EXECUTIVE CALENDAR—Continued

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BOOKER. Mr. President, I rise this evening to continue the dialogue of the conversation about the candidate, the nominee for Attorney General. I rise to join my colleagues in opposition to the nomination.

I witnessed earlier tonight something that greatly disappointed me. One of my colleagues, as was mentioned earlier, stood up to read into the RECORD a letter, as we just saw, that has been a part of the record of this body for decades—to read that letter into the RECORD. That was then stopped through the Chair because it was said to impugn another sitting Senator.

As CHUCK SCHUMER said, that is selective enforcement, but to me there is that going on and a lot more. I used to preside in the first months I was in the U.S. Senate and sat and listened to the speeches of many of my colleagues. I have to say, I am proud to be a Member of the body, where folks on both sides comport themselves with a level of comity that is admirable.

I heard some people tonight decry the descending of this body into unfortunate places, but the reality is, my experience has been, on the whole, very positive. The respect and the collegiality here is something that makes this place incredibly valuable to work. Though the public might not see it, there are a lot of bills that get worked on together and even get to the floor, many of them get votes, many of them get passed. I am proud to have passed many of those bills with my colleagues, colleagues whom I don’t just consider colleagues; frankly, I consider them friends.

But within that context, I have to say I have watched when I sat in the Chair and had to listen many times when people said things that made me feel they were unfortunate. I watched the President of the United States talk about his character and his motives in ways that I thought were disparaging, but amidst all of this, in my 3 years, I have never seen someone stopped from speaking on the Senate floor when, as the Democratic leader said so clearly, there could have been many other times where that rule was used, and that is a frustration.

But what makes it more of a frustration is the context in which it happened tonight. You see, Senator WARREN stood up and was speaking with a passion about this nomination. And in the midst of her speaking her truth, in the midst of her speaking her heart, she was stopped as she read something into the RECORD that had been there for decades. To me that is problematic not just because it was a regular speech but because this had to do with her constitutional duty of providing advice and consent. She wasn’t just quoting someone, something that she heard on the street, some hearsay. She was actually quoting Coretta Scott King, a civil rights hero, the wife of the slain Martin Luther King, who we, as Americans in our Nation—we don’t have many of them—literally recognize with a national holiday. So that makes it all the more disturbing to me that Senator WARREN would stand up, exercising what is one of her specifically constitutional, mandated duties and was stopped because of a rule being enforced that in my opinion, as well as Leader SCHUMER’s, is selectively enforced. But let’s go further into the fact that the contents of that letter, much of it shared, are actually substantive and have bearing on the thoughts and feelings of many people in the Senate.

I was raised by a family who made very clear to me something that I think Elie Wiesel said: The opposite of love is not hate, it is silence. It is a profound sin to witness injustice, to see something wrong, and to simply be a bystander, to not speak up.

What I respect about many of my colleagues, even those with whom I disagree—and what I respect about Senator WARREN—is that they embody a tradition that I was taught by my parents: to speak truth to power, to speak truth even if your legs are shaking, even if your voice quivers. Speak truth. Do not be a bystander. Do not sit in indifference. Stand up and speak your truth. Do not let your soul be silenced.

We are here as a country because at a time of rife moral injustice, people didn’t remain silent. This idea of speech in this country is so important that it is enshrined in the Constitution that we should have freedom of speech, and, yes, it is not always comfortable to hear.

I sat where the Presiding Officer, the Senator from Alaska, is sitting, and...
there were many times I heard things that were uncomfortable, that I disagreed with, that I thought were wrong, but this body should respect the idea of free speech.

Tonight, I am proud of Senator WARREN. He told her—No one men could raise their voices at times still have respect for each other; two men could fight and disagree and could this floor. But it did show that two 

ments, even though it didn’t happen on a giant in my eyes. The eulogy he gave Again, the senior Senator from Utah is a lot of respect back and forth. We are part of the U.S. Senate. There is a lot of respect back and forth. Again, the senior Senator from Utah is a giant in my eyes. The eulogy he gave at Senator Teddy Kennedy’s funeral was one of my favorite U.S. Senate moments, even though it didn’t happen on this floor or in the Senate gym in fact, JOHN LEWIS testified in the hear-

thing that had been in the record for 30 years, as if somehow we are afraid to hear great conversations from people I revere. Senator HATCH spoke tonight—men I don’t agree with him all the time. I think some of his ideas—I actually think sometimes they are dangerous ideas, but I respect him. He and Teddy Kennedy—two men who argued with each other, sometimes with voices raised in a lack of comity—had a love for each other.

I was told by other senior Senators when I first arrived: Yeah, give it all you have got in debates. Argue and fight, but understand that in the end we are all people who love our country. Nothing could happen in this Senate and speak up and refuse to be silenced. God bless her for standing up warren actually did not just read

session. I confess, on that day I was feeling a 

sion of pride, standing right over those documents and be honest with each other. Native Americans are referred to as savages in our Declaration of Independence. Women aren’t referred to as human beings. What was the spirit that took an imperfect document and founding ideals and made them more perfect? What was that spirit?

(Mr. SCOTT assumed the Chair.)

I want to read the words of Thurgood Marshall. He delivered them in May of 1987. I was a high school student. It was
on the vacation of the bicentennial of the Constitution itself. This is what he said:

The year 1877 marks the 200th anniversary of the Constitution. A commission has been established to coordinate the celebration.

He goes on:

Like many anniversary celebrations, the plan in 1987 seeks particular events and holds them up as the source of all the very best that followed.

He writes:

Patriotic feelings will swell, prompting loud proclamations of the wisdom of the Framers and reflected in written documents now yellowed with age. This is unfortunate—not the patriotism itself but the tendency for the celebration to oversimplify, and overlook the many other events that have been instrumental to our achievements as a nation. The focus of this celebration invites a complacent belief that the vision of those who debated and compromised in Philadelphia yielded the “more perfect Union” that is said we now enjoy.

Thurgood Marshall writes:

I cannot accept this invitation, for I do not believe that the meaning of the Constitution was forever fixed at the Philadelphia Convention. Nor do I find the wisdom, foresight, and instinct for justice shared by the Framers particularly profound. To the contrary, the government they devised was defective from the start, requiring several amendments, a civil war, and momentous social transformation to attain the system of constitutional government, and its respect for the individual freedoms and human rights, we hold as fundamental today. When a contemporary American cites “The Constitution,” he invokes a concept that is vastly different from what the Framers barely began to construct two centuries ago.

For a sense of the evolving nature of the Constitution we need look no further than the first three words of the document’s preamble: “We the People.” When the Founding Fathers used this phrase in 1787, they did not have in mind the majority of America’s citizens. “We the People included in the words of the Framers, “the whole Number of Free Persons.”

On a matter so basic as the right to vote, for example, Negro slaves were excluded, although they were counted for representative purposes as three-fifths each. Women did not gain the right to vote for over 100 years.

Thurgood Marshall writes:

These omissions were intentional. The record of the Framers’ debates on the slave question is especially clear: The Southern States acceded to the demands of the New England States for giving Congress broad power to regulate commerce, in exchange for the right to continue the slave trade.

The economic interests of the regions coalesced; New Englanders engaged in the “carrying trade”—and it continues.

Thurgood Marshall goes on:

Even these ringing main phrases from the Declaration of Independence are filled with irony, for every draft of what became the Declaration assailed the King of England for suppressing legislative attempts to end the slave trade.

The final draft adopted in 1776 did not contain the word slavery, and so again at the Constitutional Convention, eloquent objections to the institution of slavery went unheeded.

Thurgood Marshall goes on to so eloquently discuss the evolutions it took to come to where we are today. He writes that the men who gathered in Philadelphia in 1787 could not have envisioned the changes that have taken place that resulted in the world in which he was living here in 1877.

He writes:

I could not have imagined, nor would they have accepted, that the document they were drafting would one day be construed by the Supreme Court, to which had been appointed a woman and the descendant of an African slave.

Thurgood Marshall himself—

that “We the People” no longer enslave, but the credit does not belong to the Framers, it belongs to those who refused to acquiesce an outdated notion of liberty, justice, and equality, and who strived to make them better.

So when I swore my oath, days after my father died—after the man who taught me that the liberties and the freedoms and the privileges and the abundance that I enjoyed when I had the fortune of calling myself an American—that those liberties, those freedoms, the justice, the opportunity that I enjoy—yes, I may be a hard worker; yes, I may sacrifice; yes, I may struggle; I may even sacrifice because of the fights and the struggles and the courage of others. It was made possible by people who did not sit on the sidelines of history, who understood that democracy is not a spectator sport; that even though it is not comfortable or convenient or easy, sometimes, in the course of human events, for the cause of your country, you have to stand up and fight.

So before I swore that oath, my mom—before I hit the Senate floor and became a Member of this august body, she took me across the Capitol to meet with another man because she wanted the last thing that I did before I became a U.S. Senator was to meet with JOHN LEWIS.

Congressman Lewis, if you know him, you are shaken by his goodness and his decency. You are shaken by his kindness. I don’t want to elevate him. He is not a perfect man, but this is a hero to me and to so many Americans. He is someone who lives his values, doesn’t just preach them. And when I sat to have a meal with him—he had put a spread together—he told me that he was proud to vote for popularly elected African American in the history of this body, it was a triumph for him, that it made him proud. Here I am standing before my mom’s classmates, my parents’ generation, and he is elevating me and telling me how important this day is to him.

What is fascinating to me was he didn’t just speak those words. I looked around his office and it was like a civil rights museum—people who marched for me and you and others; people who died; people who stood up and faced me and you and others; people who fought for voting rights for me and you and others. All the while I am sitting there, and he will not even let me get up. He is serving me food. That is his spirit.

What is incredible to me is it gives incredible testimony to this truth that this Nation is great not because it was easy to get here, not because it was done to us, to be some Americans all along in our history did the challenging thing to try to move this democracy forward.

So does JOHN LEWIS love Senator SESSIONS? Yes. JOHN LEWIS is an embodiment of love. He has forgiven his attackers, who literally has had people who beat him years later become people he embraces. And even though we love each other and respect each other, love is difficult and hard. It is a hard thing to do. Sometimes love requires telling the truth.

Love requires not being silent. Love isn’t political, and sometimes love breaks traditions.

I chose to testify against a Senator, and I took criticism for it—probably because it was so clear. It was easy to get here, not because it was the right thing to do, because when I testified, what made it more evidently clear or highlighted my decision is that I was sitting next to JOHN LEWIS. He never asked if it was convenient or polite for him to freedom ride. He didn’t ask if it was safe to march across the Edmund Pettus Bridge. He didn’t ask if it might make people feel uncomfortable or be the subject of scorn. He was telling people to go out and register to vote. He decided to do it because it was the right thing to do.

I want to read from his testimony. On that day, I was privileged to sit next to my hero in a judicial hearing. This is what he wrote. This is what he spoke:

Millions of Americans are encouraged by our country’s effort to create a more inclusive democracy the last 50 years, but what some of us call a beloved community, a community at peace with itself. We are not a majority of a clear majority. In his words, they want this to be a fair, just, and open Nation. They are afraid that this country is headed in the wrong direction. They are concerned that the promises of progress and want to return to the dark past when the power of the law was used to deny the freedoms protected by the Constitution, the Bill of Rights, and the amendments. These are the voices I represent today.

We can pretend that the law is blind. We can pretend that it is even handed. But if we are honest with ourselves, we know that we are called upon daily by the people we represent to help them deal with unfairness in how the law is written and how it coming up back then. The rule of law was used to violate the human and civil rights of the poor, the dispossessed, people of color. I was born in rural Alabama, from where Senator Sessions was raised. There was no way to escape or deny the choke hold of discrimination and racial hatred that surrounded me. I saw the signs that said, “White Men, Colored Men;” “White Women, Colored Women.” I tasted the bitter fruits, the hate, the segregation and racial discrimination. Segregation was the law of the land to order our society
in the Deep South. Any Black person who did not cross the street when a White person was walking down the same sidewalk, who did not move to the back of the bus, who drank from a fountain, who refused to move out of a seat when a White person directly in their eyes, could be arrested and taken to jail.

The forces of law and order in Alabama were so strong that to take a stand against its injustice we had to be willing to sacrifice our lives for our cause. Often, the only way we could demonstrate that a law on the books violated a higher law was by challenging that law, by putting our bodies on the line and showing the world the unrighteousness of it and pay for our liberty and respect. It took massive, well-organized, nonviolent dissent for the Voting Rights Act to become the law. It required criticism of this great Nation and its great laws to move toward a greater sense of equality in America. We had to sit in, we had to stand in, we had to march. And that is why more than 50 years ago a group of unarmed citizens, Black and White, gathered on March 7, 1965, in an orderly, peaceful nonviolent fashion to walk from Selma to Montgomery, Ala., to dramatize to the Nation and to the world that we wanted to register to vote, wanted to become participants in a democratic process. We were beaten, tear-gassed, left bloody, some of us unconscious, some with concussions, some of us almost died on that bridge.

But the Congress responded. President Lyndon Johnson responded, and the Congress passed a Voting Rights Act, and it was signed into law on August 6, 1965. We have come a distance. We have made progress. But we are not there yet. There are forces that want to take us back to another place. We don’t want to go back. We want to go forward. As the late A. Philip Randolph, who was the dean of the March on Washington of 1963, often said, “maybe our forefathers and our foremothers got this law wrong in different ships, but we are all in the same boat now.”

It does not matter how Senator Sessions may smile, how friendly he may be, how he may speak to you. But we need someone who is going to stand up, speak up, and speak out for the help, for people who have been discriminated against. And it doesn’t matter whether they are Black or White, Latino, Asian, Native American, whether they are gay or straight, Muslim, Christian, or Jews. We all live in the same house—the American house. We need someone as Attorney General who is going to look for all of us, not just for some of us.

Now, he speaks:

I ran out of time. Thank you for giving me a chance to testify.

John Lewis had 5 minutes before the Judiciary Committee—5 minutes to enter words into one of the greatest historical records of all time—the record of this body. He loved the record of the Judiciary Committee. He braved on issues that aren’t a passing fancy to him. He has lived for these issues. He has fought for these issues. He has dedicated his life to these issues. This man, whom I chose not to vilify, he had a window of opportunity.

That doesn’t mean he doesn’t love Jeff Sessions. I know he does. It doesn’t mean that he doesn’t think he is kind and collegial when the two meet. I have watched them. Senator Jeff Sessions and I were there to present him with the Congressional Medal. But what it means is that he has real concerns about the cause of our country. This Nation hasn’t made such dramatic strides towards freedom and justice. It has made those strides because people like him, folks from all different backgrounds didn’t just pledge allegiance to the flag. They fought for it. They fought for liberty and justice for all. ’They put their lives on the line to make it happen.’

I have seen this kind of patriotism made real in my lifetime by the men and women who put the uniform on to serve us overseas, all the way to men and women putting uniforms on to protect our neighborhoods, who make rational choices every day to fight for our safety, our security, for our liberty, and for our justice.

I stand today and speak out against Jeff Sessions becoming the highest law enforcement officer of the land, not because of any personal feelings I have about him—because I too, like I was called to do as a little boy in Sunday school, to do the right thing for my neighbor. It doesn’t detract from that love to speak up, to speak my heart, to speak my mind.

Senator Elizabeth Warren stood up speaking the words of Coretta Scott King, the mother of the man who is going to get millions of Americans to relegitimize this institution for her to speak her mind, especially when those issues are at the core of our Constitution.

Take voting rights. I don’t have the authenticity to speak on voting rights that someone like John Lewis has. But I have watched what is happening in my country—all this talk coming from the highest office in the land about voting fraud. The chances of encountering voter fraud in this Nation is about the chances of getting struck by lightning. You might even have a better chance of going and playing the lottery tonight and winning than in encountering voter fraud. But the real issue is voter suppression.

Now, I am not just saying that as a partisan spoiling. I am actually referring to actual judicial inquiries of the Federal Government. In the State of North Carolina, as soon as the Shelby decision knocked the ball out of the park, theโกต got dry, States like North Carolina, Texas, and others started to change their voting laws. It is hard to do things in the cover of night without the power to investigate what actually happened. A Federal judge saw in North Carolina, and said that they were discriminating against African Americans, that they had tailored this law—I think the quote exactly is—with surgical precision to discriminate against African American voters. This is not fiction. These are the facts.

