block her historic nomination. Then, in case you overlooked why he was doing that, he included a link to a political fundraising Web site. We have always kept law enforcement—the FBI Director, the Attorney General, anybody in law enforcement—out of politics. For a Senator to tweet that we have to block this person, and oh, by the way, here is where you can contribute to a political campaign—that is wrong.

It seems likely the Senate will have to file a cloture motion to vote to overcome the filibuster of her nomination. That is unprecedented; it is unwarranted. No other Attorney General nomination in our history has ever been met with a filibuster. We have never needed to have a cloture vote on an Attorney General nomination. Yet it seems Republican leadership wants to make history for all the wrong reasons.

I mention this to give us an idea. President George Bush in the last 2 years of his term—now a lameduck President—nominated Michael Mukasey for Attorney General.

Michael Mukasey was being sent because the last Attorney General had done a disastrous job—even though he had been voted for by, I think, all Republicans—people will accept the fact now that he politicized the prosecutors' offices and everything else, and finally the Bush administration had to get rid of him.

I had just become chairman again, as Democrats had taken back the Senate. I moved Attorney General Mukasey through even though I did not support him. I felt the President should have a vote on his Attorney General. I moved him through in record time.

She has waited so much more time, multiple times longer than Mukasey.

This is especially troubling and unfair because Ms. Lynch's qualifications for the job are so extraordinary. And her life story is equally extraordinary. Born in Greensboro and raised in Durham, NC, Loretta Lynch is the daughter of a fourth-generation Baptist preacher and a school librarian. They instilled in her the American values of fairness and equality, even when those around them were not living up to those values. Ms. Lynch has spoken about riding on her father's shoulders to their church where students organized peaceful protests against racial segregation. The freedom songs and the church music that went hand-in-hand with those protests undoubtedly made up the soundtrack of her childhood. The Judiciary Committee was honored to have her father, Rev. Lorenzo Lynch, with us not only at both days of her historic hearing in January but also with us when the committee considered his daughter's nomination in February.

When Loretta Lynch was a young child, Reverend Lynch bravely opened his church's basement to the students and others who organized lunch counter sit-ins in North Carolina. He taught his only daughter that ''ideals are wonderful things, but unless you can share them with others and make this world a better place, they're just words.'' The fact that she has dedicated the majority of her career to public service reaffirms that she has lived those ideals of justice in the service of others. And yet, Senate Republicans appear intent on preventing her from continuing her service—service that we should be honored to have.

Two weekends ago, Ms. Lynch traveled to Selma to honor the 50th anniversary of the historic march across the Edmund Pettus Bridge, where scores of courageous Americans were beaten and trampled on Bloody Sunday because they refused to be silent about the need for equal protection under the law. It was a weekend when both Democrats and Republicans came together. President Obama stood there with President George W. Bush beside him, who had signed the last Voting Rights Act. They honored the civil rights activists of 50 years ago.

But I also felt it was a time to reaffirm our shared commitment to Americans, as Americans, and the ideals of justice and equality that so many of our predecessors have fought and bled for, from our Founding Fathers to the foot soldiers for justice on that bridge in Selma.

Loretta Lynch embodies these ideals. She has devoted her career to making them a reality. It is time for Republicans and Democrats to come together to confirm this outstanding woman to be the next Attorney General. It is time to stop delaying and making excuses for how she is being treated. It is time to vote.

This is reflecting badly on all law enforcement. I hear from so many in law enforcement saying: Why are you politicizing this nomination? Republicans and Democrats have usually kept law enforcement out of politics. Why is this?

The PRESIDING OFFICER. The time of the Senator has expired. Senators are limited to 10 minutes each.

Mr. LEAHY. Are we on the trafficking act?

The PRESIDING OFFICER. No, we are in morning business.

Mr. LEAHY. When do we go on the trafficking act?

The PRESIDING OFFICER. Morning business has expired.

Mr. LEAHY. I seek recognition.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

JUSTICE FOR VICTIMS OF TRAFFICKING ACT OF 2015

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 178, which the clerk will report.

The senior assistant legislative clerk read as follows:

A bill (S. 178) to provide justice for the victims of trafficking.

Pending:

Portman amendment No. 270, to amend the Child Abuse Prevention and Treatment Act to enable State child protective services systems to improve the identification and assessment of child victims of sex trafficking.

Portman amendment No. 271, to amend the definition of ''homeless person'' under the McKinney-Vento Homeless Assistance Act to include certain homeless children and youth.

