

Hiram Revels, Amelia Platts Boynton Robinson, Jackie Robinson, Aaron Shirley, Sojourner Truth, Harriet Tubman, Booker T. Washington, the Greensboro Four, and the Tuskegee Airmen, along with many others, worked against racism to achieve success and to make significant contributions to the economic, educational, political, artistic, athletic, literary, scientific, and technological advancements of the United States;

Whereas the contributions of African Americans from all walks of life throughout the history of the United States reflect the greatness of the United States;

Whereas many African Americans lived, toiled, and died in obscurity, never achieving the recognition they deserved, and yet paved the way for future generations to succeed;

Whereas African Americans continue to serve the United States at the highest levels of business, government, and the military;

Whereas the birthdays of Abraham Lincoln and Frederick Douglass inspired the creation of Negro History Week, the precursor to Black History Month;

Whereas Negro History Week represented the culmination of the efforts of Dr. Carter G. Woodson, the "Father of Black History", to enhance knowledge of Black history through the *Journal of Negro History*, published by the Association for the Study of African American Life and History, which was founded by Dr. Carter G. Woodson and Jesse E. Moorland;

Whereas Black History Month, celebrated during the month of February, originated in 1926 when Dr. Carter G. Woodson set aside a special period in February to recognize the heritage and achievement of Black people of the United States;

Whereas Dr. Carter G. Woodson stated: "We have a wonderful history behind us. . . . If you are unable to demonstrate to the world that you have this record, the world will say to you, 'You are not worthy to enjoy the blessings of democracy or anything else.'";

Whereas since the founding of the United States, the Nation has imperfectly progressed toward noble goals; and

Whereas the history of the United States is the story of people regularly affirming high ideals, striving to reach those ideals but often failing, and then struggling to come to terms with the disappointment of that failure, before committing to trying again: Now, therefore, be it

Resolved, That the Senate—

(1) acknowledges that all people of the United States are the recipients of the wealth of history provided by Black culture;

(2) recognizes the importance of Black History Month as an opportunity to reflect on the complex history of the United States, while remaining hopeful and confident about the path ahead;

(3) acknowledges the significance of Black History Month as an important opportunity to commemorate the tremendous contributions of African Americans to the history of the United States;

(4) encourages the celebration of Black History Month to provide a continuing opportunity for all people in the United States to learn from the past and understand the experiences that have shaped the United States; and

(5) agrees that, while the United States began as a divided country, the United States must—

(A) honor the contribution of all pioneers in the United States who have helped to ensure the legacy of the great United States; and

(B) move forward with purpose, united tirelessly as a nation "indivisible, with liberty and justice for all."

SENATE RESOLUTION 373—RECOGNIZING THE HISTORICAL SIGNIFICANCE OF EXECUTIVE ORDER 9066 AND EXPRESSING THE SENSE OF THE SENATE THAT POLICIES THAT DISCRIMINATE AGAINST ANY INDIVIDUAL BASED ON THE ACTUAL OR PERCEIVED RACE, ETHNICITY, NATIONAL ORIGIN, OR RELIGION OF THAT INDIVIDUAL WOULD BE A REPETITION OF THE MISTAKES OF EXECUTIVE ORDER 9066 AND CONTRARY TO THE VALUES OF THE UNITED STATES

Ms. HIRONO (for herself, Mr. REID, Mr. DURBIN, Mr. LEAHY, Ms. BALDWIN, Mr. BROWN, Mr. BLUMENTHAL, Ms. CANTWELL, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Ms. KLOBUCHAR, Mrs. MURRAY, Mr. PETERS, Mr. SCHATZ, Ms. MIKULSKI, Mr. MURPHY, Mr. MARKEY, and Mr. WYDEN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 373

Whereas on December 7, 1941, the Imperial Japanese Navy launched a surprise attack against the United States naval base at Pearl Harbor, Hawaii, which led to—

(1) increased prejudice and suspicion toward Japanese Americans; and

(2) calls from civilians and public officials to remove Japanese Americans from the west coast of the United States;

Whereas on February 19, 1942, President Franklin Delano Roosevelt signed Executive Order 9066 (7 Fed. Reg. 1407; relating to authorizing the Secretary of War to prescribe military areas) (referred to in this preamble as "Executive Order 9066"), which led to—

(1) the exclusion of 120,000 Japanese Americans and legal resident aliens from the west coast of the United States; and

(2) the incarceration of United States citizens and lawful permanent residents of Japanese ancestry in incarceration camps during World War II;