There are still people in this country in positions of power who are seeking to pervert the law to discriminate against certain populations and advantage themselves politically. It is not just cheaters. But it is clearly discriminatory in this case on race.

Now, if we know that is going on, John Lewis, myself, millions of Americans—Republicans and Independents believe that we should investigate these things. But the problem is we now have someone that is nominated to the very office, the Justice Department, who has said that the action surrounding voting rights to investigate these infractions is structure. This is at a time when we still have issues with voting where States are moving not to open up the access to voting, not to make it easier, not to make it more free and fair. There are folks who are trying to create laws that are choking it, and some of these laws factually have been designed to disadvantage certain populations.

The highest law enforcement officer in the land has an obligation to aggressively investigate potential violations of law. But we have listened to what the priorities are of Senator Sessions. It is not to investigate what is real, what is substantive, what has happened and likely will happen. It is to investigate the fiction created, documented, that somehow millions of Americans woke up in the morning and said: Do you know what I am going to try to do? I am going down to a polling place and fake my way into voting. It is not to get millions of Americans to pervert the law to discriminate against certain populations and advantage themselves politically.

I will not be silent on this issue. I am here and we are here because people fought to stop violations of voting. We as Americans should have confidence that the highest law enforcement officer in the land won’t criticize any efforts on voter suppression but will actually work to do something about it.

Something else that was spoken about in John Lewis’s testimony that is a real issue in America and this has to do with the prevalence in this country of ongoing hate crimes. Senator Sessions, as a Senator, again in a body in which one Senator does not have the power to pass legislation, failed to stand with the majority of Senators when it came to issues of laws that were designed for dealing with bias-motivated crimes that target specifically people’s sexual orientation and gender identity.

There was a specific law, the Matthew Shepard and James Byrd, Jr., law. These are two Americans who were targeted because of their respective sexual orientation and race of Senator Sessions’ comments at the time were that this law would “cheapen the Civil Rights Movement.”

You have in the testimony a civil rights hero talking about the challenges facing the LGBTQ community, a civil rights hero who is joined with me and others, decrying the fact that in this country right now you may have
the right to marriage equality, but still in most States in America if you get married, you post it on your Facebook page, you go to work the next day, your boss says you are fired because you got married to someone of the same sex, and there is no legal recourse.

Senator Sessions on same-sex marriage even went as far as to say it is not disputable that adopting a same-sex marriage culture undermines and weakens marriage. I don’t even know what to say about a same-sex marriage culture. I would never question that love and that bond between two Americans that now is the law of the land.

I don’t know what it means to someone when they criticize a law that is going to work against violence. Please understand, this violence is not a rare thing like in-person voter fraud. We know that today still too many lesbian, gay, bisexual, and transgender Americans feel unsafe in their communities. A percentage of gay and lesbian children report missing school because of fear.

The data from the National Coalition of Anti-Violence Programs shows that 20 to 21 percent—about one in five—of lesbian, gay, bisexual, and transgender children have experienced hate crimes and that LGBT Americans of color are particularly at risk. Often those hate crimes are utterly tragic.

In 1998, Matthew Shepard was a 21-year-old student at the University of Wyoming. He went to the bar that evening, like many 21-year-olds do. Two men offered him a ride home, and he accepted. Instead of bringing him home, they brought him out into a field. They taunted him with epithets, hatred directed at him because he was gay, and then they beat him savagely and left him for dead.

This is what one of our Nation’s magazines, Vanity Fair, wrote:"A passerby told us what he thought was scarecrows lashed to a wooden fence on a remote plot of land. The scarecrow turned out to be Matthew, unconscious, a huge gash in his head, his face drenched with blood, except where his tear trails had washed it clean. His shoes were missing."

After police questioning, Aaron McKinney confessed that he and his friend Russell Henderson had met Matthew at the Fireside Bar & Lounge on Tuesday night and posed as gay to lure him into their truck. Then they drove him to an out-of-the-way location, bound him to a fence, pistol-whipped him, and taunted him while he begged for his life. Then they banded the gentle five-foot-two, 105-pound freshman to hang there for 18 hours, losing blood as the temperature dropped.

That same year, James Byrd, Jr., a 49-year-old African-American man, was walking home from his parents’ house in Texas when he was also offered a ride home. They didn’t bring him home either. They brought him to the middle of the woods where he was beaten and then chained to a pickup truck and dragged along the road for 2 miles. He had been targeted by three White supremacists.

The Acting Assistant Attorney General for the Civil Rights Division at the Department of Justice Jocelyn Samuels wrote the following in 2013: But while the men responsible for the Shepard and Byrd killings were later convicted of murder, none of them were prosecuted for committing a hate crime.

In 1996, neither Wyoming nor Texas had hate crime laws, and existing Federal hate crime protections did not include violent acts based on the victim’s sexual orientation and only very rarely covered those engaged in a federally protected activity, such as voting or attending school. Four years ago today, President Barack Obama signed the Matthew Shepard and James Byrd, Jr. Hate Crime Prevention Act. This landmark legislation, championed by the late Senator Ted Kennedy, greatly expanded the Federal Government’s ability to prosecute hate crimes. The law enables the Justice Department to prosecute crimes motivated by race, color, religion, national origin, gender, sexual orientation, gender identity, gender or disability as hate crimes. The law also marked the first time that the words “lesbian, gay, bisexual, and transgender” appeared in the U.S. Code. Under the leadership of Attorney General Holder, the Criminal Section of Civil Rights Division and U.S. attorney’s offices around the country have used that law to address the most serious hate crimes. Over the last 4 years, 44 people in 16 States have been convicted under the Shepard-Byrd Act for their discrimination in crimes against others on the basis of race, religion, national origin, sexual orientation, gender identity or disability.

This is what we expect from the Department of Justice crimes against gays, lesbians, bisexuals, and transgenders are tragically common in this country. Discrimination, hate, and violence are not rare in this community. It is real. It is a scourge. It must be stopped, and the highest law enforcement officer in the land must follow the Federal law, must see it as a priority, must see it as an urgency, must use their prosecutorial discretion to put resources toward those prosecutions.

So when Civil Rights leaders like John Lewis understand the truth that the Civil Rights Movement wasn’t about Black people, it was about American people. It was about justice for all, it was about freedom from violence for all. It was about equal rights for all. Most of all, that he cannot be silent when someone is discriminated against because of how they pray or how they love.

None of us can be silent if we believe in those words: liberty and justice for all. At the same time, this is a real problem, we should trust that the highest law enforcement officer would do something about it, would vigorously and seriously defend and fight against the kind of horrific crimes that are still being perpetrated in America. That is not all.

We see that in his testimony. We see that Jeff Sessions spoke at length about this idea of law and order. I respect that idea of law and order, but the call of our country isn’t law and order. We have seen totalitarian States. We have seen dictatorships. We have seen all kinds of people that restrained freedoms and liberties, found the repression and oppression. We found that law and order can be established in many ways. This country was founded with a higher ideal to pursue: It is what has called so many Americans forth in pursuit of this high ideal.

It is not just law and order. It is the pursuit of justice. It is an understanding that as King said, “Injustice anywhere is a threat to justice everywhere.” One of those fundamental principles of justice is this idea of equal protection under the law.

The Attorney General has an obligation to pursue this idea of equal justice. I used to be a mayor. In the city in which I still live, in Newark, NJ, we were always looking to fight crime, and we knew lowering crime didn’t just have to do with police. Sometimes police are busily working on the symptoms of the deeper problems, and we as a society have to address them. That is why drug treatment is such a critical way of delivering justice and fighting crime. That is why programs that help people coming home help to lower crime. That is why mental health care is so important for fighting crime, but you cannot take it away from any American.

The truth is there is so much of a need to celebrate our law enforcement in this country. I have watched law enforcement officers do acts of heroism and courage that shows they are worthy of the highest celebrations, and so many Americans don’t know. They don’t understand that so many law enforcement officers every single day risk danger, and our law enforcement officers should be lauded for these great women and men who, every single day, are out in our communities enacting difficult circumstances.

I still remember my police director—one time he was on the phone. There was an awful hostage situation, and we were discussing how to deal with it. Someone on the phone I heard gun shots go off, and suddenly in the background I heard officers yelling, “Go, go, go, go!” These officers, hearing bullets firing, had no situational awareness whatsoever and stormed into that building. We were Shocking...
officers, I commend JEFF SESSIONS for talking about how important our police officers are, but understand that it does not diminish our respect and our love and our admiration and our gratitude toward police officers, toward law enforcement in this country. I ask that we move forward with systems of accountability, that we are holding law enforcement officers to the highest levels of professional conduct. There is not an officer I know that has any problem with that.

This is what concerns me: We know in this country that we have challenges with an equal application of the law. One recent study from researchers at the University of Louisville and the University of South Carolina documented that unarmed Black men were shot and killed in 2015 at disproportionately higher rates. We have seen other challenges with poor communities and African-American communities having unjust usage of the law directed toward them. In Ferguson, MO, where the city’s law enforcement practices disproportionately impacted African Americans. It was the Justice Department that investigated the Ferguson Police Department and found that it was problematic to me because it is a failure to understand the larger challenges that we confront in America: This is not something; it is just a few bad officers. And even that construction of this idea that it is somehow bad officers versus good officers—when it comes to implicit racial bias, and how it is impacting law enforcement in America, sometimes people don’t even feel comfortable with those terms, “implicit racial bias,” as if it is somehow calling people racist, which it is not. It is actually this idea that we, as the highest law enforcement officer speaks with clarity about the urgency and the need to address this issue within American policing. He says that, unfortunately, in places like Ferguson and New York City and in some communities around this Nation, there is a disconnect between police agencies and many citizens, predominantly in communities of color. Serious debates are taking place about how law enforcement personnel relate to the communities they serve.

Director Comey in a speech he gave:

Serious debates are taking place about how law enforcement personnel relate to the communities they serve, about the appropriate uses of force, and about real and perceived biases, both within and outside of law enforcement. These are important debates...
these communities have a right to be upset because the policing practices do reflect bias, and there is not an equal application of the law. If we are to breathe understanding and cooperation—trust me, I know this—to lead to even more effective policing, the federal government must recognize the importance of community participations, we need to get the data out there. But we now have someone who is nominated to the highest law enforcement office in the land who has criticized this kind of work during a time over the last few years that we have seen cities erupting in protests. We have seen the call of hundreds of thousands, if not millions, of people trying to talk about Black Lives Matter, at a time when people are questioning law enforcement. What Director Comey and others are saying is: Let’s get to the bottom of this. Let’s not talk from sentiments or feelings; let’s talk from experience and data.

So Senator Sessions’ views on this are directly and run contrary to where criminal justice reform is moving. They are in direct conflict with the people whom his office obliges itself to serve. Given what he has said on the record, we can only hope that he realizes that the issue of policing will be a priority if he is heading the Justice Department. In fact, we actually, with some certainty, can be confident that the Justice Department will not do this kind of aggressive data collection to understand the facts—the kind of work the FBI Director is calling for.

But it is not just the FBI Director. Listen to a letter from a group of over 160 law enforcement officials that was sent to the Senate about the need for comprehensive criminal justice reform. They write:

As current and former leaders of the law enforcement community—police chiefs, U.S. Attorneys, federal law enforcement, and heads of enforcement agencies—we believe that protecting public safety is a vital goal. Our experience has shown us that the country can reduce crime while also protecting those who are arrested, prosecuted, and incarcerated. We believe the Sentencing Reform and Corrections Act will accomplish this goal and respectfully urge you to support it. We appreciate your leadership on and concerns for the important criminal justice issues facing the country today.

Our group, Law Enforcement Leaders to Reduce Crime and Incarceration, unites more than 160 current and former police chiefs, district attorneys, U.S. Attorneys, and attorneys general from all 50 states. Our mission is to replace ineffective police policies with new solutions that both reduce crime and incarceration. To achieve this goal, we focus on four policy priorities—one of which is reforming mandatory minimum sentences.

Let me pause there for a second. The wisdom in law enforcement now understands that you have to build faith and legitimacy in a department, and you do that through police-community relations. Law enforcement officers know that data collection is important.

When I was mayor of Newark, we made CompStat stronger and better—analysis of crime patterns and data. We use it to more effectively fight crime. But at a time of heightened suspicion and concern, at a time when leaders are talking about the reality of implicit racial bias, the highest law enforcement officer in the land should not be reinforcing criminal justice reform. But it is not just in policing; it is also in how we are looking at overall criminal justice reform.

In the United States of America, we have seen now that our criminal justice system at the Federal level has grown close to 800 percent, costing us as taxpayers billions and billions of dollars to lock up nonviolent offenders. We are disproportionately with the rest of planet Earth. We only have 4 to 5 percent of planet Earth’s population, but one out of every four imprisoned people on the planet Earth is right here in the United States of America.

Do not tell me that when it comes to human beings on the planet Earth, Americans have a greater proclivity for criminality. That is just not true. Yet our so-called War on Drugs took us from being on par with the rest of planet Earth and suddenly shot us up with 800 percent in Federal crime rate—500 percent overall in our Nation in throwing people in jail. This is disproportionately overwhelmingly nonviolent people.

This drug war, incontrovertibly, has been perpetrated on the poor. Drug laws are not equally enforced in this country, leading one great legal mind in our country, Bryan Stevenson, to say: We have a nation that seems to sometimes treat you better if you are rich and guilty than poor and innocent.

Well, let me tell you, in America, if you just use the lens of race, there is no difference between Blacks and Whites for using drugs or dealing drugs—none whatsoever. But if you are African American, you are about 3.7 times more likely to be arrested for the same offense for doing things that past Presidents have admitted to doing, but you have a mandatory minimum charge thrown at you that you either plead guilty or we are going to take you in for 5 years or more.

Well, our law tried to do the obvious: Lower these mandatory minimums. Stop wasting taxpayer money for putting nonviolent criminals in jail for extraordinary long sentences.

I was just at a Federal prison in New Jersey. I had the warden walking with me, telling me: There are people in here way too long. They are not a danger, but we are paying tens of thousands of dollars a year to lock them up. Meanwhile, our kids can’t get money for public schools. We can’t get money for fixing our roads.

What is beautiful about this issue amidst all of the negativity that I am expressing is that there is a bipartisan movement of Americans from Grover Norquist, to Newt Gingrich, to the Koch brothers, Heritage Foundation, the American Enterprise Institute—these are all folks on the right—who believe we need to reform our criminal justice laws, joining with people like屁股, to Grover Norquist, to Newt Gingrich, to the Koch brothers, Heritage Foundation, the American Enterprise Institute—these are all folks on the right—who believe we need to reform our criminal justice laws, joining with people like Carly Fiorina, to Newt Gingrich, to the Koch brothers, Heritage Foundation, the American Enterprise Institute—these are all folks on the right—who believe we need to reform our criminal justice laws.
I want to read from one of our great Americans, a man named Learned Hand. Judge Learned Hand wrote a speech called the “Spirit of Liberty.” He hand-delivered the speech during World War II to 1.5 million people. It had a profound effect on naturalized citizens there. He spoke to first-generation Americans and folks who could have traced their lineage far, far back.

He writes:

We have gathered here to affirm a faith, a faith in a common purpose, a common conviction, a common devotion.

Some of us have chosen America as the land of our choice, having come from those who did the same. For this reason, we have some right to consider ourselves a picked group, a group of those who recognize the vast effort and courage to break from the past and brave the dangers and the loneliness of a strange land. What was the object that nourished us, or those who went before us, to this choice? We sought liberty—freedom from oppression, freedom from want, freedom to be ourselves. This then we sought; this we now believe that we are by way of winning.

What do we mean when we say that first of all we seek liberty? I often wonder whether we do not rest our hopes too much upon constitutions, upon laws, upon the courts. These are false hopes; believe me, these are false hopes.

Liberty lies in the hearts of men and women; when it dies there, no constitution, no law, no court can save it; no constitution, no law, no committee can rescue the American people from the Government which it has created.