Vitter amendment No. 284 (to amendment No. 271), to amend section 301 of the Immigration and Nationality Act to clarify those classes of individuals born in the United States who are nationals and citizens of the United States at birth.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, earlier this month, two Florida men were charged with human trafficking. They drugged a runaway 16-year-old girl. Then they forced her to have sex with up to 10 men a day. They sold her to men in a gas station bathroom. They sold her on the street and they sold her in the back of a car.

She was 16 years old. She had run away from home. She was terribly vulnerable. They promised her food, then they beat her, drugged her, and sold her. When she escaped, they tracked her down, beat her, and sold her again.

All of us—I think we should have an agreement that Democrats and Republicans alike must remember the many other survivors of this heinous crime.

We have been working for almost 1 year on bipartisan proposals to protect these vulnerable children, count the survivors, and then punish those who put them through this hell. This effort had strong bipartisan support until partisan politics was injected into the debate.

The fight against human trafficking should not be made into a partisan issue to score political points. That is unfortunately where we are today. Everyone expected this legislation to move smoothly through the Senate, I know I did, just as it did through the House. Instead, Senate Republicans have turned away from a comprehensive solution that can garner broad support.

I am deeply saddened by this partisan fight. It is both destructive and unnecessary. It is destructive because it threatens to derail important legislation that would make a difference in the lives of survivors—such as the 16-year-old girl in Florida.

This partisan fight is unnecessary because abortion politics have no place in this debate. Congress has a long history of passing legislation to address human trafficking. We have consistently done so without abortion politics being injected into the discussion.

I know we have passed the Violence Against Women Act. We included a trafficking amendment of mine in that. While I was disappointed that a number of my Republicans colleagues voted against the Violence Against Women Act, which had the sex trafficking

amendment in it, we still passed it by a bipartisan majority, as did the House of Representatives, and the President signed it into law.

So I was pleased we were able to get that significant piece of legislation passed, even though many in this body who say why aren't we passing this voted against the Violence Against Women Act with the sexual trafficking amendment.

But I wish to make clear to everyone that this partisan provision that has now popped up is not something that survivors of human trafficking are asking for. It is not something experts in the field who work with them every day are asking for. We should look at these experts who know what is going on and ask them what it is they want. They do not want this.

In fact, those who are closest to the damage wreaked by this terrible crime are asking all of us, Senate Republicans and Democrats, to take out this provision. They are asking us to put politics aside and to focus on the needs of those who have lived through a hell we will never understand.

Holly Austin Smith, a survivor, was a girl who ran away at the age of 14 and was bought and sold for sex. She put it this way when she testified before our committee:

> Politics should not govern the options available to victims of sex trafficking—especially when such victims often have had their basic human rights taken away by criminals who had only their own agendas in mind.

So I think we have to stand with these human trafficking survivors. We have to put aside our agendas. They are asking us to take out this unnecessary provision and move the bill forward to address their urgent needs.

I support the rest of Senator CORNYN's bill, and that is why I included it in the comprehensive substitute amendment I filed last week. Also included in my substitute is a vital component to prevent human trafficking by focusing on runaway and homeless youth.

If we are serious about helping to end this heinous crime, we should be talking about all the good ideas to expand the protections of trafficking victims. Don't try to score partisan points. We should all come together to protect these vulnerable kids. That is why we are here. I am confident that if we remember these children, Republicans and Democrats, we can move forward and return to the bipartisan path we have always walked on this issue.

One of the reasons I have that amendment—talking about preventing is one thing and we should prosecute those people who do this—but wouldn't it be that much better for the victims if we could prevent it from happening in the first place?

I have spoken before of the nightmares I still have from some of the cases I prosecuted when I was 26 years old and the chief prosecutor for one-quarter of my State. I looked at these victims and the ages of my own children, and all I wanted to do was to get—and did—the people who perpetrated these crimes, prosecute them, and convict them.

We should prosecute people who do this, but I also thought how much better it would have been if we had programs that would have given these people somewhere they could turn to before they became victims, some way to protect them so we wouldn't see it afterward.

I said on the floor the other night that in preparing for these trials, the people I prosecuted, I wouldn't bring paperwork home in the evening to do it. I stayed in my office and prepared it. One, I didn't want to take the chance that one of my then-young children might see some of the photographs I was going to introduce into evidence—but I also didn't want them to see their father crying and wonder why, because I always tried to tell them the truth. I was not about to tell these young children the truth of what I was seeing.

Instead, I would tell the truth to the jury and the jury would convict, but even the jury wishes it had never happened in the first place.

The National Network for Youth sent a letter saying:

> The National Network for Youth is writing this letter with the hope that the U.S. Senate will remove the partisan piece of the Justice for Victims of Trafficking Act. This legislation is desperately needed and we cannot let this moment pass us by because of the addition of partisan and divisive provisions.