Whereas President Gerald Ford formally rescinded Executive Order 9066 in Presidential Proclamation 4417, dated February 19, 1976 (41 Fed. Reg. 7741) (referred to in this preamble as "Presidential Proclamation 4417");

Whereas Presidential Proclamation 4417—

(1) states that Japanese Americans were and are loyal people of the United States who have contributed to the well-being and security of the United States;

(2) states that the issuance of Executive Order 9066 was a grave mistake in United States history; and

(3) resolves that actions such as the actions authorized by Executive Order 9066 shall never happen again;

Whereas in 1980, Congress established the Commission on Wartime Relocation and Internment of Civilians to investigate the circumstances surrounding the issuance of Executive Order 9066;

Whereas in 1983, the Commission on Wartime Relocation and Internment of Civilians issued a report entitled "Personal Justice Denied" in which the Commission on Wartime Relocation and Internment of Civilians concluded that—

(1) the promulgation of Executive Order 9066 was not justified by military necessity; and

(2) the decision to issue Executive Order 9066 was shaped by "race prejudice, war hysteria, and a failure of political leadership";

Whereas on August 10, 1988, the Civil Liberties Act of 1988 (Public Law 100-383; 102 Stat. 903) was enacted—

(1) to apologize for "fundamental violations of the basic civil liberties and constitutional rights of these individuals of Japanese ancestry"; and

(2) to establish the Civil Liberties Public Education Fund, to ensure that "the events surrounding the exclusion, forced removal, and incarceration of civilians and permanent resident aliens of Japanese ancestry will be remembered, and so that the causes and circumstances of this and similar events may be illuminated and understood";

Whereas the terrorist attacks carried out in the United States on September 11, 2001, have led to heightened levels of suspicion and hate crimes, xenophobia, and bigotry directed toward the Arab, Middle Eastern, South Asian, Muslim, Sikh, and Hindu American communities, including—

(1) on August 5, 2012, an attack on the Sikh Temple of Wisconsin in Oak Creek, Wisconsin, which led to several injuries and the death of 6 Sikh Americans; and

(2) on February 10, 2015, the execution-style shooting of 3 Muslim American students in Chapel Hill, North Carolina;

Whereas the terrorist attacks carried out in Paris, France, on November 5, 2015, have led to renewed calls from public officials and figures to register Muslim Americans and bar millions from entering the United States based solely on the religion of those individuals, repeating the mistakes of 1942: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the historical significance of February 19, 1942, as the date on which President Franklin Delano Roosevelt signed Executive Order 9066 (7 Fed. Reg. 1407; relating to authorizing the Secretary of War to prescribe military areas) (referred to in this resolving clause as "Executive Order 9066"), which restricted the freedom of Japanese Americans;

(2) recognizes the historical significance of February 19, 1976, as the date on which President Gerald Ford issued Presidential Proclamation 4417 (41 Fed. Reg. 7741), which formally terminated Executive Order 9066;

(3) supports the goals of the Japanese American community in recognizing a National Day of Remembrance to increase public awareness about the unjust measures taken to restrict the freedom of Japanese Americans during World War II;

(4) expresses the sense that the National Day of Remembrance is an opportunity—

(A) to reflect on the importance of upholding justice and civil liberties for all people of the United States; and

(B) to oppose hate, xenophobia, and bigotry;

(5) recognizes the positive contributions that people of the United States of every race, ethnicity, religion, and national origin have made to the United States;

(6) steadfastly confirms the dedication of the Senate to the rights and dignity of all people of the United States; and

(7) expresses the sense that policies that discriminate against any individual based on the actual or perceived race, ethnicity, national origin, or religion of that individual would be—

(A) a repetition of the mistakes of Executive Order 9066; and

(B) contrary to the values of the United States.

Ms. HIRONO. Mr. President, 74 years ago, President Roosevelt signed Executive Order 9066. That order led to the mass internment of nearly 120,000 Japanese Americans. Executive Order 9066 is an example of what can happen when a government acts out of fear.

Today I am submitting a resolution that recognizes this dark chapter and calls for the Senate and all Americans to uphold the lessons learned from the issuance of Executive Order 9066.