And what is this liberty which must lie in the hearts of men and women? It is not the ruthless, the unbridled will; it is not freedom to do as one likes. That is the denial of liberty, and leads straight to its overthrow. A society in which men recognize no check upon their freedom soon becomes a society where freedom is the possession of only a savage few, as we have learned to our sorrow. What then is the spirit of liberty? I cannot define it; I can only tell you my own faith. The spirit of liberty is the spirit which is able to suspend all rights—except as the conscience and courage of America requires, which is never too sure that it is right; the spirit of liberty is the spirit which seeks to understand the minds of other men and women; the spirit of liberty is the spirit which is worried as it asks and its own rights, and without bias; the spirit of liberty remembers that not even a sparrow falls to Earth unheeded; the spirit of liberty is the spirit of him who, near two thousand years ago, taught mankind that lessons it has never learned, but has never quite forgotten—that there may be a kingdom where the least shall be heard and considered side-by-side with the greatest.

And now in that spirit, that spirit of an American which is strong and thrives, and which may never be—nay, which never will be except as the conscience and courage of Americans create it—yet in the spirit of America which lies hidden in every form in the aspirations of us all; in the spirit of that America for which our young men are this moment fighting and dying; in that spirit of liberty which is whole and safe, and contented, we shall have failed to grasp its meaning, and shall have been untrue to its promise, except as we strive to make it a signal, a beacon, a bond, in which the best hopes of mankind will ever turn; in confidence that you share that belief, I now ask you to raise your hands and repeat with me this pledge.

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

It is this spirit that, to me, must be embodied in our country. We still have work to do. We still have challenges. We still have unfinished business. We have a worthy Attorney General because there is still injustice. It is not just the fact that we still have crime in communities, still have people who live in fear of violence. That is a reality. But there are also people who live in fear of hatred and discrimination. There are people who often don't have people at the local level to go to, and only the Federal Government can play that role of student actor for justice.

There are still people who, for all these years, have their basic American freedoms—like their right to vote—being undermined, where people in power are trying to craft ways to discourage, to stop them from exercising their franchise, with legislation in which people are striving for justice.

I am proud of the voices we have heard tonight. I am proud of my colleague ELIZABETH WARREN, who felt the need to stand up and tell the truth. I am proud of heroes like JOHN LEWIS who testified and told his truth. I realize that the hour is late, but the Senator from Hawaii is now here.

I oppose the nomination of JEFF SESSIONS and will vote no on the floor, and I hope my colleagues will join me in doing so as well.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. COTTON). The Senator from Hawaii.

Mr. SCHATZ. Mr. President, I am an institutionalist. I believe in this place. I love this place. People don't always like the rules or how they are interpreted, how they are administered, but the rules have historically differentiated the Senate from any other legislative body in the world, and I believe in that.

But what Senator SESSIONS did earlier tonight was not over the line. And here is the problem. Rule XIX, which says that “No Senator in debate shall . . . impute to another Senator . . . any conduct or motive unworthy or unbecoming a Senator.”

And let's be really clear here. This would not be a problem if Senator Sessions were not a Senator.

In other words, anytime a Senator is nominated for a Cabinet position, you can be as positive as you want, but if you go to be an Attorney General, who has been nominated as we have been on Rex Tillerson or Betsy DeVos, you run the risk of breaking the rules.

Now let's pause a moment to understand how divorced from reality this is. The rule was not invoked when the next Attorney General, ELIZABETH WARREN crossed an invisible line, and a rule almost never used was invoked.

And the rule was not invoked when somebody called another Member a liar.

Now, this is ridiculous, but it is actually not the main point. Here is the
The failure of reform impacts the lives of people who are hurt by unfair and outdated sentencing rules. It especially affects the families and communities of color who have been ravaged by the overincarceration of minorities. The failure of the 2015 reforms imposed on Black men in the Federal system are almost 20 percent longer than sentences imposed on White men with similar crimes. Think about that—the same crime, and you get 20 percent more time if you are African American. And while people of color are just as likely as White people to sell or use illegal drugs, they are more likely to be arrested. Think about how preposterous that is—equal for justice for all, equal application of the laws, right?

People of color and Caucasians use drugs and distribute drugs in the same percentages, yet they are more likely to be arrested. African Americans make up 14 percent of regular drug users but 37 percent of people arrested for drug offenses. This raises the question of bias in law enforcement. Senator Sessions opposes holding State and local law enforcement accountable for racial bias and policing or the excessive use of force. He has called the approach the Justice Department took to this accountability an end run of the democratic process. He has attacked bipartisan efforts to reduce sentences of nonviolent, low-level drug offenders, and he opposed President Obama's initiative to address racial disparities in our criminal justice system and restore fairness by granting clemency. Senator Sessions' position is critical of a Justice Department initiative that reduced overcrowding in Federal prisons by 20 percent over just the last 3 years.

Senator Sessions' views on drug policy may be more even out of the mainstream. He has been one of the most outspoken advocates against the legalization of marijuana, both recreational and medicinal. In an April 2016 hearing, he suggested that the Federal Government must send the message that "good people don't smoke marijuana." This is 2016. This isn't 1975. This is 2016. Our Attorney General nominee says "good people don't smoke marijuana." Tell that to the cancer victim. Tell that to my good friend John Radcliffe, who has stage 4 liver and colon cancer.

Senator Sessions supports aggressive Federal intervention in States that have legalized medical or recreational marijuana. He criticized the Federal Government's guidance on Federal marijuana regulation, which directed the Justice Department to review its decisions to determine their own criminal laws. Because of this guidance, Federal prosecutors stopped targeting patients who rely on medical marijuana products for relief. The ACLU reports that sentencings for marijuana offenses have already been considerably relaxed.
against the reauthorization of the Violence Against Women Act because of a provision that ensures that victims of domestic violence are not turned away because of their sexual orientation or gender identity. That is why he voted against VAWA, because there is a provision that you have to provide services to individuals regardless of their sexual identity. He advocated for stripping that provision and ultimately voted against the bill. As Attorney General, he could choose not to enforce this provision under the law?

Senator Sessions has repeatedly opposed hate crimes protections against LGBTQ Americans, even attempting to insert a poison pill amendment to stop the Matthew Shepard and James Byrd, Jr., Hate Crimes Prevention Act from moving forward. He argued against Federal prosecution of hate crimes, saying on the Senate floor that there is no need for the Justice Department to get involved. As Attorney General, Mr. Sessions would be in charge of enforcing hate crimes. It is not a stretch to ask whether or not his enforcement would be vigorous. In fact, Senator Sessions has repeatedly supported laws that criminalize the LGBTQ community. In the 1990s, he tried to block an LGBTQ student conference for. . . .

He argued against a conference for kids to give each other support and come up with strategies to survive bullying, to understand that what they are going through other kids are going through, arguing that it promoted a lifestyle prohibited by sodomy and sexual misconduct laws.” He argued against a conference for kids to give each other support and come up with strategies to survive bullying, to understand that what they are going through other kids are going through, arguing that it promoted a lifestyle prohibited by sodomy and sexual misconduct laws. He sharply criticized the legal decision that put a rightful end to criminalization of same-sex relationships.

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Let's be honest. Our right to vote is being restricted. It is being restricted even though the United States has some of the lowest voter turnout of any developed democracy on the planet, and it is being restricted based on a lie. There is no voter fraud. Voter fraud is not the problem, and disenfranchisement is the problem. I talked with a buddy of mine back home who was watching FOX News and he was watching MSNBC, and he said: Democrats are saying there is voter fraud. Republicans are saying there is voter fraud, and I don't know what to believe. Well, here are the facts. There is a vanishingly small amount of voter fraud. You are more likely to be struck by lightning than to be convicted of voter fraud. This is a made-up problem. Why would you make up a problem such as this? Because it gives you a context and a pretext to do the systematic dismantling of voting rights. This is happening in Wisconsin, and this is happening all over the country.

The final policy area I would like to raise is women's rights. The nominee's record is very clear on these issues. He opposed the Lilly Ledbetter Fair Pay Act, which lifts the legal restrictions for people who may have faced pay discrimination. That, in itself, is extraordinary, because Lilly Ledbetter is from Senator SESSIONS' home State. She worked in a factory in Alabama for 20 years, and then one day someone slipped her an anonymous note—what a story. Someone slipped her an anonymous note that said: You are paid way less than everyone else in this same job.

But when Ms. Ledbetter tried to address the pay disparities, she hit a brick wall and at every turn. When she turned to the justice system for help, she found that the laws had statutes of limitations that kept her from getting the money they owed her for years and years, working side by side with men, doing the same job, and getting paid less in that factory. The Lilly Ledbetter Fair Pay Act changes that. It makes it so that if women find themselves in an ugly, unequal pay structure, just as Ms. Ledbetter did—and we all know people, such as sisters, wives, children, and mothers who have a suspicion they are pretty much doing the same thing to them, in a blue collar setting, a blue collar setting, a blue collar setting, a blue collar setting, or a clerical setting. This is not impossible to decipher when you have the same job description.

Just as Ms. Ledbetter did, they can do something about it.

Senator SESSIONS voted against that law. He also voted against another equal pay bill called the Paycheck Fairness Act, which would go even further and try to close the gender wage gap. On women's health, his record is similarly troubling. He has opposed funding for Title X, which would ensure that low-income women have access to contraception, breast cancer screening, and other health services. He has voted time and again to defund Planned Parenthood, an organization that provides health care to some of the most underserved women across the country. Finally, Senator SESSIONS voted against the Violence Against Women Act, not once but three times.

Senator SESSIONS' voting record should concern everyone who cares about fair pay, reproductive rights, access to health care, and access to services for survivors of domestic violence. The last policy area I want to highlight is our environment and climate change. Just 2 years ago, the nominee voted for a resolution that would kill the Clean Power Plan. He also voted for a bill that would deny protections for streams that are the water source for hundreds of millions of Americans.

This is bad news for the world's race to address climate change, which is one of the biggest civil rights battles of our time. This isn't just a battle against fossil fuels. It is a battle to save the air we breathe and the water we drink. It is a battle to save the land we live on. It is a battle for things that we take for granted.

I worry that under an Attorney General Sessions, we are going to have a hard time. That is because even if we really don't have great laws on climate—and we don't—we are being rolled back as we speak. Even if Senator Sessions is picked to stand in front of the line on those laws, he still has the ability to prioritize certain things over others. So it is not just his policies that we need to consider. It is also his priorities.

Every AG makes decisions about what problems the Justice Department should move to the front of the line. I have seen lots of reports that leave me wondering if Senator SESSIONS' priorities might be misguided. The Washington Post wrote a piece about Senator SESSIONS' confirmation process, and I wish to read a section of it now. "I care about civil rights," Sessions said. "I care about voting rights." Sessions has cited his record as evidence.

In 2009, he said he'd been involved in 20 or 30 desegregation cases as a prosecutor, and this year, he told the Judiciary Committee that four civil rights cases were among the 10 most important cases on in his career. Some committee members were skeptical.

Democratic Sen. Al Franken of Minnesota said Tuesday that Sessions had "devoted his role in the anti-segregation litigation. This is an area where the administration's priorities are clearly going to matter. The number of anti-discrimination and voting-rights cases brought by the Justice Department civil rights division dropped sharply under President George W. Bush compared with his predecessor, Bill Clinton. The Voting Rights Act recently moved closer to Sessions' personal beliefs. When a 2013 Supreme Court ruling weakened the law, Sessions called it "good news ... for the South." On Tuesday, Sessions called the act "intrusive."
So what does this write-up say about what priorities an Attorney General Sessions might choose? Well, to me, it says that voting rights are going to be dealt a bigger blow than we have seen in the past few years. Again, we come back to the feeling being extreme. Senator Sessions’ priorities and his policy views are not in the mainstream for the Justice Department.

I don’t think the American people are comfortable with letting politics about two data. I don’t think they are comfortable with looking at the history and our commitment to democracy. So why are we comfortable with this nomination?

The final area I want to touch on is Senator Sessions’ philosophy. The Washington Post published a news article about a week ago that looks at the Executive orders we have seen out of this White House. It is called “Trump’s hard-line actions have an intellectual godfather in Senator Sessions.” It would like to read a few excerpts from the article.

In jagged black strokes, President Trump’s signature was scrawled onto a catalogue of executive orders that past 10 days that translated the hardline promises of his campaign into the policies of his government. The directives bore Trump’s name, but another man’s fingerprints were all over nearly all of them: Jeff Sessions.

The early days of the Trump presidency have rushed a nationalist agenda long on the fringe to life into action. In Session’s White House, the quiet Alabamian who long cultivated those ideas as a Senate backbencher, has become a singular power in this new Washington. Sessions’ ideology is driven by a visceral aversion to what he calls “soulless globalization,” a term used on the extreme right to convey a perceived threat to the United States from free trade, international alliances and the immigration of nonwhites.

And despite many reservations among Republicans about that world view, Sessions—whose vetting for a federal judgeship was doomed by accusations of racism that he denied—is finding little resistance in Congress to his proposed role as Trump’s attorney general.

Sessions’ nomination is scheduled to be voted on Tuesday by the Senate Judiciary Committee, but his influence in the administration stretches far beyond the Justice Department.

From immigration and health care to national security and trade, Sessions is the intellectual godfather of the President’s policies. His reach extends throughout the White House with his aides and allies accelerating the president’s most dramatic moves, including the ban on refugees and citizens from seven mostly Muslim nations that has triggered fear around the globe.

The tactical way Trump’s agenda into law is deputy chief of staff Rick Dearborn, Sessions’ long time chief of staff in the Senate. The mastermind behind Trump’s incendiary brand of populism is chief strategist Stephen K. Bannon, who, as chairman of the Breitbart website, promoted Sessions for years.

Here’s a quote from Bannon:

Throughout the campaign, Sessions has been the fiercest, most dedicated, and most loyal organizer in Congress of Trump’s agenda, and has played a critical role as the clearinghouse and philosopher to undergird the implementation of that agenda.

Sessions helped devise the President’s first-week strategy, in which Trump signed a blizzard of Executive orders that begin to fulfill his signature campaign promises—although not always going as fast or even faster. The senator lobbied for a “shock and awe” period of executive action that would rattle Congress.

“I think we got that—impress Trump’s base—,”

And campaign strategy.

“I don’t know about that—according to the two officials involved in the transition plan.

Trump opted for a slightly slower pace, these officials said, because he wanted to maximize news coverage by spreading out his directives over several weeks. Trump makes his own decisions, but Sessions was one of the key lawmakers who shared his impulses.

There are limits to Sessions’ influence, however. He has not persuaded Trump—so far, at least—to eliminate the Deferred Action for Childhood Arrivals program, under which children illegally brought to the United States as children illegally are allowed to stay in the country. Sessions became a daily presence at Trump Tower in New York, mapping out the policy agenda and Orwellian agendas...

Once former New York mayor Rudy Giuliani was out of consideration for secretary of state, Trump considered nominating Sessions because he was trusted by the inner circle, including Kushner, although Sessions’ preference was to be attorney general, according to people familiar with the talks.

Since his nomination, Sessions has been careful to not be formally involved even as his ideas animate the White House. In a statement on Thursday, he denied that he had made the “communications” with his former advisers or reviewed the executive orders.

“I have no reason to doubt that he established a proper distance while he was the nominee.”

Sessions has installed close allies throughout the administration. He persuaded Cliff Sims, a friend and adviser, to sell his Alabama media outlet and take a job directing communications. He persuaded Peter Navarro, an economist and friend with whom he coauthored an op-ed last fall warning against the “rabbit hole of globalization,” as director of the National Trade Council.

John Weaver, a veteran GOP strategist who was a consultant on Sessions’ first Senate campaign and is now a Trump critic, said that Sessions is at the pinnacle of power because he shares Trump’s “1940s view of Fortress America.”

“That’s something you would find in an Allen Drury novel,” Weaver said. “Unfortunately, there are real consequences to this, which are draconian views on immigration and trade, and a vision of the world as a pharaoh and oversee the lands of Egypt. This week, John Yoo said coming out that he thinks this President has taken Executive power too far. John Yoo is saying that—not SHELDON WHITEHOUSE, not the ACLU; John Yoo from George W. Bush’s administration. If that is what John Yoo is saying, then we should all be worried.”

Think of what the President might do with an Attorney General who shares his philosophy on immigration, minority communities, gay Americans, voting rights, and women’s rights.

The NAACP has pulled together a list of facts about the Senator that further flushes out this philosophy, and it is deeply concerning.