The National Network for Youth is saying: Let's go back to why both Republicans and Democrats wanted this legislation—to stop trafficking, to help the victims of trafficking, and not to score political points.

Just as the majority of this body voted for the Leahy-Crapo bill, the Violence Against Women Act, which had a provision on sexual trafficking, a majority voted for it, Republicans and Democrats—I wish that others—I wish everybody in this body voted for it.

I understand that some who now strongly support the partisan part of the trafficking bill voted against the Violence Against Women Act. Each Senator has the right to vote as he or she wants.

But I find it strange that they say: Let's go forward with this partisan provision, when only 1 year ago or so those same Senators who are now saying we should go forward with this voted against the Violence Against Women Act. The very same Senators voted against it.

Let's get out of politics. That was a good act. It had a very strong sex trafficking provision, which fortunately also was accepted by the House of Representatives and signed into law by the President. Senator CRAPO and I set aside politics so we could pass that bill. That is what we should do today.

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.

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

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

Mr. SESSIONS. I appreciate the work my colleagues have done on this trafficking bill. It is an important issue that deserves debate and a vote.

LYNCH NOMINATION

Madam President, I will say why I believe the Lynch nomination should not go forward. I think it is for a very important reason and, unfortunately, it is one that I think Congress has to address.

In their wisdom, our Founders gave Congress certain powers as a coequal branch of government, and one of those powers was the power to confirm or not confirm nominees. Long before Ms. Lynch's nomination was announced, I said I could not vote to confirm any candidate for Attorney General who supported the President's unlawful Executive amnesty. That Executive amnesty presents big constitutional issues that we have to talk about and understand, and it relates directly to the powers of the executive branch versus the legislative branch.

The Attorney General is the top law enforcement officer in this country, and anyone who occupies that office, must have fidelity to the laws of the United States duly passed, and to the Constitution of the United States. It is that simple. The Senate cannot confirm any individual, must never confirm an individual to such an office as this—the one most responsible for maintaining fidelity to law—who would support and advance a scheme that violates our Constitution and eviscerates congressional authority. No person should be confirmed who would do that.

Congress makes the laws, not the President, and Congress has repeatedly rejected legislation to provide amnesty, work permits, and benefits to those who have entered our country unlawfully. If you want to receive benefits in the United States, you should wait your turn and come lawfully.

We rejected such proposals in 2006, 2007, 2010, 2013, and 2014. President Obama's unlawful and unconstitutional Executive actions nullify the immigration laws we do have that are on the books—the Immigration and Nationality Act—and replaces them with the very measures Congress refused to enact. That is where we are. Even King George III lacked the power to legislate without Parliament.

President Obama's Executive action provides illegal immigrants—those who come into our country contrary to the immigration laws of the United States, which are generous indeed, allowing a million people a year to come to our country—with work authorization, photo IDs, trillions in Social Security

and Medicare benefits, and tax credits of up to $35,000 a year, according to the Congressional Research Service. I think the IRS Commissioner has admitted that as well.

The President's action has even made chain migration and citizenship a possibility, which he said repeatedly he couldn't do and wouldn't do. Despite those assurances, his action opens up these possibilities as well, it appears. And, again, all of these measures were rejected by Congress.

I discussed these issues with Ms. Lynch. I asked her plainly whether she supported the President's unilateral decision to make his own immigration rules and laws. Here is the relevant portion of that hearing transcript, because I wanted to be clear about it. This was during the Judiciary Committee hearing when she was there as part of her confirmation process.

Mr. Sessions: I have to have a clear answer to this question: Ms. Lynch, do you believe the Executive action announced by President Obama on November 20th is legal and constitutional? Yes or no?

Ms. Lynch: As I've read the [Office of Legal Counsel] opinion, I do believe it is, Senator.

Well, first, we need to understand something. I served 5 years as a Federal prosecutor in the Department of Justice, and this is the way it works. The Office of Legal Counsel is a part of the Department of Justice. The Office of Legal Counsel is the one that has been credited with writing this pathetic memorandum that justified the President's actions. But the Office of Legal Counsel works directly for the Attorney General. The Attorney General is really the one responsible for forwarding to the President a memorandum that says the President can do what he wanted to do.

The President said on over 20 different occasions over a period of years, ''I am not an emperor,'' ''I do not have the power to do this,'' ''this would be unconstitutional.'' He made similar statements over 20 different times. Then he changed his mind as we got close to an election, for reasons that I don't fully intend to speculate about at this time, and then he asked that he be given the power to do this.

This puts great pressure on the Office of Legal Counsel, but that is one of the historic roles they fulfill—to analyze these things. They take an oath to the Constitution, and they are required to say no if the President is asking for something he is not entitled to do. They are supposed to say no, and the Attorney General is supposed to say no.

The Attorney General could review the opinion of the Office of Legal Counsel and take it upon himself or herself to write their own opinion and submit it as the position of the Department of Justice and say the President can do this if he so desires. So that is the way the system works.

But what I want to say, colleagues, is the Attorney General played a key role in this Presidential overreach. It was the Attorney General's office that approved this overreach. And this nominee says she believes this is correct. She indicated her approval, and I am sure will defend it in every court around the country and advocate for it. Some say: Well, she works for the President. No, she works for the people of the United States of America. Her salary comes from the taxpayers of this country. Her duty, on occasion, is to say no to the President; to try to help him accomplish his goals, like a good corporate lawyer would, but at some point you have to say: Mr. Corporate CEO, Mr. President of the United States, this goes too far. You can't do this. But Ms. Lynch has indicated she is unwilling to do that.

One of the most stunning features of the President's actions is the mass grant of work permits for up to 5 million illegal immigrants. These immigrants will take jobs directly from American citizens and directly from legal immigrants who have come into the country. U.S. Civil Rights Commission member Peter Kirsanow has discussed this issue and written at length about how allowing illegal immigrants to take jobs undermines the rights of U.S. workers—the legal rights of U.S. workers—especially African-American workers and Hispanic workers suffering from high unemployment today.

At her confirmation hearing, I, therefore, asked Ms. Lynch about what she might do to protect the lawful rights of U.S. workers. Here is the simple question I placed to the person who would be the next top law enforcement officer for America. And in my preamble to the question, I noted Attorney General Holder had said that people who came to our country unlawfully and who are in our country unlawfully today have a civil right and a human right to citizenship in America, contrary to all law. So I asked her what she thought about this.

Mr. Sessions: Who has more right to a job in this country; a lawful immigrant who's here or [a] citizen or a person who entered the country unlawfully?

Ms. Lynch: I believe that the right and the obligation to work is one that's shared by everyone in this country regardless of how they came here. And certainly, if someone is here regardless of status, I would prefer they would be participating in the workplace than not participating in the workplace.

What a stunning and breathtaking statement that is for the top law enforcement officer in America—to say that a person has a right to work in this country regardless of how they came here. So people who enter don't have to follow the steps that are required? They do not have to establish that they have lawful justification to enter the United States and work in the United States anymore? If you can just get into the country unlawfully, then you have a right to work? And our current Attorney General Holder says they have a civil right to citizenship.

This is not law. I don't know what this is, but it is so far from law I don't know how to express my concern about it effectively. It is unprecedented for someone who is seeking the highest law enforcement office in America to declare that someone who is in this country illegally has a right to a job. Make no mistake, we are at a dangerous time in our Nation's history, particularly for our Republic's legal system and our Constitution.

I would like to quote now from Prof. Jonathan Turley, a Shapiro Professor of Public Interest Law at George Washington University Law School, a nationally recognized constitutional scholar, and a self-described supporter of President Obama and most of his policies. He has been called as an expert witness on various issues by Senator LEAHY and other Democrats over the years. He described the current state of affairs as ''a constitutional tipping point.'' He is referring to the Presidential overreach. I would like to take a moment to read from the testimony he delivered before the House of Representatives in February of last year—9 months before the President even announced this amnesty, but after the first DACA amnesty. This is what he said:

The current passivity of Congress represents a crisis of faith for members willing to see a president assume legislative powers in exchange for insular policy gains. The short-term insular victories achieved by this President will come at a prohibitive cost if the current imbalance is not corrected. Constitutional authority is easy to lose in the transient shifts of politics. It is far more difficult to regain. If a passion for the Constitution does not motivate members, perhaps a sense of self-preservation will be enough to unify members. President Obama will not be our last president. However, these acquired powers will be passed to his successors. When that occurs, members may loathe the day that they remained silent as the power of government shifted so radically to the Chief Executive. The powerful personality that engendered this loyalty will be gone, but the powers will remain. We are now at the constitutional tipping point for our system. If balance is to be reestablished, it must begin before this President leaves office and that will likely require every possible means to reassert legislative authority.

Now that is Professor Turley, a supporter of President Obama, and a fine constitutional scholar, who is warning the U.S. Congress of the dangers to its powers that have been eroded in the recent months. To stop it, he says that will require Congress to use ''every possible means to reassert its legislative authority.''

So stopping an Attorney General nominee—not voting to confirm an individual as Attorney General—is that a legitimate power of Congress? Well, of course it is. Should we feel obligated and required to confirm someone who has announced they intend to pursue and advance legally through the powers of their office an unconstitutional overreach, because the President nominates that person? Is that our duty? Doesn't Congress have a right to say: Oh no, Mr. President, we understand how this system works. You get to nominate, but you have overreached

here and we are not going to ratify. We are not going to consent or approve someone who is going to continue to promote these kinds of unlawful activities.

One glaring result of Congress's passivity is that executive branch nominees no longer feel the need to be responsive to congressional oversight. We are not getting sufficient answers from them. That is for sure. I think Congress has too often been quiet and slept on its watch.

In the past, Members could perform their constitutional duty of advice and consent, for example, by withholding consent until a nominee provided information to which Congress was entitled. That is how coequal branches of government are supposed to function. Congress has a duty to demand accurate information from the executive branch before providing funds to that branch, and they have a right to insist on it. They don't have to fund any branch of government they believe is unworthy.

When Ms. Lynch came before the committee, it quickly became apparent that she had no intention of being frank and providing real answers. That is a problem I think we have to confront.

I think the most telling example of this concern was illustrated by an answer I was given to a straightforward question I asked, which goes to the very core of this debate that we are having in America about the President's powers and what we should do about establishing a lawful system of immigration—one that we could be proud of, one that is systemically and fairly applied day after day.

The question I asked her was simply this:

> Do you believe that President Obama has exceeded his executive authority in any way? If so, how?

She answered:

> As United States Attorney for the Eastern District of New York, I have not been charged with determining when and whether the President has exceeded his executive authority.

But that was really not a good-faith answer or an attempt to answer the question.

I will wrap up and just say, in conclusion, that we are dealing with huge constitutional issues. I wish it weren't so. It is not anything personal that causes me to complain about this nominee. But in truth, we need to use the means this Congress has to defend its legitimate constitutional rights, the power it has been given to legislate. And the President's duties, as the chief law and executive officer of the country, are to execute the laws passed by Congress. One of the key players on his team is the Attorney General, and the Attorney General in this situation has taken a position contrary to the fundamental principles of the Constitution, as Professor Turley has delineated with force and clarity.

That being the case, I think Congress has a duty to this institution, to the laws and Constitution of this country, and to the American people not to confirm someone who is not committed to those principles and, indeed, has asserted boldly that she would continue in violation of them.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

DEATH MASTER FILE

Mr. NELSON. Madam President, I am going to defer to my colleague from Connecticut, since at 5 p.m. we will be discussing the nominees which I will speak to. But before we do, I just want to point out two things to the Senate.

First of all, the lead story of ''60 Minutes'' last night was about the death master file which is put out by Social Security.

Interestingly, the story was from the extraordinary standpoint that a number of people are told they are dead when in fact they are very much alive and all of the horror they go through in trying to correct somebody's having made a mistake—a clerical error—that in fact they were dead by the alteration of one number or a name or just sheer overlook.

But there is another problem with the death master file, and we have tried and tried to get that from Social Security. Unless you have an immediate use—a legitimate use for the death master file to be made public, such as a life insurance company—they would have a legitimate use to know who had died so they could stop the payments. Something else the ''60 Minutes'' program pointed out was that Medicare did not catch a lot of payments going out. But unless you have a legitimate use, by suddenly putting on line the death master file, it opens up all of these Social Security numbers for criminals to come in and create a new identity, file a tax return, and get a refund on a fictitious tax return.

I want to continue to encourage the Social Security Administration. They claim they don't have the legal authority until we can give them the legal authority they are looking for. We think they have it administratively in their power not to put it out there. That is the right thing to do.

NEGOTIATIONS WITH IRAN

As I yield to the very distinguished Senator from Connecticut, a tremendous member of our commerce committee, I want to say I was sad last week—and am still sad this week—that nearly half of the Senators of the Senate sought to inject themselves by writing to the Ayatollah, trying to derail the negotiations that are ongoing on matters of life and death. If they don't think Iran having a nuclear weapon is a matter of life and death, they have another thing coming. Trying to derail the negotiations, while in fact the negotiations are going on at the very hour of the writing of that letter, and still are—and we won't know until the 24th of this month if in fact they are successful.

I will come back when we get into the executive session about the nominees. I look forward to hearing from the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Madam President, I am proud to follow the distinguished Senator from Florida, and I join him in his observations of the ''60 Minutes'' show, but equally, if not more importantly, in his views on the letter that was sent to the rulers of Iran and its divisive and destructive impact on a matter that should be above partisan politics. To inject a partisan political issue into, literally, a matter of life and death, in my view, is unfortunate, inappropriate, and truly regrettable.

LYNCH NOMINATION

Equally unfortunate, regrettable, and inappropriate is to inject politics into law enforcement. The nomination of the chief law enforcement officer in our Nation, the Attorney General—that position truly ought to be above politics. In fact, as we know from the structure of our government, it is generally regarded to be above politics.

The President of the United States has his or her legal counsel to provide advice to the President, but the Attorney General of the United States enforces laws for this Nation—not for one party, not for one official, not on one issue, but on all issues for all people in the United States.

When my colleagues have said on the floor that the President deserves his nominee, really it is the Nation that deserves a nominee to be confirmed.

This nominee has been delayed longer than any in recent history. As my colleagues have observed and as this chart illustrates, 129 days have passed since Loretta Lynch's nomination. From announcement to confirmation, her nomination has been delayed longer than any in recent history—in fact, longer than any in modern history, putting aside the Meese nomination, which was delayed because of an ongoing investigation into alleged improprieties.

There is no investigation here. There is no question of impropriety. There has been no hint of any reason to reject the Loretta Lynch nomination.

The American people could be forgiven for thinking that some of the Members of this body are simply looking for an excuse to delay or deny her nomination.

First, it was in our hearing questions about her capacity and qualifications. Those reasons or potential excuses for delaying or denying her nomination were quickly extinguished. Then it was the immigration issue. That too, as an excuse for delaying or denying this nomination, has been dispensed. Now it is the antitrafficking bill.

No reason for delay could be more inappropriate, because the fact of the matter is the threat to delay again her nomination is antithetical to the very goal of stopping human trafficking. If my colleagues really want to end sex exploitation and human trafficking,

they should confirm the chief law enforcement official who is responsible for fighting it. They should confirm the nominee who has indicated an anathema to this kind of abuse, who has shown her determination to fight it and to use all of the laws and potentially this new law in the war against human trafficking.

The Senate is perfectly capable of filling this crucial position—the top law enforcement job in the Nation—even as it debates antitrafficking legislation. In fact, it has shown itself capable of doing so just last week when two nominees to Department of Transportation positions—important transportation positions, as I can say personally, because they involve the safety and reliability of our system—even as it continued to debate the antitrafficking legislation.

Holding the Lynch nomination hostage—which is what is happening here—is a disservice to the Department of Justice but even more so to our system of justice. It undermines the integrity and trust in the nonpolitical nature of justice in this Nation. It does so at a time when vigorous and effective leadership is more important and necessary than ever.

The Nation could be forgiven for assuming, as increasingly appears to be so, that the Lynch nomination is being held hostage or is simply a cynical excuse to prevent her from getting to work on protecting the American public from human trafficking, which is so important.

There are legitimate points of debate between our sides on this issue. Those points of debate and differences need to be resolved, and I hope they will be. I trust they will be. I believe that they are resolvable and that extraneous or irrelevant provisions now in the bill can be removed so that we can focus on stopping modern-day slavery, which is what the—

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BLUMENTHAL. If I may have another minute to finish.

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

Mr. BLUMENTHAL. Which is what we should be doing here, and I believe we will do it.

Loretta Lynch has a stellar record. She served with incredible distinction during her time as U.S. attorney for the Eastern District of New York. I suggest to my colleagues that the best way to serve the purpose of stopping trafficking is to confirm her so she can get to work on enforcing that new law.

Mr. GRASSLEY. Madam President, we have had competing claims about who is really at fault. I think the answer to that question is becoming unquestionably undeniable to any fair observer. Actions speak louder than words and there is no denying the actions of the minority party, which, before this Congress, was the majority party in the Senate for 8 years.

Even in the minority, they are up to their old tricks of blocking amendments and grinding the Senate to a halt. Given the distortion of the Senate rules during those 8 years, it is no wonder the American public, and perhaps even some Senators, are confused about how the Senate rules are supposed to work. So I wish to take a few moments to talk about a procedure in the Senate called the cloture motion.

With cloture, the Senate is actually voting on the question: Is it the sense of the Senate that the debate shall be brought to a close? The proper use of cloture is when the Senate has had time for debate and consideration of amendments and it seems as though the Senate is getting bogged down. If a cloture vote fails, then that means the Senate has decided, as a body, to keep on considering a particular piece of legislation. This is a crucial point and one that was routinely distorted under the previous majority, and they did it for partisan ends.

A vote against cloture is a vote to continue considering a bill until at least 60 Senators are satisfied they have had their say and are ready to vote a bill up or down, yea or nay. It is not always clear when the Senate has reached that point, so the bill can sometimes require several cloture votes.

Under the previous majority leadership—and now that group happens to be the Senate minority—we saw unprecedented abuses of Senate rules to block Senators from participating in the deliberative process. This included the repeated abuse of the cloture rule. In order to shield his Members from having to take tough votes, the previous majority leader routinely moved to shut down all consideration of a bill even before any debate took place and even before any amendments could be considered.

As I stated, cloture is supposed to be used after the Senate has considered a measure for a period of time and a preponderance of the Senate thinks it has deliberated enough, and not do it to end consideration of a bill before it has begun, as the previous majority leadership did for several years prior to this year.

Let's contrast how our majority leader, Senator MCCONNELL, has been running the Senate. He has not tried to block minority amendments, as was done to us when we were in the minority. In fact, we have already had more than twice as many amendment votes as all of last year.

As the manager of this bill, I have been running an open amendment process, and I am not afraid to have votes on amendments of all kinds. In fact, if you are fortunate enough to be elected to represent your State as a U.S. Senator, it seems to me you have an obligation to the people of your State to offer amendments on issues that are important to your State. The American people saw that we were serious about restoring the Senate tradition of having an open amendment process with the very first major bill we took up in this new Congress.

Supporters of the Keystone Pipeline bill had the 60 votes to end debate, but we didn't try to ram through the bill without consideration of amendments. We had a full, open amendment process as we are supposed to have in the U.S. Senate, because it is a deliberative and amending body. There were more than a few ''gotcha'' types of amendments from the other side, but that is OK because that is how the Senate is supposed to operate. There was also an opportunity, for the first time in a very long time, for Senators to get votes on substantive issues that are important to the people of their individual States. That should be a big deal for every Senator, but it was not a very big deal the way the Senate was run previous to this year. When Senators are blocked from participating in the legislative process, the people they represent are disenfranchised. We were not elected to serve our party leadership, but to represent our State, and that is why it was so disappointing under the previous majority to see Senators repeatedly voting in lockstep with their party leadership to block amendments and end debate before it started. I think it is pretty clear from the last election that that strategy backfired in a very major way. Yet the same leaders, now in the minority, are up to their old tricks.

The previous Senate leadership routinely used a tactic called filling the tree, where a former majority leader used his right of first recognition to call up his amendments and thus block out amendments from other Senators of both political parties.

When the Senate is considering a number of amendments at once, it then requires unanimous consent to set aside the pending amendment in order to call up a new amendment, and that is a way to prevent other Senators from then offering their amendments. If you don't get unanimous consent to take down an amendment to make room for your amendment, you don't get the chance to offer your amendment, and usually that was blocked, and that is why there were only 18 rollcall votes on amendments all last year, compared to this year. The last time I counted, so far this year we had 43 votes.

Elections are supposed to have consequences, and the consequences of the last election are that the new majority decided the Senate ought to operate as a deliberative and amending body where every Senator can participate, so Majority Leader MCCONNELL has not filled the amendment tree.

We have substantive amendments pending as we speak. Nevertheless, the minority leadership has been objecting to even setting aside the pending amendment or proceeding to a vote on pending amendments just as when they used the procedure of filling the amendment tree.

After reporting the human trafficking bill out of the Senate Judiciary Committee unanimously, they have decided there is one provision they don't

like, so after 3 days of consideration last week the bill has not moved forward. It looks as though the same trick is going on right now. Since there is an open amendment process—and that is the way Senator MCCONNELL runs the Senate—we have naturally suggested that they offer an amendment if they don't like something in this bill. They have refused to do so, and instead are holding up the entire bill from being amended and finally passed.

So after opening the bill up to amendments and having considered the bill for a week, the majority leader has now filed cloture. I want to be clear what this means. Again, a vote against cloture is a vote to continue debate and consider amendments. I have voted against ending debate many times in recent years out of principle when Senators were being denied their right to offer amendments. No one can say this is the case right now on this human trafficking bill. We have had a week of debate, and it is the minority party that is blocking amendments.

Remember that many Members of the now minority party, when they were in the majority, were adamant that a vote against cloture is a filibuster and that it is illegitimate to filibuster. I say to my colleagues, if they truly believe filibusters are wrong and it was not just cynical political posturing, then you had better vote for cloture tomorrow.

I will also note that a couple of Senators sent out a ''Dear Colleague'' letter at the beginning of this Congress calling again for what they term the ''talking filibuster.'' By this, those Senators mean that if you vote against ending debate, you should be prepared to talk nonstop on the Senate floor. Under their proposal, as soon as there are no Senators talking on the Senate floor, the Senate would move to a final vote. The problem with this idea under the previous leadership was that amendments were routinely blocked so it meant Senators would have to talk nonstop to preserve their right to offer an amendment with no guarantee they would ever get the chance. That is not the issue this time.

We have allowed an open amendment process, and it is the minority party that is blocking amendments. So I would say to all the advocates of the so-called talking filibuster, if you do vote against cloture, you are saying you want to debate this bill more before a vote is taken. In that case, you better put your money where your mouth is.