In the wake of the bombing of Pearl Harbor in 1941, Americans of Japanese ancestry living in the United States became a target of paranoia, suspicion, and fear. Without any evidence of subterfuge, the government classified Japanese Americans as “enemy aliens” based purely on race and removed Japanese families from the west coast in the name of national security. These were families like yours and mine—farmers, students, shop owners, Buddhist priests, and teachers, parents and grandparents working toward the American dream of giving their children a better future. The majority were American citizens. These families were forced to abandon or sell for a pittance homes and businesses they had spent decades building. Many destroyed family treasures that could link them to Japan.

Thousands of college students had their educations cut short when they were forced to leave school for the internment camps.

One University of Washington student who was forced to leave school, Gordon Hirabayashi, would go on to challenge the legality of the internment all the way to the U.S. Supreme Court. Gordon’s parents had emigrated from Japan and settled in Washington State, where they were farmers.

Upon the signing of Executive Order 9066 and subsequent orders, the Hirabayashi family and tens of thousands of other Japanese American families were forced to pack up only what they could carry for a long train ride to unknown destinations. Upon arriving at barren and isolated internment camps, including Honouliuli Internment Camp in Waipahu, Oahu, these families passed through barbed-wire fences and armed guards. They settled in cramped, hastily constructed shanties that let in the elements. There was little privacy. And until these internment camps were built, many families were forced to live in horse stalls. The shame and humiliation were extreme. Nearly 120,000 men, women, and children did the best they could under harsh circumstances, persevering through what at the time seemed unbearable.

Despite this treatment at the hands of their own government, the time came when many joined the war effort. From behind barbed wire, these young Japanese American men fought for their country and in the process, in doing so, proved their loyalty to the United States.

The Army agreed to form the segregated 442nd Regimental Combat Team, the 100th Battalion, and the Military Intelligence Service. Thousands of men in Hawaii and across the internment camps, including our late colleague Senator Daniel K. Inouye, volunteered to take on the most dan-

gerous missions in Europe. Today, the 442nd and the 100th Battalion remain the most decorated units in the Army’s history. These units, as well as the Military Intelligence Service, were awarded the Congressional Gold Medal in 2011.

After the war ended, for all of the sacrifice Japanese Americans were forced to make, for all they had to give up, each internee was then given \$25 and a train ticket to their prewar residences. Many of them never returned to their homes because there was nothing to return to.

It was not until 34 years later, due to the work of the Japanese American Citizens League and other individuals and groups, that President Gerald Ford issued Proclamation 1447, which formally terminated the authority of Executive Order 9066. The Ford proclamation read, in part, “I call upon the American people to affirm with me this American Promise . . . to treasure liberty and justice for each individual American, and resolve that this kind of action shall never again be repeated.”

While the internment is now recognized as one of the darkest periods in our Nation’s history, we must not forget that Executive Order 9066 had widespread support at the time. The fight for formal recognition of these injustices has been a long and challenging road that continues to this day.

I wish to recognize the efforts of three Japanese Americans—Gordon Hirabayashi, Minoru Yasui, and Fred Korematsu—who were convicted and imprisoned while bravely challenging the constitutionality of internment during the war. They were right, but it took decades of work to achieve justice for these individuals who took their cases all the way to the Supreme Court.

In the majority opinion of *Korematsu v. U.S.* in 1944, the Supreme Court found that the internment was justified during a time of war—a ruling that further underscores what can only be characterized as the rampant fear and racism at the time.

I had the privilege of meeting Fred Korematsu and his family several times before his passing in 2005. After the war, he, Gordon, and Minoru continued to fight for others’ civil rights their whole lives. Fred’s work is carried on by his daughter, Karen Korematsu, through the Korematsu Institute. These three individuals were years later awarded the Presidential Medal of Freedom, and in Minoru Yasui’s case, only last year.

It was not until the 1980s—almost 40 years after internment ended—that a new generation of attorneys and scholars took up their fight. They uncovered evidence that the government hid information that proved that Japanese Americans were not a threat to the United States. Gordon, Minoru, and Fred appealed their earlier convictions, and the Ninth Circuit Court vacated all of their convictions in the 1980s.

Gordon said after the Ninth Circuit overturned his earlier conviction:

There was a time when I felt that the Constitution failed me. But with the reversal in the courts and in public statements from the government, I feel that our country has proven that the Constitution is worth upholding. The U.S. Government admitted it made a mistake. A country that can do that is a strong country. I have more faith and allegiance to the Constitution than I ever had before.

Today, I call upon all of my colleagues to uphold Gordon’s faith in our Constitution.

Undoubtedly, the U.S. Government must keep people safe. However, as we learned with the internment, a government gripped by fear and hysteria can make terrible mistakes. Not one American of Japanese ancestry who was interned has ever been found guilty of sabotage or espionage.