In July 2015, during the confirmation hearing of a district court nominee from Maryland, Sessions made the nominee answer for being a civil rights lawyer, and invoked Freddie Gray, the teenager unlawfully arrested and killed by Baltimore police in 2015, as a client inappropriate for a lawyer nominated to the bench:

“Can you assure the police officers in Baltimore and all over Maryland that might be brought before your court, that they’ll get a standing Executive power as more expansiveness than it had ever been understood before—this week, John Yoo came out saying that he thinks this President has taken Executive power too far. John Yoo is saying that—not SHELDON WHITEHOUSE, not the ACLU; John Yoo from George W. Bush’s administration. If that is what John Yoo is saying, then we should all be worried.”

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“Can you assure the police officers in Baltimore and all over Maryland that might be brought before your court, that they’ll get a standing Executive power as more expansive than it had ever been understood before—this week, John Yoo came out saying that he thinks this President has taken Executive power too far. John Yoo is saying that—not SHELDON WHITEHOUSE, not the ACLU; John Yoo from George W. Bush’s administration. If that is what John Yoo is saying, then we should all be worried.”

Think of what the President might do with an Attorney General who shares his philosophy on immigration, minority communities, gay Americans, voting rights, and women’s rights.

The NAACP has pulled together a list of facts about the Senator that further flushes out this philosophy, and it is deeply concerning.
In December 2018, Sessions took to the Senate floor to rally against judicial nominees who have what he calls “ACLU DNA” or the “ACLU chromosome.” The ACLU “seeks to destroy the law as the American people see it,” he said, “and has taken positions far to the left of mainstream American values.”

Millions of people have mixed feelings about the ACLU. Sometimes I have mixed feelings about the ACLU. But remember what happened when this Executive order was issued: It was the ACLU that took them to court to protect every American’s civil liberties, and they were the ones who won in court right away. So I say that we need to have special respect for the lawyers who protect our civil liberties.

These events should give us all pause because there are long-standing groups like the NAACP and the ACLU with the mission of the Justice Department, and now we may have an Attorney General who has, at least in some cases, the ACLU chromosome.

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I want to end by making something very clear: We can respect Senator Sessions as a colleague while still believing that his policies, his priorities, and his philosophy are too extreme for the Justice Department. And there are too many issues that this country cares about to confirm him as Attorney General.

If you believe about criminal justice reform, if you care about seeing fewer people go to jail for petty crimes, if you care about directing fewer taxpayer dollars to the prison industry, then you have to be opposed to this nomination.

If you care about criminal justice reform, if you care about seeing fewer people go to jail for petty crimes, if you care about directing fewer taxpayer dollars to the prison industry, then you have to be opposed to this nomination.

If you care about the LGBT community, if you believe that people shouldn’t be discriminated against or punished because of whom they love; if you believe that people, regardless of their identity, should be able to get married or wear our Nation’s finest uniform, then you have to be opposed.

If you care about immigration: if you believe in immigration; if you are a business owner who wants to hire the best and brightest talent; if you believe that families who came to this country to pursue the American dream; if you are a person of faith who believes in caring for those who suffer, for the stranger in our midst, if you care about children’s rights; if you believe that women are not to be punished because of whom they love, if you believe they should be paid the same for doing the same job, then you have to be opposed.

If you care about women’s rights; if you believe that women are not to be treated like second-class citizens, if you believe that our daughters are just as capable as our sons and that they have the right to make their own decisions about their own health care; if you believe they are capable of doing the same job, then you have to be opposed.

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If you care about our democracy: if you want people to raise their voices and take part in shaping the future of our country; if you are dismayed to know that millions of people are being prevented from voting not because they aren’t eligible but because of senseless laws that restrict their rights, then you have to oppose this nomination.

If you care about our democracy: if you want people to raise their voices and take part in shaping the future of our country; if you are dismayed to know that millions of people are being prevented from voting not because they aren’t eligible but because of senseless laws that restrict their rights, then you have to oppose this nomination.

The Senate must stand up for civil rights, for voting rights, for women’s rights, for immigrants’ rights, and that means we must vote no on Jeff Sessions for Attorney General.

I urge my colleagues to join me in opposing this nomination. I yield the floor.

I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

APPOINTMENTS

The Chair announces, on behalf of the majority leader, pursuant to the provisions of Public Law 98–541, as amended by the appropriate provisions of Public Law 102–246, and in consultation with the Democratic leader, the reappointment of the following individuals to serve as members of the Library of Congress Trust Fund Board for a 5-year term: Christopher D. James of New York and Kathleen Casey of Virginia.

Mr. COTTON. Mr. President, I have to admit that this is a bittersweet moment for me. I come here tonight to explain how my support of Mr. Sessions’ nomination to be the next Attorney General of the United States. It is a high honor, and the nominee is more than worthy. The truth is, I will be sad to see him go.

In all the time I have known Senator Sessions, I have found him to be a consummate gentleman. We actually met before I entered the Senate. It was in 2013. I was serving in the House of Representatives—a first-term Congressman. Senator Sessions, of course, was my junior in both age and rank. Yet he reached out to me humbly to discuss a hot topic—immigration. Back then, there was an effort afoot to force the Senate to vote on the immigration bill the American people clearly did not want. So the two of us worked together to stop it, and I am glad to say we were successful.

Took away more from that experience than an appreciation of the Senator’s legislative skills. I got a sense of his character: how he saw the world, what he believed, and why. If I had to sum it up, I would say this is a man who loves the law and has spent decades doing all he could.

Senator Sessions knows the law shouldn’t be the spider’s web of old, which catches the weak but cannot constrain the mighty. It is supposed to uphold the entire community so all Americans can thrive. What we have is a legal system that at its best strives to be a justice system.

I think if you look at Senator Sessions’ career, you can see the same qualities represented by the balance, the blindfold, and the sword of Lady Justice. First, like the balance, he has a judicious mind—honed over his 12 years as U.S. attorney and his 2 years as attorney general of the State of Alabama. He evaluates the evidence carefully and comes to a well-considered
conclusion. I would argue it is this very approach that led him to advocate for an immigration system that works for working Americans. I have every confidence, as our top law enforcement officer, he will keep the interests of American citizens uppermost in his mind.

Second, like the blindfold, he is impartial and fair-minded. I think of the fair sentencing law he passed, with bipartisan support, to bring harsh penalties that fell disproportionately on African Americans more in line with the kinds of penalties that fall on other criminals. I also think of his work on behalf of a more equitable distribution of funding for HIV-AIDS patients. Just as Senator Sessions strove to represent the interests of all Alabamians, I think Attorney General Sessions will strive to uphold the rights of all Americans.

Third, like the sword, Senator Sessions believes in swift and strong enforcement of the law. The best argument for his candidacy is the extensive list of endorsements he has received: the Fraternal Order of Police, the National Sheriffs’ Association, and the list goes on. I would think such widespread support is something he would overlook if it would make a deep impression on any Senator’s mind. If the people who actually enforce the law believe in his leadership, then so do I.

So I am sorry to see him say goodbye to this august body, but I am confident that he will do whatever American people well. He is the right man for the job. I urge all Senators to vote for his confirmation.

Mr. President, I yield the floor.

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

Mr. MERKLEY. Mr. President. I am rising to speak this morning about the nomination of our colleague, Senator Jeff Sessions from Alabama, to become the 84th Attorney General of the United States. As the highest law enforcement officer in the land, it is the responsibility of the Attorney General to ensure that all Americans receive the equal justice under the law they are entitled to as American citizens.

A commitment to that equal justice has rarely been more necessary than it is today. We need an Attorney General wholly committed to serving the people of the Nation, and we need an Attorney General who fights to expand America’s civil rights, not to restrict them, hobble them, or eliminate them, or todiminish the Justice Department’s Office of Civil Rights.

We need an Attorney General who will stand up to the President when he tries to put an illegal and unconstitu-
tional policy in place. So it has been part of our journey, the story of America, that we have strived to form a more perfect union. We have worked over time—like Martin Luther King said, the long arc of history bends toward justice.

But we have worked to bend toward justice. Our vision of opportunity was incomplete at the founding of our Nation. It was not extended to all genders and all ethnicities and all races. What we have worked to change is that, but the question is: are we at this point in time, still not at the end of that journey?

Part of the question is, How does any given individual fit into the position of Attorney General in that fight for that more perfect vision of our Nation?

So I thought I would share a little bit about that. Hillary Shelton, the Director of NAACP’s Washington office, told the New Republic that Senator Sessions is an “American’s civil rights, not to restrict the equal justice under the law they are entitled to as American citizens. The work of that division was stifled, restricted in many ways during George W. Bush’s administration. But under President Obama, the Civil Rights Division was given the tools to investigate in a powerful way, civil rights for all Americans. In just the last few weeks of the Obama administration, they won the first hate crime case involving a transgender victim, they sued two cities that were blocking people from opening, they settled lending discrimination charges with two banks and sued a third, they filed legal briefs on behalf of New York teenagers held in solitary confinement, and they accused Alabama of disenfranchising mental patients in nursing homes. They were actively, aggressively fighting for the rights of all Americans.

Many wonder now, under the new administration, whether we will have a powerful Civil Rights Division fighting for those whom others would choose to exploit. Senator Sessions has downplayed the need for the Justice Department to prosecute crimes against women and members of the LGBTQ community, saying: I am not sure women or people with different sexual orientations face discrimination. I just don’t see it, he said.

Well, if you talk to LGBTQ Americans, they will tell you about the extraordinary amount of discrimination they experience, unless you are determined not to see it. To those who say we don’t see discrimination, if you ask, you will hear the stories of discrimination. You will hear the stories of profiling, individual young African-American men picked out time and time again to be stopped and questioned at a rate that was different skin color would not experience, but you do not see it unless you open your eyes to see it. At his confirmation hearing, Senator Sessions said: These lawsuits undermine respect for police officers. He was referring to the investigation of two dozen police agencies, knowing that the Civil Rights Division reached consent decrees with 14 of them.

I would have said: These lawsuits undermine the respect of police officers and create an impression that the entire department is not doing their work consistent with fidelity to law and fairness. Well, let me explain that the reason the Justice Department is investigated because there were a lot of reports that in fact they were not doing their work consistent with fidelity to the law. It was not an impression; it was a report about failure to do that.

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Don’t we want an Attorney General who rather than relegating the complaint to, well, don’t pursue them because it creates an impression they are
not doing work, instead says: These are complaints we must investigate and remedy that situation. That is the responsibility of the Civil Rights Division, to investigate and to remedy, and that is what this division did under President Obama. They did it, they did it without a blind eye. They didn’t say that would be embarrassing to the Department, but my colleague had a different take, saying: We need to be careful before we do that because it might create an impression that they are not doing their work well. Just think if we take that attitude.

We anticipate to have hearings for a labor commissioner. The nominee for Labor runs a company that has a tremendous number of Hardee’s and Carl’s Jr. outlets, and those outlets have a horrendous record of labor rights abuses, but we wouldn’t know about those abuses if the investigator said: We won’t investigate because it might create a impression that they are doing something wrong.

So I am very concerned about the attitude that you don’t investigate because you might embarrass someone.

When there are reports of injustice, that is the point, that it gets investigated. And it not only gets investigated in order that the problems will get remedied but also so it will send a message to others to operate within the bounds of the law.

Our next Attorney General needs to make civil rights a priority, fighting for them, ensuring them, securing them as the North Star of the Justice Department. This something that can simply be left to the States, not something that can be ignored, not something that will be allowed to slip backward.

Communities of color aren’t the only ones watching Senator Sessions’ confirmation process with some anxiety. Over the last 8 years, the rights of the LGBTQ community have leapt forward in incredible ways, from the greater acceptance of gay and lesbian Americans and bisexual Americans. And certainly we cannot forget the historic milestone of the legalization of same-sex marriage a year and a half ago. But so many of these long-fought-for and hard-won rights are so new that the community is terrified that President Trump’s administration will work to restrict those rights or roll those rights back. But it is the duty of the Attorney General to protect those rights, not fight for those rights.

So it is of concern—for me, it is a substantial concern—that the nominee voted against the Matthew Shepard and James Byrd Jr. Hate Crimes Prevention Act. This act was passed on October 29, 2009, and signed by President Obama 6 days later. It was part of the National Defense Authorization Act of 2010, and it expands the 1969 U.S. Federal hate crime law to include crimes motivated by a victim’s actual or perceived gender, sexual orientation, gender identity, or disability.

The bill removes the prerequisite that the victim be engaging in a federally protected activity, like voting or going to schools. It is much, much broader. It gives Federal authorities a greater ability to engage in hate crimes investigations that local authorities choose not to pursue.

It is in this context, in fiscal years 2010 to 2012 to help State and local agencies pay for investigations and prosecuting hate crimes.

It requires the FBI—the Federal Bureau of Investigation—to track statistics of hate crimes based on gender and gender identity. Hate crimes for other groups were already being tracked.

It was named after Matthew Shepard and James Byrd Jr. In 1998, Matthew Shepard, a student, was tied to a fence by two White supremacists. He was dragged behind it and was decapitated in Jasper, TX. At the time, Wyoming had no hate crimes statute to protect homosexuals as a subset class, and Texas had no hate crimes laws at all.

Supporters of an expansion in hate crimes laws argue that hate crimes are worse than regular crimes without a Grundmotivation from a psychological perspective. The time it takes to mentally recover from a hate crime is almost twice as long as it is for a regular crime. And LGBTQ people feel as if they are being punished for their sexuality, which leads to a higher incidence of depression, anxiety, and post-traumatic stress disorder.

In short, in multiple ways, in ways I have enumerated, this law more aggressively pursued justice. I was pleased to be here as a first-year Senator to be able to support that law. Hate crimes tear at our collective spirit. They are based on divisions in our society, divisions that some choose to amplify and inflame, divisions that victimize people for being who they are as individuals.

I was proud of this Chamber, of this Senate, that we passed a bill that would give State and local law enforcement the necessary tools to prevent and prosecute these types of crimes and move our Nation down a path toward equality—equality under the law and freedom from persecution. But my colleague, the nominee, voted against this pursuit of greater justice for a persecuted minority family, and that certainly bothers me substantially. It is my understanding that he didn’t feel that people actually faced discrimination, but the fact is, they do. LGBTQ individuals, especially transgender women of color, are more likely than any other group to be targets of discrimination and hate crimes. Across the category, and more so in some, look at the 49 people killed, the 53 more injured at the Pulse nightclub in Orlando last summer. The attacker pumped a machine gun into a crowd for his attack. LGBTQ people are twice as likely as African Americans to be targets of hate crimes. Nearly one-fifth of the 5,462 so-called single-bias hate crimes reported to the FBI in 2014 were because of the person’s sexuality or perceived orientation.

Another issue was raised in 2010 when the proposal was put forward to repeal the don’t ask, don’t tell law, which barred openly gay and lesbian individuals from serving in our armed services. My colleague, our nominee, said that gay servicemembers would have a corrosive effect on our military, essentially saying discrimination is justified because of the prejudices of others who serve. But it is not justified, and the prejudices have taken a bit of movement along that journey toward justice.

More than 14,500 people were discharged from the military during the 18 years of don’t ask, don’t tell. An estimated 66,000 lesbian, gay, and bisexual servicemembers were in the military at the time the ban was lifted. But just a few months after that 2010 change—a change that our nominee opposed. The military family embraced the LGBTQ community, and instead of having a corrosive effect, repealing don’t ask, don’t tell has strengthened the military family. In 2016, just last year, the first openly gay Army Secretary was confirmed, Eric Fanning. Last year, the Navy named a ship after Harvey Milk, the gay politician and former member of the Navy who was assassinated.

So a robust pursuit of equality would have been to voice principled opposition to this discrimination in armed services that was actually robbing our armed services of a tremendous amount of talent and experience and was damaging the lives of those who were expelled from the military. That would have been a principled pursuit of justice, but that is not the path my colleague, our nominee, chose to travel, instead, it was a path of justifying discrimination, justifying injustice.

During the confirmation hearing, my colleague, our nominee, softened his stance on LGBTQ issues, and he said he would uphold the statute protecting LGBT people’s safety and ensure that the community’s civil rights are enforced. Well, I wish we had more statutes that protected LGBT people’s safety. Promising to uphold them when they largely don’t exist is somewhat of an empty promise. It sounds good, but it’s not much punch.

We had a debate in this Chamber about the Employment Non-Discrimination Act. This act was specifically about anti-discrimination in the process of job hiring in America, and I was deeply involved in this effort. Back in Oregon, when I became speaker, I worked to end discrimination for our LGBT community—discrimination in hiring, discrimination in public accommodations, discrimination on a whole spectrum of aspects of our society. And we passed a very strong law in the State of Oregon to end that discrimination, and a piece of
it—a big piece of it—was to end employment discrimination. How can we claim, as a nation, that we are the land of opportunity if we slam shut the door to opportunity on a large number of our fellow Americans by allowing discrimination in employment?

Well, because that work I did in Oregon—when I came here to the Senate, Senator Kennedy was ill. Senator Kennedy, who had been here—on the floor, I believe it was 1998 or 1996. And that bill had only failed by one vote back before the turn of the century. It was a 50-to-49 vote. The individual who was not here probably have voted for it. The Vice President breaking a tie probably would have passed it. It would have been adopted. It would have been signed.

Fast-forward to 2013, and here we were on the floor debating this issue, and I was very pleased to see it on the floor. And Senator Kennedy and his team had asked me to carry the torch on the bill and work to see it passed. I had worked for us to hold hearings, and I had advocated with our leadership that it was time to put this issue on the floor. And we couldn’t allow this discrimination to continue without at least working to address it. We might fall on the floor to pass this bill, but we should at least put it before the body, make the case, have the argument, and fight to end this discrimination.

Here on the floor, we no longer have to get 50 votes and the President because the habits of the Senate changed, and now it is almost always required to get a supermajority to close debate. So we had to get 60 votes, not 51, but we did get 60 votes. We did close debate and go to a final vote. But one of the individuals who placed himself directly in the path to obstruct success on the bill, to obstruct the end of discrimination on the floor—on the floor in LGBT communities—was our colleague and our nominee for Attorney General. I would hope to have a voice in the office that was seasoned through tough battles and stood up in difficult times to fight any discrimination, not to perpetuate discrimination. So that concerns me substantially concerns me.

In 2013, the Senate voted to reauthorize the Violence Against Women Act, often referred to as VAWA, after Congress was an important effort because a woman should never be a victim of violence in her own home. Nobody should be a victim of violence, but particularly to address the challenges that we see. And the National Center for Injury Prevention and Control reports that women in the United States experience roughly 4.8 million assaults and rapes per year from their intimate partner, and they are afraid to seek medical treatment. Less than 20 percent of battered women sought medical treatment, and that over the course of the year, 33,000 women were sexually assaulted, more than 600 women every day. Women ages 20 to 24 are at greatest risk of nonfatal domestic violence, and women age 20 and higher suffer from the highest rates of rape.

The Justice Department estimates that one in five women will experience rape or attempted rape during her college years—just during those college years—and that less than 5 percent of these rapes will be reported. Income is a factor. The poorer the household, the higher the rate of domestic violence. Women in the lowest income category experience more than six times the rate of intimate partner violence as compared to women in the highest income category. African-American women face the highest rates of violence. American-Indian women are victimized at a rate double that of women of other races.

The impact of domestic violence is huge and long-lasting. According to the Family and Violence Prevention Fund, growing up in a violent home may be terrifying, a traumatic experience that can affect every aspect of a child’s life, growth, and development. A child raised in this environment is more likely to suffer from problems, headaches, and flu. In addition, women who experience physical abuse as children are at greater risk of victimization as adults.

Well, I go through all these statistics to note what a substantial issue this is in terms of crime and violence and the impact both on the victims and on the children in homes—an impact that damages children’s ability to pursue a full, healthy path toward thriving as an adult, an impact that creates a cycle that is hard to break.

In 2011, during one 24-hour period, 1,600 Oregon victims were served by domestic violence services. What are those services? Emergency shelter, children’s support, transitional housing, support for teen victims of dating violence, therapy or counseling for children, advocacy related to cyber stalking. Additionally, during the same 24-hour period, Oregon domestic violence programs answered more than 27 hotlines, saw 2,475 cases of dating violence, and encouraged best practices, which have proven to be effective to prevent domestic violence homicides by training law enforcement, victim service providers, and court personnel to identify and connect high-risk victims with crisis intervention services—all of this in order to reduce violence against women, and when such violence occurs, to get the treatment to be as robust and available as possible to assist those women.

I would have the champion in this fight to decrease violence against women in the position of Attorney General of the United States of America, but my colleague, our nominee for Attorney General, voted against these practices for decreasing violence, voted against these efforts to provide greater support when the violence did occur, and that, for me, is a very substantial concern. This turned many women’s advocacy groups into a position of opposing this confirmation.

In October of this last year when our nominee for Attorney General was asked his opinion about a 2005 audio recording which then-Candidate Trump was—well, he wasn’t yet a candidate at the time of the audio recording—but he was heard bragging about inappropriately groping women. The nominee said he didn’t think the behavior that was described was sexual assault. Senator Sessions said: “I don’t characterize that as sexual assault. I think that is a stretch,” he said.

I couldn’t more profoundly disagree. When someone grabs the intimate parts of an individual, that is an assault. How can one reach any other conclusion? Envision that your loved one is the one who is groped—your wife, your sister, your mother, or your daughter. You don’t believe that is a sexual assault? I would like to have as our Attorney General an individual who would understand the core of his or her being that this is an assault and wrong. The law makes it an assault. Morality makes it an assault. So that bothers me a great deal.

I do want to note that in a confirmation hearing, my colleague Senator Sessions changed his opinion on this and he noted what we would expect one to note. He said that yes, activity such as was noted on the recording of our new President, when asked whether it was sexual assault, he said, “I think that’s a stretch.” I appreciate that evolution, but the initial reaction before the confirmation hearing still disturbs me.

Earlier this month, the National Task Force to End Sexual Violence issued an open letter opposing his confirmation based on the record. In the letter, they stated, when referring to the nominee, that “his history leads us to question whether he will vigorously seek to ensure all victims and survivors of gender-based violence, particularly those who are older, vulnerable populations, and those at the margins of society, have access to vitally needed services and legal protections.”
This goal to champion justice for all—perhaps it is easy to champion justice for the groups one most closely identifies with, but the role is to fight for justice for everyone throughout our society, and that is why this is of substantial concern.

The letter went on to say: “Selective application of the law and outward hostility towards victims of sexual and domestic violence in historically marginalized populations has a chilling effect on their willingness and ability to seek protection.” And it noted that the Attorney General of the United States must be an individual committed to protecting the inalienable rights of equal protection under the law to all—to all within the jurisdiction of the United States.

Let me say it again. We need an Attorney General who fights for equal justice for all.

Another issue we face—set of issues, really—is related to immigration. As we know, President Trump recently signed an Executive order barring travel by those from seven Muslim countries and also barring refugees into our country and having a longer ban on refugees specifically from Syria. And the first time I heard Rudy Giuliani tell us about this, and this appeared in a book called Trump is for America, Rudy Giuliani told us of instructions to create a Muslim ban that would be changed enough to make it legal under the law.

There are many reasons to be concerned about this ban based on religion. We have a tradition of freedom of religion in our country. It is a freedom enshrined in our Constitution. We have a tradition of religious tolerance. If we are a nation with religious freedom, religious tolerance goes hand in hand with that. But we have heard over the course of President Trump’s campaign statement after statement that essentially presented a war on Islam, the Nation is at war with Islam—the opposite of religious tolerance.

The worst aspect of this—and there are many bad aspects to it—is that it endangers our national security because of the recruiting strategy of ISIS. Our President says he wants to diminish and extinguish. Their recruiting strategy is to claim that the United States is conducting a war on Islam, the Nation is at war with Islam—the opposite of religious freedom, the opposite of religious tolerance.

This assault on public safety is a profound concern across this country. I am disturbed that our nominee authored a bill to penalize cities and States that are seeking to reduce public violence and enhance public safety. That seems the opposite of what an Attorney General should be in this country.

During his nomination hearing, Senator Sessions advocated for ending the Deferred Action for Childhood Arrivals Program, or DACA. This is a program on which one needs to understand it by meeting individuals who are childhood arrivals. There are folks who have crossed the border into our country who have brought with them a baby in their arms, or a toddler, or a 4-year-old. Those individuals—those children—those are our future citizens of America. They speak English. They only know America. Most of the time—I will not say most of the time, but in many cases they don’t know they were even born outside the country.

These children were put into a position of saying: If you disclose your status and fill out all this paperwork, we will not send you back to a country you don’t even know, that speaks a language you don’t even know because you grew up in America. If you are going to contribute to America, if we embrace you. And you will just be a lost citizen—a citizen without a country—if you are sent out of the country to somewhere that would be totally unfamiliar to you.

In this position that our nominee took, that he thinks we should end this program, it means that those children would now be eligible for deportation. There is a substantial concern here because they were promised that the information would not be used; it would not be turned over for their deportation when they signed up. They trusted that when the United States of America
made this promise to them, that promise would be kept, but it appears we have a nominee who wants to end that program and, therefore, place all of these children at risk of deportation.

The nominee had no answer for what to do with the 900,000 children who have come out of the shadows because of that program.

In December 2015, Senator Sessions voted against Senator Leahy’s sense-of-the-Senate resolution that affirmed that the United States would not bar people from another country because of their religion. Our nominee spoke for 30 minutes against the resolution. This takes me back to the echoes of this issue of the Muslim ban and discrimination based on religion that is so alien to the United States of America.

This resolution that affirmed that the United States would not bar people from our Nation because of their religion had the support of 96 Senators. Four Senators voted against the resolution, saying it is OK to discriminate based on religion. Our nominee was one of those four Senators who conveyed through their vote that it would be OK to use a religious test for those entering the United States.

According to the Leadership Conference on Civil and Human Rights, our nominee was one of the few lawmakers who agreed with the 800,000 children who have a nominee who wants to end that program, representing 180 law schools in this debate. So I will just note this: They lay out a whole number of concerns about positions taken in the past.

I will summarize it with a final paragraph: As law faculty who work every day to better the underrepresented and voiceless, the nomination of our colleague to the position of U.S. Attorney General.

The Leadership Conference on Civil Rights and Human Rights gives our nominee a zero-percent score. The National Association for the Advancement of Colored People gives the President’s nominee a zero-percent score. The NAACP has repeatedly given grades of F to the nominee. The Leadership Conference on Civil Rights and the ACLU have voiced vigorous opposition.

I will share some of the letter from back home. Cobin from Portland, an assistant professor, writes: I am writing today to state my strong dissent for the nomination to be U.S. Attorney General. While this should be self-evident given his record, in light of this past week’s events, it is all the more critical we have an Attorney General willing to fight for our Constitution. Protecting our fundamental values as Americans is priceless.

From Southern Oregon, Karen of Jackson County writes: I am strongly opposed to the nomination of Jeff Sessions as Attorney General. His support of President Trump’s views regarding immigration and voting rights are unacceptable and make him unacceptable to be the Nation’s chief law enforcer.

Letter after letter expresses concerns about the record.

Earlier today, my colleague from Massachusetts, was sharing testimony of Coretta Scott King presented on March 13, 1986, to the Senate Judiciary Committee when my colleague was nominated to the U.S. District Court for the Southern District of Alabama. The Senate Judiciary Committee rejected the nomination. They did so after examining a whole series of events which had transpired under his leadership. I can’t read those events under the rules of the Senate because they would constitute a critique of a fellow Senator. So I am referring to the record. The Senate Judiciary Committee fully explored the issues presented by Coretta Scott King, and by many others, and decided there wasn’t the judicial vision appropriate for someone to serve as the judge in the United States of America.

If that series of events led to the unusual outcome of the Senate deciding that an individual’s background—a background related to efforts to prevent African Americans from voting, weighed it incorrectly, not right that an individual be serving as a judge, that same background should be excluded by all of us here this morning, in the debate and should this nominee has the judicial heart of Lady Liberty to judge everyone without discrimination, to fight equally for every person without discrimination. The answer years ago by this Chamber was no.

Attorneys have weighed many positions presented tonight which are deeply troubling, and the history that led this Chamber to make the decision it did back in 1986. I will have to join those who say and vote no on this nomination.

The PRESIDING OFFICER. The Senator from Washington.

Ms. Cantwell. Mr. President, I come to the floor this morning to join my colleague from the Pacific Northwest and to speak to the nomination of our colleague to the position of U.S. Attorney General.

I thank the Senator from Oregon. I know he has been here for several hours. I listened to much of his remarks and many others he brought up in his statement reflect the issues that we in the Pacific Northwest are dealing with—the population of the Pacific Northwest concerns—and how many people in our part of the country are really concerned about the issues of equal protection for all Americans under the law. So I thank my colleague for being here. I thank him for the many things he had to say this evening on this subject.

I hear back in my own life, as I reflect on this decision, to the time I grew up. This is something that has been instilled in me as a young person growing up in the 1960s and 1970s.

I saw the most incredible events happen in our Nation’s government, and I saw a position—both the Attorney General and the Deputy Attorney General, someone who is now a Pacific Northwest resident—use that office, the power of the Attorney General and Deputy Attorney General, to say they disagreed with the President of the United States. Not only did they disagree with the President of the United States, they would rather resign from office than carry out the acts he was asking them to carry out.

As a young person that Saturday night massacre was an incredible indelible image of how people should act responsibly in carrying out their duties.

So when I think about this position of Attorney General, I think of that very issue; first, I want an Attorney General who will stand up for the citizens of the United States, no matter what, even if he has to go against the President of the United States. That, to me, is the ultimate in serving the people of this country.

In many ways, in the last several weeks, I feel like we have been retiliting the 1960s and 1970s. When we
talk about the civil liberties of American citizens, whether they are the LGBT community; or whether we are talking about government maybe using backdoor devices to spy on American citizens; or whether we are talking about immigrant rights, we are talking about immigrant rights, people fought for in the 1960s and 1970s. So it is no surprise that my colleague—also from Massachusetts—reflected on this in some of the comments she made last night, such a racket and concern on the floor. I certainly supported her and supported her in her rights to make those comments, but these larger issues about how one wields power at the enormous office of responsibility of Attorney General is what is at question in the Senate. I could go on this morning about many other issues I am concerned about in relation to the nexus of the Attorney General to the other positions that we are also considering, but this morning I am going to remarks specifically to the Attorney General.

In this new information era—and I have been out here on other nights, in fact with my colleague from Kentucky Mr. PAUL, to discuss these very important issues of encryption and making sure the U.S. government does not unsliply spy on U.S. citizens. I am concerned that the President’s nominee has supported President Bush’s warrantless wiretapping and domestic surveillance programs. He also has supported law enforcement’s backdoor key to encryption.

I will say, there are many things we need to do to fight this war on terrorism and to be strong in working together with law enforcement all across the United States and on an international basis. I will be the first to say there are great things we can do as it relates to biometrics and using biometrics effectively, but when it comes down to it, I am worried a lot about us working with the international community and getting cooperation from them to work that way, as opposed to running over the civil liberties of U.S. citizens. So I do have concerns that the President’s nominee on this issue may not stand up to the President of the United States in making sure civil liberties of Americans are protected.

I am also concerned this nominee will not fully protect the rights of lesbian, gay, bisexual, and transgender Americans. The reason I say that is because of his record, and the doubts it raises because of his opposition to various pieces of legislation which have moved through these Halls—opposition to gay rights, same-sex marriage, hate crime laws, voting rights for historically disfranchised communities, and workplace protection for women, lesbian, gay, bisexual, and transgender communities. All of these are things I wish we would keep in an Attorney General who has been a great advocate for the transition that America has made in protecting civil liberties in these issues.

These are very big issues in my State. They are very big issues that have been long discussed—probably discussed before they reached this body—and decided decisively in favor of the civil liberties of these Americans. So I find it troubling that in his position, the Attorney General would target the LGBT student housing and education conference at the University of Alabama, and that he consistently voted against LGBT Americans’ right to live where they choose, and voted for the anti gay marriage enforcement. My colleague mentioned the Matthew Shepard and James Byrd, Jr. Hate Crime Prevention Act—not being supportive on those issues.

These are important issues that mark our country’s ability to stand up for civil liberties. It is important in this era and time, because of the hate crimes and the horrific things that have happened to these individuals, that we have someone who not only recognizes the fact that these individuals are facing discrimination and must continually—have someone to fight for their civil liberties.

The nominee sponsored legislation to roll back the “any and all” LGBT rights in housing, employment, and health care, and there are an estimated 10 million LGBT Americans who are protected by our Nation’s hate crime and anti-discrimination laws. What we want to make sure of is that we continue on these issues. We want leadership that when we see problems, they are going to be addressed, even if it means fighting what the President of the United States has to say.

My colleague also had opposed the reinstatement of the Voting Rights Act and strongly supported voter ID laws that put barriers up for the elderly, indigent communities, and communities of color to get access to their ballots. I want to make sure that nothing is more important to us than this issue of voting rights, and I would match our system with any other State in the Nation. We vote by mail. We have seen as high as 86-percent voter turnout in a Presidential year, and incredibly high turnout even in a mid-term election.

We know that giving our citizens the right to vote, and making progress on everyone having the right to vote, including the provisional ballot system, making sure the law is clear in embracing and making sure people have the opportunity to vote, and have their votes counted, are going to continue to be issues in the United States of America. We want people to have total confidence in our voting system, and we want them to have confidence that every citizen has a right to cast a vote, and will not be turned away at the ballot box because of an artificial barrier.

Believe me, there are lots of ways to cast fraud and corruption in the voting system in the State of Washington because it is based on your signature. We have had people make mistakes in the system? Yes. They have been caught or corrected.

The notion that our system needs all of these other artificial barriers is not true. It is a system that has worked well for us and, as I said, has empowered more people to participate in our elections.

I want someone who is going to help us move forward in this country. The notion that we are putting up lines of obstacles for voting in this country should not be the way we are going. We need to go in the other direction.

I am concerned that the next Attorney General will fail to protect the civil liberties of all Americans, irrespective of their race, and protect opportunities to participate in our democracy and to make sure we are continuing to move forward. He has called the work of the National Association for the Advancement of Colored People and the American Civil Liberties Union “un-American.” Let us remember that in this time, we need leaders who are going to recognize the rights of individuals and stand up for them. If in the past his judgment and temperament on these issues has expressed a lack of concern for these individuals, my question is what kind of leadership will that drive for the next Attorney General?

He has called the decision in Roe v. Wade “a colossal mistake” and has cast § 86 anti-choice votes, including a vote against National Health Care providers and their patients from anti-choice violence. Washington State has one of the strongest statutes in the country for protecting a woman’s right to choose. It was something we did before the national law. It is something many people in my State feel strongly about, and, yes, in the past, we have experienced violence at clinics. In fact, in September 2015, there was a devastating bombing of a Planned Parenthood clinic in Pullman, WA—a tragedy that was unbelievable. The fact that those clinicians showed up in the parking lot the next day and continued to deliver services, and that law enforcement was there to help them and respect them is what I expect out of our system and the U.S. Attorney General—that someone will be there to help enforce the law and deter these kinds of crimes and make sure that we are moving forward as a country.

I am concerned that we are re-litigating the sixties and seventies. I wish that those issues had all gone away, but I feel as if they are still with us. These examples of disrespect toward the civil liberties of individuals, and using violence as a way to demonstrate that disrespect, requires a swift hand of justice to oppose them.

My colleague voted against the Lilly Ledbetter Fair Pay Act, which amended the Civil Rights Act of 1964 so that generally paid disparate claims could be heard in court. This is also something of great concern to many Americans, not just women. It is a concern to men as well, because men want
their wives to make the salary they deserve, to make certain their family has the income it deserves. These are battles that we are going to continue to fight in the United States of America until we have fair pay. I did vote as a civil rights issue. As I said, Lilly Ledbetter amended the Civil Rights Act. He also voted against the 2013 reauthorization of the Violence Against Women Act, which ensures that law enforcement has the necessary resources to investigate cases of rape, and provides colleges with the tools to educate students about dating violence, sexual assault, and to maintain the National Domestic Violence Hotline, which fields 22,000 calls a month from Americans facing threats of domestic violence.

That issue in and of itself, along with the amount of domestic violence that women face in the United States of America, is something that needs constant vigilance and constant attention in order to fight against. I don’t know all the reasons he did not support that legislation, but I know one aspect. He opposed language in the Violence Against Women Act allowing tribes to prosecute cases in their jurisdiction. That issue in and of itself, along with the amount of domestic violence against tribal members on reservation land. That is right. People were coming onto Indian reservations across our country. In Washington State, we have 29 recognized tribes. On those sites, people were committing crimes of domestic violence but, because of a loophole, weren’t being prosecuted. There were unbelievable amounts of violence.

The last administration came up with a way to work together to make sure that those crimes were prosecuted. It is as if the Federal system couldn’t affect all the activity that was happening, but it could work in concert with local law enforcement officials to come up with a way to make sure that women, who were being abused just because they were Native American on a tribal reservation, would get their fair justice. I do have concerns about these issues as they relate to tribal sovereignty, to the issues of domestic violence and, particularly, domestic violence that is happening in Indian Country.

I also want to bring up an issue I think my colleague from Oregon brought up recently. Something I don’t know that all of our colleagues agree on, but I am here to advocate for my State; that is, the nominee in his testimony said that he would leave to the States the question of legalizing and regulating marijuana in this administration. In the past, he has refused to respect the rights of States that have democratically chosen to legalize marijuana for medical or recreational use. This is an important subject for us in the Pacific Northwest because we had a previous Attorney General who, after we had passed medical marijuana laws, tried to shut down our medical clinics. This was years before we passed legislation allowing for the legalization of marijuana by the broader public, not just medical marijuana.

We have seen an Attorney General who has aggressively pursued this medical marijuana and more concerns uses, as our State and several other States have legalized marijuana, about how this Attorney General is going to treat those actions. We hope that this past record is not a reflection of that future and how he plans to treat individuals, but I know my colleagues from Hawaii were here earlier and mentioned several cases of individuals in his State who needed that medical attention, who needed that product, who were given great comfort in their medical treatments by having access to that.

Is that now all in question? Is that something that Americans who have resided in States that have taken this action now have something to fear from that same Attorney General? I know that there were many discussions in the confirmation hearing, and that there are concerns today relating to the issue of a ban on Muslims entering the United States. I will not go into detail here, but will say that it is clear that the State of Washington has an opinion about this and that our State Attorney General and our Governor are trying to represent that viewpoint in the judicial process. It is important to me that we get these issues right because I want to protect the civil liberties of individuals, and I see a path forward for us to be tough on these cases; that is, the true cases of terrorist activity. I say that because Washington had a case in 1999 of an individual who entered the United States at Port Angeles, WA. He had come from Algiers, and then when he got to France, he cooked up a new identity. When he left France and went to the U.S., the Computer Identification System, and then he arrived at the U.S. border from Canada on a boat with explosives and a plan to either blow up the Space Needle or travel to LAX and blow up the LAX Airport.

There was very good work by customs and border agents who found something unusual about this individual. It didn’t add up. His passport looked as though it was valid, but something that was said gave the border agents reason to conduct a more thorough check.

In fact, they did. They opened the trunk of his car, and as they did, he ran, and with good reason because they saw a car full of explosive materials in the trunk. That so-called Millennial Bomber was caught. Since then, I have been an advocate for using biometrics as a standard for us pushing visa waiver countries for letting people into our country, as Mr. Ressam did travel, as I said, from Algiers to France, through France, and then he went from France to Canada, and Canada to the United States, each time cooking up an identity.

But if we had cooperation with these countries on biometric standards; if we had implemented those biometric standards, and pushed those countries that give access to our country through the Visa Waiver Program, we would be a lot further down the road in dealing with those individuals who mean to do us harm.

We need cooperation by these other countries and the best techniques and standards to help us. That is far different than denying access to individuals for example, for example, a small community that is a very big refugee community in our State. As I said, I will leave it to our Washington attorney general and our Governor to continue to pursue that effort.

I have heard from many Washingtonians who are concerned about this nomination. I heard from a young woman from Yakima, WA, who said she was flabbergasted by this nomination, that “if he was deemed inadequate during the days that Strom Thurmond was in office, why now is he adequate?”

I heard from a constituent in central Washington who said: "I am a transgender and gay, and much of the time I worry about my rights as a U.S. citizen, whether they will be respected despite the fact that my family has fought in every war in the U.S. since the Civil War. I am worried that legislation would be implemented that would dehumanize me and other LGBT community individuals, and that doesn’t align with the nominee’s religious beliefs.”

So these are concerns my constituents have, and I have to agree with them, that our nominee’s record leaves me questioning about his ability to fervently advocate on behalf of these individuals, given his record and history in the past. And I know that my colleague, the ranking member from the Judiciary Committee, has been out here on this question, going a lot about the questioning that happened during the committee process on all sorts of issues, as it relates to women’s rights and reproductive choice, and how we are going to continue to move forward to make sure these individuals are protected.

So, to me, my constituents are loud and clear. They want these civil liberties protected. They want an Attorney General who is going to make sure that those civil liberties are fought for and respected every day and are going to get equal protection under the law.

Here are some additional excerpts from the letters of our concerned constituents.

KS from Yakima, WA, a concerned constituent, writes: “I am simply flabbergasted that Jeff Sessions was chosen to be our Attorney General. If he was deemed inadequate in the days when Strom Thurmond was in office, then he’s certainly inadequate in 21st century America. As you are politicians, I shouldn’t have to remind you of this, but I’m going to anyway. One, America was built by immigrants from
all over the world, on top of an already diverse nation of the First Peoples. Two, there are over 300 languages spoken in the U.S., nearly half of which are indigenous. Three, people have had to fight tooth and nail against discrimination based on their race and ethnicity, and the fact that so many are still doing to that today is extremely worrisome. Four, it’s been our legally protected right since 1967 to marry and have a family with someone of a different race. Five, it’s only been our legally protected right to marry and have a family with someone of the same gender since 2015. Six, my generation, the Millennials, is the most diverse of any in American history. Since 2000, 40 percent of all children have been born to multiracial families. And those children will be eligible to vote before you know it. The ones born in 2000 will likely have a lot to say come the midterm election. This America cannot, should not, MUST NOT have an attorney general who thought the Klan was too liberal. He has no place at a school crosswalk, let alone leading the most powerful nation in the free world. PLEASE do not let this happen!

SL from Wenatchee, WA, writes: “He has repeatedly shown within his career that he clearly sees the LGBTQ+ community as something that is acceptable to discriminate against. Most notably is his support of the Defense of Marriage Act. This worries me very deeply since I am Transgender and gay. Much of the time I worry that my rights as a US citizen will be revoked, despite the fact that my family has fought in every war in the US since the Civil War. I am worried that he would allow legislation to be law that would dehumanize me and other LGBTQ+ individuals because it doesn’t align with his apparent religious beliefs. He also seems to not hold much issue with civil rights that don’t fit his party. He also isn’t’ too far off. Additionally, his continual stance against immigrants could have a distinct impact on my city and community. We have a large Hispanic and Mexican population, many of them around the neighborhoods where I live. The many years I’ve lived here I found our multicultural community to be hard working and not the ‘evil’ that Trump is adamant to make them out to be. I do not feel reassured if he be come our Attorney General that we would stand up to Trump and fairly support these marginalized individuals in the Department of Justice.”

JH from Seattle, WA, writes: “I trust that you will protect and stand for the ideals of our country and vote no to the appointment of Jeff Sessions as Attorney General. The job of the Justice Department is to protect all people, and to enforce the laws of the land to do so. Sessions has not in word or deed demonstrated he is capable of doing so. Even while awaiting confirmation, he is supporting discrimination against LGBTQ+ people by his support of the FADA. I expect any person confirmed in our government to clearly support all people—black, brown, white, male, female, transgender, gay, lesbian, bisexual, queer, Jew, Christian, Muslim, Buddhist, Native, atheists, and people of all ethnicity. The Attorney General is responsible for upholding The Constitution, and shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or of the right of the people peaceably to assemble, and to petition the Government for a redress of grievances. This means upholding the Constitution, including Press’s right to cover Mr. Trump and report as they see fit—not censored news. This also means supporting The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized. This means insisting that the Justice Department hold themselves and local police forces accountable for detaining and searching people—and do promulgate brutality from behind the badge. Instead of Jeff Sessions, please garner support for and vote for a legal mind who has a demonstrated record of upholding all people’s rights. There are many fine minds and hearts in our country who can do this task. It is your responsibility as a Senator of our fine Democracy to vote only for one of them.”

GARY from Spokane, WA: “Jeff Sessions does not believe that our laws should protect everyone. He believes certain groups should have less rights and/or less protection under the law. He will allow discrimination, based on his record. There is enough volatility in this time of ours to understand the importance of a fair-minded, tempered and balanced person to head the department of justice. There is no denying we are entering a tumultuous time. There is enough concern over Jeff Sessions to give pause, consider the times we are in, and come up with a better choice. Concerns over our country turning to totalitarianism are real. The president elect is extremely polarizing and may very well be breaking the US Constitution as soon as he’s sworn in. In his previous career, the Attorney General certainly needs to understand these concerns and be able to enforce the laws of the American people. There are many other talented legal professionals with a wide variety of skill sets related to law enforcement. This is the time to slow down a bit; delay . . . at least this appointment. There is an appointment process for a reason. Make Mr. Trump come up with a better choice. No matter what, the appointment will be unbecoming rubber stamp for Mr. Trump. I vote nay for Jeff Session as Attorney General. Consider the importance of this time, consider the future of our country, consider the rights guaranteed in the bill of rights. The choice then is easy, nay for Sessions, yay for thoughtful, accountable and tempered governance.”

Betsy from Waldron, WA, writes: “Please oppose the appointment of Jeff Sessions as Attorney General. He is opposed to basic civil rights for all people and he cannot be put in charge of protecting those same rights. He must not compromise with Trump or try to compromise as if he were a normal president. Please oppose, blockade, filibuster, and refuse to go along with Trump’s plans to tear our country apart. I am relying on you to be our first wall of defense against this terrifying man.”

RAGENA from Spokane, WA, writes: “As a constituent I urge you to oppose the confirmation of Senator Jeff Sessions as Attorney General of the United States His voting record as senator and the content of his speeches to the Senate do not inspire confidence in his ability to discharge the responsibilities of the Attorney General’s office in keeping with role of the Department of Justice in contemporary American society. His responses to the Judiciary Committee raised further, serious concerns. All this, coupled with the realization of his failure to be confirmed as a federal judge decades ago, suggest that he is not the person for this job.”

DH from Tacoma, WA, writes: “I am writing to express my strong opposition to the nomination of Jeff Sessions as Attorney General. Everything I know about this man makes him uniquely unqualified for the post. He has not supported equal rights of minorities and has supported vote suppression as a means to reduce the effect of minority votes. In the attorney general seat, Sessions will be able to make decisions that will negatively affect the daily lives of some of our most vulnerable citizens. Please reinforce my belief in you as a leader and vote no on Jeff Sessions for attorney general.”

JG from Seattle, WA, writes: “You must vote against confirming Jeff Sessions as Attorney General. His record makes clear that he will not support voting rights for all Americans and will not act to protect the rights of minorities or work to improve the criminal justice system. In fact, his record makes clear he will move to suppress the rights and votes of groups that will hurt minorities in particular. He is not fit to serve as this country’s Attorney General.”

AM from Seattle, WA, writes: “I am a criminal defense attorney in Seattle. I urge you to vote against confirming Jeff Sessions as United States Attorney General. Under the Obama administration, many inroads have been made into remedying the harms of mandatory minimum drug sentencing and other forms of mass incarceration reform. Additionally, states like Washington have been allowed to sell marijuana, legal under state law, without
fear of federal prosecution. Finally, the Obama administration made good use of the civil rights division to assist in reforming police departments engaged in improper policing practices, such as Seattle. I have no confidence that Jeff Sessions will continue to support any of these policies. Please do not vote to confirm him.”

LB from Seattle, WA, writes: “Please block Jeff Sessions from becoming Attorney General. The idea of having a racist attorney general is appalling. We need to improve race relations in this country and in our law enforcement officers, especially. I am 41 and feel like the race relations in this country had been improving steadily throughout my life, at least on the west coast. It’s very scary to me that this new administration has to brought to light all the issues that still remain but to be a great country we cannot be a divided one anymore to paint him in a very keen light and asking people to contact senators to urge confirmation. I continue to have concerns about what he will do to lessen voter rights and other issues under his authority. The advertisement did not change my opinion and I feel its just full of alternative facts. Please continue to ask tough questions on all of these appointments.”

LR from Seattle, WA, writes: “I am writing to urge you to continue due diligence on the appointment of Jeff Sessions as Attorney General. His record shows his hostility toward civil rights, the ACLU, the NAACP, the LGBT community and more. I am especially concerned about his ability to send us backwards on gay marriage and other civil rights laws. His appointment to head the Justice Department would be a disaster for civil rights law in this country. Please help stop this train wreck.”

MY from Edmonds, WA, writes: “I am writing to urge you to continue due diligence on the appointment of Jeff Sessions as Attorney General. His views, clear and in a very keen light and asking people to contact senators to urge confirmation. I continue to have concerns about what he will do to lessen voter rights and other issues under his authority. The advertisement did not change my opinion and I feel it’s just full of alternative facts. Please continue to ask tough questions on all of these appointments.”

RR from Bellingham, WA, writes: “Please do not consider Jeff Sessions for Attorney General. His views, clearly displayed over the course of his career, are the antithesis of what our country stands for around the world. The United States has been a bastion of freedom and individual choice. Sadly, those qualities are rapidly disappearing, faster than one thought possible, under the Trump administration. All of our citizens are entitled to equality under the law. All of our citizens should live freely and without regard to their race, religion, lack of religi- on, gender or sexuality. Jeff Sessions is dangerous. He will dismantle civil rights laws, allow racial profiling, support laws that prevent access to voting and encourage the abuse of the LGBT community. Please vote no.”

I also know there are letters from many organizations that also have opposed this nomination, and my colleague has talked about many of those, but the NAACP, civil and human rights organizations, the HRC, and the American Federation of State and County Municipal Employees have said they question the objectivity and sense of justice needed on these important issues.

I mentioned the Lilly Ledbetter Fair Pay Act and other issues of the Individuals with Disabilities Education Act, things we are concerned about the fact that they get the fair attention and enforcement of law. I ask unanimous consent that these letters be printed in the RECORD.

There being no objection, the material ordered to be printed in the RECORD, as follows:

NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE
Re The NAACP Strongly Urges The U.S. Senate To Vote No on Sen. Jeff Sessions Nomination as Attorney General.
U.S. Senate, Washington, DC.
DEAR SENATOR: On behalf of the NAACP, our nation’s oldest, largest and most widely-recognized grassroots-based civil rights organization, we strongly oppose the vote against Jefferson “Jeff” Beauregard Sessions III for Attorney General. Throughout this contentious debate, and through his past actions, his recorded words, and his voting record as a United States Senator, Senate. Sessions has demonstrated a clear disregard, disrespect, and disdain for the rights and needs of all Americans. This positions possess neither the political nor the moral temperament to serve as Attorney General.

The NAACP staunchly opposes the confirmation of Senator Jeff Sessions based on several factors, including the fact that he does not agree with us on a majority of issues as is reflected in our federal legislative report card. Since 1914, our report card has been reflective of our bread-and-butter civil rights issues, and the fact that Senator Sessions has averaged, since coming into question, over 10%, demonstrates his clear disregard for issues that are important to us and to those we represent and serve. It would be a disservice to these people who support us not to speak out against this nomination. Supporters of the NAACP would argue, in fact, that the Department of Justice is a crucial enforcer of civil rights laws and advisor to the President and Congress on what can and should be done if those laws are threatened. Given his disregard for issues which protect the rights, and in some cases, our constitu- ents, there is no way that the NAACP can or should be expected to sit by and support Senator Sessions’ nomination to head the U.S. Department of Justice.

The disdain Senator Sessions has shown for civil rights organizations, including the NAACP, is as palpable as it is disturbing. During his confirmation hearing in 1986 for a federal judgeship in Alabama, Senator Sessions replied to one question by saying, “I’m often loose with my tongue. I may have said something about the NAACP being un-American or Communist, but I meant no harm by it.” Yet he denied saying anything disparaging about the NAACP in his recent hearing before the Senate Judiciary Committee on January 9, 2017.

Lastly, in a floor statement made earlier today, Senator Sessions’ support of the opposition of the national NAACP is out of step with the sentiments of Alabamians. Nothing could be further from the truth. In fact, the President of the Alabama State Conference of NAACP Branches has been a leader in opposing this nomination. He was here on the floor yesterday afternoon at Senator Sessions’ testimony, a trip he took with busloads of NAACP Members who also opposed the confirmation. This was a day when protests were held in Senator Sessions’ office in Mobile as a means of protest in which he urged Senator Sessions to withdraw his nomination from consideration by the Senate.

In summation, I would like to reiterate that it is the experiences of the NAACP that lead us to oppose Senator Sessions’ nomination. We further call on President Trump to nominate an individual who has a demonstr- ated commitment to the constitutional promises of civil rights, voting rights and civil liberties protection and enforcement for all, and an articulated respect and promise to promote the civil and human rights of all people, regardless of their race, ethnicity, religious beliefs, place of national origin, sexual preference or station in life. Thank you in advance for your attention to the position of the NAACP. Should you have any questions or comments, please do not hesitate to contact me at my office.

Sincerely,
HILARY O. SHELTON,
Director, NAACP Washington Bureau & Senior Vice Presi- dent for Policy and Advocacy.

THE LEADERSHIP CONFERENCE ON CIVIL AND HUMAN RIGHTS OPPOSES CONFIRMATION OF JEFF SESSIONS
Washington, DC, December 1, 2016.
AN OPEN LETTER TO THE UNITED STATES SENATE
CIVIL AND HUMAN RIGHTS ORGANIZATIONS OPPOSE CONFIRMATION OF JEFF SESSIONS
Dear Majority Leader McConnell, Democratic Leader Reid, Chairman Grassley, and Ranking Member Leahy:

On behalf of The Leadership Conference on Civil and Human Rights and more than 200 national organizations committed to promote and protect the civil and human rights of all persons in the United States, and the 140 organizations that signed the letter written to express our strong opposition to the confirmation of Senator Jefferson B. Sessions (R–AL) to be the 84th Attorney General of the United States.

Senator Sessions has a 30-year record of racial insensitivity, bias against immigrants, disregard for the rule of law, and hostility to the protection of civil rights that makes him unfit to serve as the Attorney General of the United States. In our democr- acy, the Attorney General is charged with enforcing our nation’s laws without prejudice and with an eye toward justice. And, just as important, the Attorney General has been charged by the public, from every community—as a fair arbiters of justice. Unfortunately, there is little in Senator Sessions’ record that dem- onstrates that he would meet such a standard.

In 1986, when then-U.S. Attorney Sessions was nominated by former President Ronald Reagan to serve as a judge on the U.S. Dis- trict Court for the Southern District of Alabama, the Republican-controlled Senate upheld its constitutional duty, undertaking a careful and comprehensive review of his record at that time. The Judiciary Com- mittee was presented with compelling evidence that then-U.S. Attorney Sessions had already been a troubling agent of civil rights enforcement, a champion of voter suppression tactics targeting African
Americans, and a history of making racially-insensitive statements. This record included warning an African-American colleague to be careful about what he said to “white folks,” and favorably about Klux Klan, as well as his prosecution of three African-American voting rights activists on dozens of charges that were promptly retracted.

As you know, the Attorney General is our nation’s highest law enforcement official, with a particular responsibility to protect the civil and human rights of all Americans. The Leadership Conference opposes Senator Sessions’ nomination to become Attorney General in light of the record we have cited. However, it would be a grave mistake to assume that our opposition is based only on incidents prior to his judicial nomination.

Indeed, the following are examples of his actions as a Senator over the past 20 years that raise very disturbing questions about his fitness to serve as Attorney General.

Voting Rights: In addition to his failed 1985 prosecution of three voting rights activists who were working to increase African-American turnout, Senator Sessions has voiced strong support for restrictive voter ID laws that have had the effect of disenfranchising many otherwise eligible voters. Senator Sessions has referred to the Voting Rights Act as “invasivel” as it seeks to protect eligible minority voters, and praised the Supreme Court ruling in Shelby County v. Holder (2013) that gutted a key part of the Voting Rights Act of 1965.

This is hardly the record of someone to be entrusted with the protection of voting rights for all Americans.

Asian American, White Nationalist and Hate Groups regarding Immigration Policy: Senator Sessions has been a fierce opponent of comprehensive immigration reform and has referred to a bipartisan 2007 bill as “terrorist assistance.” He has closely associated himself with NumbersUSA, the Federation for American Immigration Reform, and the Center for Immigration Studies, all of which were founded by John Tanton, who held white nationalist beliefs and called for the preservation of a “European-American majority.”

Senator Sessions has also received awards from the David Horowitz Freedom Center and Frank Gaffney’s Center for Security Policy, which is designated as a “hate group” by the Southern Poverty Law Center.

Hate Crimes and LGBT Rights: Senator Sessions has been an ally of the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act, even though a unanimous Supreme Court had long ago upheld a similar state law in Wisconsin v. Mitchell (1993). This is particularly disturbing at a time when there have reportedly been more than 700 hate incidents committed in the weeks since the election of President Donald Trump.

Women’s Rights: Senator Sessions has consistently opposed legislation to advance women’s rights, notably opposing multiple efforts to address the pay gap, to protect women’s access to reproductive health services, which disproportionately affect low-income women and women of color, and to address the scourge of violence against all women, specifically regarding Senator Sessions’ opposition to the Lilly Ledbetter Fair Pay Act of 2009, enabling women to file ongoing pay discrimination claims, and has voted multiple times against reauthorization of the Fair Labor Standards Act. Senator Sessions also opposed Title X funding legislation, which supports contraception, breast cancer screening and other health services for low-income women.

In addition, Senator Sessions repeatedly voted to defund Planned Parenthood, and in 2014, he stated that he would use the threat of a fully-funded Hobby Lobby decision by prohibiting employers from denying coverage of any health care service, such as contraception, required under the Affordable Care Act, also opposed the reauthorization of the Violence Against Women Act in 2013, and when then-candidate Donald Trump was revealed in a tape of boasting about physically pushing himself on women, Senator Sessions declined to condemn the candidate’s behavior. Senator Sessions also participated in the comments described sexual assault.

Criminal Justice Reform: Though Senator Sessions was a longtime supporter of eliminating sentencing disparities between crack and powder cocaine offenses, he has since been an ardent supporter of maintaining draconian mandatory minimum sentences.

Senator Sessions helped to block broad-based, bipartisan efforts to reduce sentences for certain nonviolent drug offenses.

He also opposed the President’s initiative to address the inherent racial disparity in the justice system through his use of his constitutionally granted executive clemency power. It is critical of Justice’s Smart on Crime Initiative, which has focused on prosecuting fewer but “more serious” drug cases and over the last three years, he has opposed this reduction in overcrowding in the federal Bureau of Prisons. Finally, Senator Sessions condemned the Department of Justice’s use of its powers to investigate law enforcement agencies accused of misconduct and a “pattern or practice” of violating civil rights, calling consent decrees that mandate reforms to follow through with “an end run around the democratic process.”

Failing to Protect our Communities from Pollution and Climate Change: Climate change and environmental degradation disproportionately affect low-income families and communities of color. Senator Sessions has a long record of voting against protections for our clean air, water, and climate.

Among his many anti-environmental votes, in 2015 he voted for the resolution to kill the clean power plan and for the Barrasso bill to deny the EPA the ability to set limits on drinking water for 113 million Americans. In 2012, he supported a resolution that would roll back protections from toxic mercury.

Senator Sessions has said repeatedly that he is a Catholic, but has taken the actions and made the statements we have described above. Nevertheless, we believe those actions and statements are themselves disqualifying.

This is notmitstanding our recognition that Senator Sessions’ record does include support for civil rights and anti-poverty efforts by organizations that he may have opposed in the past. As an example, the Southern Poverty Law Center, while expressing opposition to his confirmation, acknowledged that he was helpful in the Center’s efforts to organize against what he viewed as the Ku Klux Klan following its role in the 1981 lynching death of Michael Donald. The Leadership Conference also worked with Senator Sessions in an effort that culminated in the passage of the Fair Sentencing Act of 2010, which reduced racial disparities in federal cocaine sentencing provisions. While these actions are noteworthy, we remain concerned about Senator Sessions’ overall record and too troubling for him to be confirmed as our next Attorney General.

The collegiality that ordinarily governs Senate decorum is no substitute for, and must not supersede, the Senate’s profoundly important duty to vigorously and fairly review each nominee who comes before it. We believe that based on this review, there can be only one conclusion: Senator Sessions is not the person to serve as the U.S. Attorney General.

Thank you for your consideration of our views. If you would like to discuss this matter further, please contact me, or our President and CEO, Nancy Zirkin, Executive Vice President.

Sincerely,


U.S. Senate, Washington, DC.

Dear Senator: On behalf of the 1.6 million members of the American Federation of State, County and Municipal Employees (AFSCME), I am writing to express our strong opposition to the confirmation of Sen. Jeff Sessions as Attorney General of the United States. Sen. Sessions has a lengthy record of public service, but his record does not demonstrate that he possesses the objectivity and independence required to serve as the nation’s chief law enforcement officer.

Sen. Sessions has a troubling pattern of antipathy toward legal protections on which working families depend. He has been a vocal critic of the Lilly Ledbetter Fair Pay Act enabling women to challenge pay discrimination. He denounced the Individuals with Disabilities Education Act—provisions that ensure that children with disabilities are included in mainstream education. He also opposed the
reauthorization of the Violence Against Women Act and the Shepard-Byrd Hate Crimes Act.

Sen. Sessions has expressed strong support for voter-ID laws which restrict the rights of many, otherwise, eligible voters. He has called the Voting Rights Act “intrusive” as it seeks to protect minority voters and praised the U.S. Supreme Court ruling in Shelby County v. Holder which gutted a key part of the Voting Rights Act of 1965.

Sessions helped to block bipartisan efforts to reduce sentences for certain nonviolent drug offenses. He has also criticized the Department of Justice’s use of consent decrees to address misconduct and violations of civil rights by law enforcement agencies.

Testimony provided by Sen. Sessions during his nomination hearing has raised concerns about his suitability to lead the Department of Justice. We urge you to reject his nomination.

Sincerely,

SCOTT FREY,
Director of Federal Government Affairs.

NATIONAL NURSES UNITED

HON. MARIA CANTWELL,
U.S. Senate,
Washington, DC.

DEAR SENATOR CANTWELL: We write on behalf of the more than 150,000 registered nurse members of the National Nurses United. We urge you to vote against the confirmation of Sen. Jeff Sessions, President-elect Donald Trump’s nominee for Attorney General.

Much has been said by many others against confirmation of this nominee, so we will be brief.

Our members work as bedside healthcare professionals in almost every state in the nation. We work in every hospital setting, from small rural facilities to large urban public health systems, in prominent research hospitals affiliated with prestigious public and private universities, as well as Veterans Affairs hospitals and clinics. We care for Americans on every point of the demographic spectrum, at their most vulnerable. We provide the best care we possibly can, without regard to race, gender, national origin, religion, socio-economic circumstances, or other identifying characteristic. That is what caring professionals do. Unfortunately, that is not what Jeff Sessions has done in his role as a public servant. And to vote in favor of confirmation would be an affront to the American people, and to the justice system.

We write to urge you to vote in favor of rejecting the nomination of Sen. Sessions for Attorney General. As nurses, we see close up the devastating effects of domestic violence against our patients, and we are disturbed by Senator Sessions’ alleged concern that the protection of that statute should not extend to victims of violence on tribal lands.

Moreover, confirming Senator Sessions to the job of the top prosecutor would exacerbate our national crisis over race issues in policing and our criminal justice system. He personally blocked the Sentencing Reform Act of 2010 which authorizes an effort spearheaded by Sens. Charles Grassley (R-Iowa), Mike Lee (R-Utah), and John Cornyn (R-Texas), and Speaker of the House Paul Ryan (R-Wis.), to end racial and geographic disparity in federal enforcement leadership throughout the nation. The current ongoing effort made no difference to Senator Sessions. And unfortunately, his actions as U.S. Attorney for the Southern District of Alabama only further illustrate his indifference to this crisis. For example, drug convictions made up 40 percent of his cases, a rate which is twice the rate of other federal prosecutors in Alabama. Despite the current trend of focusing resources on violent crime, and away from outdated drug war policies, Senator Sessions continues to oppose any attempts to legalize marijuana and any reduction in drug sentences. As Attorney General, he could direct federal prosecutors throughout the country to pursue the harshest penalties possible for even low-level drug offenses, a step that would further exacerbate our national record of incarcerating non-violent offenders—the vast majority of whom could be successfully treated, at a far lower cost to society, with appropriate healthcare treatment.