To all of my colleagues who support this so-called filibuster and vote against this cloture motion, I expect to see you come down to the Senate floor and talk nonstop. You can use the time to explain to the American people why you object to moving forward with this very important bipartisan legislation to combat sex trafficking. Then when you are ready to move forward with the vote, let us know.

I yield the floor.

EXECUTIVE SESSION

NOMINATION OF CARLOS A. MONJE, JR., TO BE AN ASSISTANT SECRETARY OF TRANSPORTATION

NOMINATION OF MANSON K. BROWN TO BE AN ASSISTANT SECRETARY OF COMMERCE

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nominations, which the clerk will report.

The senior assistant legislative clerk read the nominations of Carlos A. Monje, Jr., of Louisiana, to be an Assistant Secretary of Transportation; and Manson K. Brown, of the District of Columbia, to be an Assistant Secretary of Commerce.

The PRESIDING OFFICER (Mr. COATS). Under the previous order, there will be 30 minutes of debate equally divided in the usual form.

The Senator from Florida.

Mr. NELSON. Mr. President, I would like to speak on the confirmation of both nominees, but first of all, I want to render a courtesy to the Senator from Connecticut—if he needs to complete his statement, I will yield to him and he can ask it in the form of a question.

Mr. BLUMENTHAL. I want to express my appreciation to the Senator from Florida, whose model I am seeking to follow not only in expertise but also in graciousness and generosity.

It appears to me that we are in the midst of yet again considering nominations, so I would ask the Senator from Florida whether in his view his speaking now and our voting now on these nominations will detract in any way from the Senate's consideration of the trafficking bill and whether our voting on Loretta Lynch would in any way detract from our consideration of the trafficking bill.

Mr. NELSON. Mr. President, my response to the Senator is that, just as with the two nominees we will favorably consider today, which have been bipartisan, with the great support of Senator THUNE, the chairman of the Commerce Committee—those are not going to interfere with the trafficking bill. So, too, the President's choice—which came overwhelmingly out of the Committee on the Judiciary—for Attorney General likewise would not in any way hinder the trafficking bill if, in fact, we could get up the nominee, because the votes would obviously be there. So my answer to the Senator is that clearly it would not hinder the trafficking bill.

Mr. President, I rise in support of the confirmation of two public servants into leadership roles at NOAA—the National Oceanic and Atmospheric Administration—and the Department of Transportation. One is Admiral Manson Brown. Admiral Brown has served our country with distinction for over 30 years, most recently as an officer in the U.S. Coast Guard. What made him successful in the Coast Guard is going to be put to great use as Assistant Secretary for Environmental Observation and Prediction at NOAA. Hurricane season is right around the corner. His position is going to provide crucial guidance and accountability if that big storm starts swirling in a counterclockwise fashion headed to the mainland. So I, this Senator from Florida, am particularly appreciative of Senator THUNE for helping expedite this confirmation.

This role will also oversee continued efforts to modernize NOAA. Now we are frequently launching up-to-date best technology weather satellites. NASA builds them, NASA launches them, and NOAA operates them. They are critical in giving us the refined capability to determine the ferociousness of a storm and its track.

As a highly regarded officer, Admiral Brown has honed significant expertise in his leadership in the Coast Guard maritime stewardship, safety, and national security. He is an engineer.

In our Senate Commerce Committee, we hold Admiral Brown in such high regard that we have reported his nomination favorably twice—once last Congress and again during our very first markup—and it was unanimous.

The second nominee is Mr. Carlos Monje, an Assistant Secretary for Policy. He will play a major, important role in shaping national transportation policy and priorities.

The Department of Transportation, for example, plays a critical role in helping ensure safety in the airspace as well as protecting consumers.

Last Friday, since I did not go back to my State, I went with the FAA Administrator to the Next Generation air traffic control modernization to see progress that is being made in the FAA research and development center at the Atlantic City Airport. NextGen capitalizes on existing technologies, such as the GPS capability provided by the Department of Defense satellite network, and what it will do is make our air traffic control system safer and more efficient.

How that works is right now we have a series of radars, and if it is an up-to-date radar, it will go around every 20 seconds. So you know where the airplane was, but you don't know where it is for the next 20 seconds—until the radar comes back around. If it is where it should be, it is in the path that was filed by the crew.

The next generation of air traffic control will track that aircraft from satellites, so there will be a continuous feed of data from the aircraft to the satellites, back to the controllers on the ground. Because of that, they can space aircraft closer, and they can give them a direct route into the airport instead of a lot of the circular patterns they have because of the delay in the continuous tracking. As a result, they