Focusing on the most vulnerable of targets—usually a minority group—does not make our Nation safe or more secure. Actions like the internment betray our values and undermine our strength as a people.

We are often reminded to learn from history. That presumes we are aware of the relevant history. The story of internment remains one still unfamiliar to many Americans—for instance, Mayor David Bowers of Roanoke, VA, who used the internment as justification to suspend assistance to Syrian refugees. He later apologized. More recently, George Takei’s play “Allegiance,” which just ended its Broadway run, depicted the shock, humiliation, anger, and resolve of one family—the Kimuras—who were interned in Heart Mountain, WY. Their internment was like that of thousands of other Japanese Americans, and, like too many others, the internment didn’t end for the Kimuras when World War II ended. Their family relations were irreparably damaged.

Yet, despite efforts to educate a new generation of Americans through efforts like “Allegiance,” today we hear echoes of the sentiments of 1942 directed toward members of the South Asian, Muslim, Sikh, Hindu, Arab, and Middle Eastern communities. There are reports of children from these communities beaten up in schools, families being threatened in their homes, and houses of worship vandalized and set on fire. We hear calls from public figures and officials to racially profile and conduct surveillance on Muslim Americans, as well as to bar their entry into our country.

While the security of the American people is a top priority, divisive proposals to ban all Muslims, for example, from entering the United States do nothing to make us safer; rather, they take us back to a time when our policies were guided by fear, stereotypes, and mistrust.

Now is not the time to turn on one another. Now is the time to stand together against the hate and fear that divides our country.

In affirming our commitment to liberty and justice for all, let us remember that the United States is a diverse

country in which individuals of all backgrounds have and continue to make positive contributions to the well-being and security of our Nation. It is important to speak out against hateful rhetoric and divisive policy proposals that prey on people's fears and instead promote our American values that are rooted in compassion, respect for others, justice, and equality.

I am joined today in the Gallery by advocates from the Asian American and Pacific Islander and Muslim communities. Mahalo to all of you for the work you do every day to advance equality, liberty, and justice for all. These values are the strength of America.

Let's stand together in solidarity, that in this new century, we will not give in to old fears, old prejudices, and unjustified actions.

SENATE RESOLUTION 374—RELATING TO THE DEATH OF ANTONIN SCALIA, ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES

Mr. MCCONNELL (for himself, Mr. REID, Mr. GRASSLEY, Mr. LEAHY, Mr. ALEXANDER, Ms. AYOTTE, Ms. BALDWIN, Mr. BARRASSO, Mr. BENNET, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOKER, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN, Mr. BURR, Ms. CANTWELL, Mrs. CAPITO, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CASSIDY, Mr. COATS, Mr. COCHRAN, Ms. COLLINS, Mr. COONS, Mr. CORKER, Mr. CORNYN, Mr. COTTON, Mr. CRAPO, Mr. CRUZ, Mr. DAINES, Mr. DONNELLY, Mr. DURBIN, Mr. ENZI, Mrs. ERNST, Mrs. FEINSTEIN, Mrs. FISCHER, Mr. FLAKE, Mr. FRANKEN, Mr. GARDNER, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. HATCH, Mr. HEINRICH, Ms. HEITKAMP, Mr. HELLER, Ms. HIRONO, Mr. HOEVEN, Mr. INHOFE, Mr. ISAKSON, Mr. JOHNSON, Mr. KAINE, Mr. KING, Mr. KIRK, Ms. KLOBUCHAR, Mr. LANKFORD, Mr. LEE, Mr. MANCHIN, Mr. MARKEY, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Ms. MURKOWSKI, Mr. MURPHY, Mrs. MURRAY, Mr. NELSON, Mr. PAUL, Mr. PERDUE, Mr. PETERS, Mr. PORTMAN, Mr. REED, Mr. RISCH, Mr. ROBERTS, Mr. ROUNDS, Mr. RUBIO, Mr. SANDERS, Mr. SASSE, Mr. SCHATZ, Mr. SCHUMER, Mr. SCOTT, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. STABENOW, Mr. SULLIVAN, Mr. TESTER, Mr. THUNE, Mr. TILLIS, Mr. TOOMEY, Mr. UDALL, Mr. VITTER, Mr. WARNER, Ms. WARREN, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN) submitted the following resolution; which was ordered held at the desk:

S. RES. 374

Whereas Antonin Scalia, the late Associate Justice of the Supreme Court of the United States, was born in Trenton, New Jersey, to Salvatore Eugene Scalia and Catherine Panaro Scalia and raised in Queens, New York;

Whereas Antonin Scalia enrolled in Georgetown University, where he graduated valedictorian and summa cum laude and earned a bachelor's degree in history;

Whereas Antonin Scalia graduated magna cum laude from Harvard Law School, where he was a notes editor for the Harvard Law Review;

Whereas Antonin Scalia married Maureen McCarthy, with whom he raised 9 children, Ann, Eugene, John, Catherine, Mary Claire, Paul, Matthew, Christopher, and Margaret;

Whereas Antonin Scalia was an accomplished attorney in Cleveland, Ohio, and a law professor at the University of Virginia and the University of Chicago;

Whereas President Richard Nixon selected Antonin Scalia to be General Counsel for the Office of Telecommunications Policy;

Whereas Antonin Scalia served as chairman of the Administrative Conference of the United States;

Whereas President Richard Nixon selected Antonin Scalia to be Assistant Attorney General for the Office of Legal Counsel of the Department of Justice, and President Gerald Ford resubmitted the nomination of Antonin Scalia to serve in that position;

Whereas President Ronald Reagan nominated Antonin Scalia to be a judge of the United States Court of Appeals for the District of Columbia Circuit;

Whereas President Ronald Reagan nominated Antonin Scalia to serve as an Associate Justice of the Supreme Court of the United States;

Whereas Antonin Scalia had a profound love for hunting and the arts, in particular opera;

Whereas Antonin Scalia was a man of enormous intellect, incisive analytical skill, and tremendous wit, a combination reflected in the clarity of his judicial opinions;

Whereas the record of Antonin Scalia illustrates a belief in judicial restraint, judicial independence, and the rule of law;

Whereas Antonin Scalia moved public discussion toward a greater appreciation of the text and original meaning of the Constitution as a basis for interpreting the terms of the Constitution;

Whereas Antonin Scalia enforced the separation of powers contained in the Constitution as a bulwark for individual freedom;

Whereas Antonin Scalia raised the level of the quality of oral argument and judicial decisionmaking;

Whereas Antonin Scalia was highly regarded by each of his colleagues, including colleagues with a judicial philosophy that differed from his own;

Whereas Antonin Scalia served with distinction on the Supreme Court for more than 29 years;

Whereas Antonin Scalia was 1 of the most influential and memorable Justices of the Supreme Court of the United States;

Whereas Antonin Scalia was the embodiment of each of the ideal qualities of a judge: fairness, openmindedness, and above all commitment to intellectual rigor in application of the Constitution and the rule of law;

Whereas Antonin Scalia will be remembered as 1 of the great Justices of the Supreme Court of the United States;

Whereas Antonin Scalia passed away on February 13, 2016; and

Whereas the nation is deeply indebted to Antonin Scalia, a truly distinguished individual of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) extends heartfelt sympathy to the family and friends of Antonin Scalia;

(2) acknowledges the lifetime of service of Antonin Scalia to the United States as a talented attorney, a learned law professor, a dedicated public servant, a brilliant jurist, and 1 of the great Justices of the Supreme Court of the United States; and

(3) commends Antonin Scalia for the 29-year tenure on the Supreme Court of the United States.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3312. Mr. UDALL submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table.

SA 3313. Ms. CANTWELL (for herself, Mr. GRAHAM, and Mr. CARDIN) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3314. Mr. KIRK (for himself, Mr. COONS, and Mr. DURBIN) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3315. Ms. COLLINS (for herself, Mr. COONS, Mr. REED, and Mrs. SHAHEEN) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3316. Mrs. SHAHEEN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3317. Mr. HEINRICH (for himself, Mr. UDALL, Mr. GARDNER, and Mr. BOOKER) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3318. Mr. HEINRICH (for himself and Mr. UDALL) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3319. Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3320. Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3321. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3322. Mr. BROWN (for himself and Mr. ALEXANDER) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3323. Ms. STABENOW (for herself, Mr. INHOFE, Mr. PETERS, Mr. PORTMAN, Mr. BROWN, Mr. KIRK, Mr. REED, Mr. BURR, Mr. DURBIN, Mrs. BOXER, and Ms. MIKULSKI) submitted an amendment intended to be proposed by her to the bill H.R. 4470, to amend the Safe Drinking Water Act with respect to the requirements related to lead in drinking water, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3312. Mr. UDALL submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms.