater Chaco Canyon landscape at the same time that the Navajo Nation was facing one of the worst COVID-19 outbreaks in the country. And in that area that has some of the lowest broadband rates in the Nation—now talk about tone-deaf—as the vice chair of the Senate Committee on Indian Affairs, I am here to say that

Mr. Pendley has no business managing lands that are home to sacred Native sites. He has questioned the basis of Tribal sovereignty and even Tribal recognition. He wrote: "The day may come sooner than many expect given that, with ever-declining blood quantum per tribal member, recognized tribes may soon be little more than associations of financial convenience."

Let's call Mr. Pendley's offensive statement what it is: overt racism. But his disdain for people of color is not limited to Native Americans. He has called undocumented immigrants "a cancer." He has claimed immigration will lead to: "You and I permanently losing the country we love." He has claimed undocumented immigrants create violent crime, crowded schools, and spread disease. Mr. Pendley's racism has no place in today's America. He is unqualified to manage public lands at a time when we all should be working to make them more accessible to all America.

People of color who have business before the Bureau of Land Management, as many do every day, have every right to wonder: Is the deck stacked against them? It shouldn't be that way.

And, finally, a third reason that all of us should demand Mr. Pendley be removed from his position: He is a climate change denier. The science of climate change that is happening and that is human-caused is well established. We are years and years beyond any scientific argument on these points. Just open your eyes and look at the wildfires that are raging throughout the West, forcing people to evacuate their homes and making wide swaths of the West look like an apocalyptic scene out over a Hollywood movie. Yet Pendley has claimed that climate change is like unicorns—neither exist.

Pendley's hostility to science comes as no surprise. He is working for a President who claimed just yesterday, as he made a belated visit to California, that "I don't think science knows," referring to climate change. The President is saying: "I don't think science knows."

The President claims he knows, insisting, "It will start getting cooler." This President tries to undermine any institution that challenges his world view—whether it is science, the press, our national intelligence agencies, or the courts.

But while Mr. Pendley and the President deny the reality of climate change, right now, today, in California and Oregon, BLM and other public lands are burning. While they put their heads in the sand on climate change, the families who have lost loved ones in this unprecedented fire season in that part of the country and the thousands who have lost homes don't have that luxury. In the view of William Pendley, the President, and his administration, the West is a place to be plundered for natural resources and then left to burn. And while Pendley

and the Trump administration don't think the Interior Department has any role to play combating climate change, in fact, one-quarter—25 percent—of all U.S. carbon emissions come from fossil fuels extracted from public lands.

Our public lands are a big part of the climate change problem. Instead of being a source of pollution, public lands must be an integral part of the climate solution. William Pendley's vision for public lands is some terrible caricature that should be consigned to the history books, where our public lands are to be exploited, not conserved, where Native people are scorned and people of color are not seen, and where climate change does not exist.

William Pendley is an extremist, and he was never going to be confirmed by the U.S. Senate. It is time he is shown the door.

I now turn to my colleagues who are with me on the floor. I am very proud to introduce my good friend and colleague, New Mexico's junior—soon-to-be senior Senator—Senator MARTIN HEINRICH. Martin led the entire Senate Democratic caucus in a letter to the President opposing Mr. Pendley's nomination as BLM Director, and once the nomination was withdrawn, he led the caucus urging the Secretary to remove Mr. Pendley from his Acting position.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

HURRICANE LAURA

Mr. CASSIDY. Mr. President, at the forbearance of my colleagues, if I can interpolate, if you will, and I will yield back. Thank you very much.

As I speak, Hurricane Sally threatens the gulf coast, including parts of Louisiana. Our prayers are with those in the path of Sally. I just spoke with the Coast Guard admiral in charge, and the Coast Guard is ready should there be a need.

But in the concern over Sally and other issues, we must remember the aftermath of Hurricane Laura, which made landfall August 27 in Cameron, LA, as a category 4-5 hurricane. In terms of wind speed, this is 150 miles an hour. A more powerful storm in that regard is Katrina, Rita, Gustav, Ike, and others.

As you might imagine, a storm of such magnitude left death, destruction, and pain from Southwest Louisiana into Texas to North Louisiana, Arkansas, and Mississippi.

There were 25 people who died directly or indirectly because of Hurricane Laura, and hundreds of thousands of lives have been upended. As one example—one measure—as of yesterday, 145,000 people in Louisiana have filed for assistance with FEMA. That is expected to grow to roughly 2,800 people a day applying for assistance.

Now, the sentiment at home is if you are without electricity, as 97 percent of Cameron Parish goes without electricity, and you are without internet, as most people are, the fear is that