Nurse Advocates have often asserted that his comments over the years were taken out of context, or intended as humor. But his record tells the truth. Early in his career he charged the Attorney General’s “third strike” law with violating constitutional rights. He has voted against the Equal Rights Amendment and has judged the Voting Rights Act “intrusive,” and has insisted that its proactive protections of racial minorities were no longer necessary. This is especially disturbing as Senator Sessions voiced public support for voter-ID laws, while his home state recently tried to close over thirty DMV centers.

We will not attempt to address all the positions Senator Sessions has taken that are out of step with the reality of the difficult times we are in, but as nurses we must include our grave concern that as Attorney General he would not be vigilant in enforcing environmental protections. In a July 2012 Senate hearing on climate science, Senator Sessions dismissed the concerns about global warming expressed by 98% of climate scientists, and asserted that this is “[a] danger that is not as great as it seems.” These positions are frightening. Change is a public health issue, and the reality of the science is over-stated. As nurses we have been seeing for some time increases in the frequency and severity of respiratory diseases such as asthma, as well as an increase in cancers and aggravation of cardiovascular illness. The effects of air pollution are particularly acute in pediatric patients. They have higher respiratory rates than adults, and consequently higher exposure. Our elderly patients are also especially vulnerable. Respiratory symptoms as common as coughing can mask heart issues, heart attacks, and other serious health impacts in geriatric patients. As global warming progresses, we are seeing sharp increases in heat stroke and dehydration, both of which are sometimes fatal.

In our disaster relief work through our Registered Nurse Response Network, we have been called upon to assist the victims of Hurricane Katrina and Super Storm Sandy—events that many scientists believe would not have been of the magnitude they were if not for rising temperatures.

Current and future generations cannot afford to have a fox mind the hen house on the important issue of environmental protections under the control of the Attorney General. We urge you to set aside your personal loyalty to Senator Sessions and evaluate honestly his record and fitness for this critically important role. We urge you to vote against his confirmation.

Sincerely,

DEBORAH BURGER, RN,
Co-President, National Nurses United.

JEAN ROSS, RN
Co-President, National Nurses United.

Ms. CANTWELL. I also note that the National Nurses United, on behalf of 150,000 registered nurses, also urge the opposition to this nominee. And the record of this individual has made them deeply concerned about the resources and focus on crimes and actions that they see in their day-to-day lives.

They want to make sure they are going to work effectively in addressing these issues that they see through the healthcare system. These issues add up to a great deal of concern about this next vote that we are going to be taking.
We are not under the illusion that somehow, magically, the vote is going to turn out any differently than it did on the last nominee. Why are we here at 4:30 in the morning to talk about this? Why are we going to continue to pursue the same agenda? And the one thing we need to do is set aside time to discuss these nominees? We are going to do that because we have great concerns about their record. And, frankly, in the case of the next two nominees who are coming before us, we had specific questions asked about their actual actions and statements and the testaments before the Finance Committee. Instead of the majority answering those questions for us, they decided not to answer them and push the vote to the floor of the United States Senate.

I am very concerned about the Price nomination, and the discussion that I hope we are going to have time to have here on that nomination and to bring light to the issues that we didn’t get to bring to light in the Finance Committee.

The Treasury nominee that we will give time to in the next several days, the discussion of that record, the things I am interested in, obviously, are Social Security, Medicare, Medicaid, and making sure we expose what is the concept and idea to either cap or cut the benefits that Americans are getting under those programs today and to have a great discussion about some of the issues that was talked about during the campaign and was put into party platforms on both sides of the aisle, but now all of a sudden seem to be forgotten. That mysterious, but all-important issue, something called Glass-Steagall, the separation of commercial and investment banking. That is what the Trump campaign, now President Trump, working with Republicans, put into a platform. Let us have Glass-Steagall.

Let us have separation of commercial and investment banking. Why? Because it is the disaster that brought us the implosion of our economy and cost our economy $14 trillion, according to the Dallas fed. Yet, many Americans have not fully recovered from that event. I get that a lot of banks have recovered because we gave them the keys to the Treasury, and they got bailed out, but a lot of everyday Americans have not recovered. And certainly there are pension questionings of commercial and investment banking. That is what we are going to pursue.

As these nominees come right after this, my constituents in the State of Washington are feeling as if these nominees need to be questioned on how they are going to uphold existing law and how they are going to implement and enforce existing law as it relates to these many issues. We are doing our best here. We would rather not do it at 4:30 in the morning. We would rather do it at 2:30 in the afternoon, but we will do it at 4:30 in the morning if that is what it takes to get the airing on these issues and this amount of attention.

So I do find that the other side of the aisle, trying to gavel down my colleague from Massachusetts, was an attempt to try to say that you can control this debate. You can control the questions we have or the discussions we want to have or the concerns that our constituents have, which are real. I don’t think it takes a genius to see that many people marching in Seattle on women’s issues or an attorney general or a Governor who files a case or all the discussion that is happening, as I said, in response to a bombing at a Doctors Without Borders clinic just a few years or a bombing that happened in Spokane, an attempt on a Martin Luther King Day parade just several years ago, where somebody left a backpack trying to do harm—these are issues that are still with us.

They may be the same struggles that our Nation has had, but we have made it through, and we want a law enforcement officer in the land to uphold the law, enforce it, and to fight for the civil liberties of these individuals.

So I go back to my opening comments about this. And that is that I truly believe that mark that was set in the Saturday night massacre is the mark we should always strive for. I happened to ask at the time, when I first got on the Senate, I sat on the Judiciary Commission for 2 years, and I asked Attorney General Ashcroft about these issues. I asked him specifically, if you become the Attorney General for the Nation—this time we had a law that had been implemented, the roadless area rule. Even though it had become the force of law, would he enforce that, even though the new President wanted to overturn it? Because I wanted to get across this very issue: Are you working for the American people? Will you uphold the law if, in fact, that is the law of the country? At this point in time, Mr. Ashcroft hesitated about whether it did have the force of law. Did he have the force of law? How could he have the force of law, if he could not uphold it. Obviously, we saw a lot of Executive orders in the early days of the Bush administration trying to overturn many of these things, and we saw an Attorney General’s office that stood by. In the case of defending these laws in court, basically they were effective at not implementing fighting them because basically they did a very poor job in the court process—or decided not to argue or to file on behalf of the existing law, as opposed to answering to the Senate of the United States. So we have seen examples of this. We have seen examples of Attorneys General who are responding more to the President of the United States than upholding the laws of the land.

I think Americans—at least the Washingtonians who are writing me in record numbers, who are speaking out, and I have been in record numbers myself to my State Senator, to get the laws on the book to be enforced, and they want the steps they are taking and making progress on as a State to also work in coordination with the next Attorney General that we have.

I will be honest with people. I did not vote for the law to legalize marijuana in my State. I did not vote for it. I did not think that given some challenges and issues we had, it was the right thing to do. That is how I cast my vote. But more than 20 counties in our State, out of 39, voted for this law. It is not something that just Seattle did and it dominated the State, and there were just a bunch of people in Seattle who wanted to legalize marijuana; it was counties throughout the State. Some of our most rural counties voted for the legalization of that product.

In the ensuing years, we have had a good relationship with the Attorney General and the Department of Justice and the FBI, and that law was going to continue to play out. So, as you can imagine, it is a much more integrated system now several years later. Several questions still remain about how this country is going to address that issue as a nation as a whole.

But right now, right now, we want to know we are going to have an Attorney General, and my obligation to a citizen who has passed by initiative this decision is to make sure that I am looking for people here who are going to work with the State of Washington on that right that our State has to continue to move forward.

So it is of concern. As I said, the notion that a previous Attorney General did not agree—not this past Obama administration, but the previous Bush administration literally came to our State when we had a medical marijuana law and forced the investigation and shutdown of some facilities, caused great concern to medical patients throughout our State. So this is raising a question for people here. It is my obligation to make sure these issues are raised and brought up as we seek this discussion on the Sessions nomination to be Attorney General for our country.

I again thank my colleagues for being out here and for all of the discussions we have had on these issues. We should not be afraid to have these discussions. We should not be afraid to think about how we are going to work not only across the aisle, as I have done with my colleague SUSAN COLLINS on those homeland security Court issues—we worked successfully with Jeh Johnson, the last Homeland Security Director, to ensure that we were moving some of our airport border control issues to overseas airports. We were able to get that done in December
after the San Bernardino event and make sure that we are now working.

Why do we want them over there? Why do we want the border control and efficiency over there? Because then you can work more in coordination with law enforcement in those countries, we have better ways to find information about individuals we have concerns about. That is the best nexus for us, that we are here all night and the extra strain is what these choices are so that our colleagues on both sides of the aisle will hear from their constituents and will have these issues so important.

In the two cases we are going to see following this nomination for Attorney General, we are going to individuals who did not fully respond and answer the questions we wanted answered as it related to information they supplied to the Finance Committee.

So when you talk about—some people say: Why are you guys doing this? We say: Well, it is the Treasury nominee and the head of our health care system. It is so basically all our revenue and a big chunk of our spending. That is what those two individuals represent. They represent the revenue that our country raises and a big chunk of the money. In fact, I think health care is 7 percent of our economy. That is why those two individuals are here. And the Senate wants to know: What is the economic engine of the economy—those two individuals. So we want to make sure we have ample time to discuss those nominees, to raise the questions we have about those nominees. Maybe in that discussion here on the Senate floor in the bright light of day, we will get some answers. We will get some answers about some of the things that were discussed in the hearing about opposition to certain issues or incorrect information. We will engage our colleagues in a debate, and maybe they can help us understand the support for ideas like basically, you know, changing Medicare into a program that caps the benefits on individuals or taking Medicaid and doing the same thing.

I am a big proponent of changes in delivery system reform that have driven great efficiencies into the health care system. I think many of our colleagues don’t know, for example, about a program that got people out of nursing homes and into community-based care; that a lot of States in the country use this part of the Affordable Care Act are now driving more efficient health care services into those growing communities. If a State did not support President Obama, did not support the Affordable Care Act, but took the money from the Affordable Care Act and are now implementing a much better delivery system for those who are living longer and need assistance on health care. Why is that so important? Because back to my point about Glass-Steagall and the implosion of our economy, what we are going to see is a very great tragedy on retirement issues. We are going to see a lot of people who don’t have enough money to retire and certainly not enough to take care of their health care. So what happens then?
now 5:39—I thank the staff, both the nonpartisan staff and those in the majority and minority for enduring another late night. These are exceptional times. Thus we are here again in the early, early morning to talk about a nomination, the President’s nomination of Jeff Sessions.

This is my first time on the floor since Senator Warren was gavled down last evening. Let me just speak for a moment about my deep, deep disappointment at the events of early last evening. I want to put this in the context of what was a political moment that we are living in.

We have a President of the United States today who is a bully, who is using his office to try to stifle and quell debate. If you dare oppose him—frankly, whether you are a Republican or a Democrat—you are going to be called names, you are going to be mocked in an effort to try to silence you.

In the last week, we have seen President Trump attempt this tactic on members of the judiciary. When he got a ruling he didn’t like from a judge in Washington that temporarily halted his ban on Muslims entering the country, he started personally attacking that judge. This is a signal to those in the judicial branch that, if you dare oppose him, you are going to be singled out for ridicule.

The President of the United States is going to try to destroy your reputation and your career as a judge, as a jurist, as an impartial arbiter of the law if you rule against his political interests. It is an exceptional moment. It is an exceptional moment in which the President of the United States is trying to bully judges into ruling in his favor. It is an exceptional moment, though we have been watching it for the last 2 years, in which the President is trying to bully Members of Congress to cower to his interests.

I want to be very careful about how I talk about this because I have great respect for the parliamentary rulings of this body. But I don’t understand why our majority leader chose to gavel down Senator Warren when she was simply reading a letter from Coretta Scott King.

We celebrate the legacy of Martin Luther King with a holiday every year in this country. In the pantheon of individual greatness in the United States of America, one judge, a jurist, a scholar, a civil rights leader, a man of peace, a mentor to me more than Martin Luther King. His widow wrote us a letter expressing her objections to the nomination of Jeff Sessions based upon the belief that he would not live up to the legacy of her husband and his work in civil rights.

Now, of course, many relish to this discussion than the opinion of a member of Martin Luther King’s family on whether or not this nominee was going to enforce appropriately, vigorously the civil rights laws of this Nation, and Senator Warren was silenced.

Now, I don’t know what the motive was, and it certainly would be inappropriately for me to guess at it. But the effect of the majority leader’s action is to stifle debate, to make it less likely that Members of the Democratic minority will raise objections to Senator Sessions’ nomination and record objections as a result.

I am not trying to equate what happened here last night with what our President has done, but there is a practice now. There is a pattern of behavior among Republicans, trying to stifle and quell opposition to this President. The President has used the power of Twitter, and the majority leader now is twisting the rules of the Senate. I say that because, while it may be true that technically the rules of the Senate don’t allow you to talk about the conduct of a fellow Senator, how on Earth can you debate a nominee from this body to the Cabinet without questioning their conduct?

So technically, the rule may say that you cannot talk about the conduct of a fellow Member of this body when Members of it are nominated to important positions if we cannot talk about the conduct of fellow Members and we cannot criticize the conduct of fellow Members?

Now, I appreciate the fact that Senator Merkley was able to come down to the floor and read the full letter into the Record overnight. I appreciate the fact that Senator Booker was able to read into the Record testimony from his attorney. I do not appreciate the fact that Senator McCain, without being similarly gavled down for his conduct, has not been similarly allowed to read into the Record testimony from his attorney. But this effort, this continued effort to try to stop people who oppose President Trump and his agenda from speaking truth to power is not right. It is not right. And it will, frankly, have the opposite effect.

You have seen what happened overnight on our side. We are not going to stop talking about Senator Sessions’ record. He is disqualifying for his nomination for Attorney General. The protests and the numbers of people gathering around the country to object to the policies of President Trump are getting bigger and bigger the more that he bullies and bullies. This isn’t going to work.

So I am going to speak to Senator Sessions’ record. I am going to speak to how I believe it does not qualify him to be Attorney General, and that I don’t have great respect for him. I have worked with Senator Sessions on a number of issues. But if I can’t talk about Senator Sessions’ record, if I can’t talk about his conduct as a Senator, as it relates to whether or not he can be the chief law enforcement official in this country, then there is no use in having this debate at all.

Senator Sessions has publicly called the Voting Rights Act intrusive. In response to the Supreme Court’s 2013 decision in Shelby County v. Holder, which gutted section 5 of the Voting Rights Act, Senator Sessions called it a good thing for the South.

That decision made it vastly more difficult for the Federal Government to protect individuals from racial discrimination in voting. The Supreme Court effectively substituted their political judgment on the status of racism in America for the judgment of this Congress. Effectively, by the Supreme Court saying that in that decision that in our belief, racism is no longer a problem in the way that it was when the Voting Rights Act was passed, and, thus, there is no longer an imperative for section 5 of the Voting Rights Act, which allows for the Federal Government to oversee the voting laws of a select number of counties with patterns of racial discrimination.

That was an absurd ruling. I have great respect for the members of the Supreme Court, but they live inside the ivory-encased marble of the Supreme Court chamber. They don’t have experience on the ground, like the elected Members of this body do, to understand the reality of racism in America today. I wish it were gone, but it is not. Blacks and Hispanics are still discriminated against.

You just have to look to see what happened in North Carolina. Under the Trump Administration, North Carolina passed a number of laws which, on their face, they argued were not discriminatory. They were just, in their words, voter protections, buffers against voter fraud. And then, when we discovered that they were in fact members of the State legislature to pass that law, what we learned is that they were specifically intended to try to stop African Americans from voting. The people who were passing those laws were talking to each other trying to figure out how they could most effectively target laws to stop African Americans from voting. That was their clear intent, even though they argue that there was no racial bias implicit in the passage of those laws.

Racism is not dead in America. You don’t wash away discrimination in just one generation—a generation and a half, maybe—after laws that separated the races with respect to public accommodations and restaurants and drinking fountains and bathrooms. That doesn’t just vanish in one generation later. Everybody understands that.

Poll after poll will show you that there are still people in this country who believe that African Americans and Hispanics are inferior. I wish it weren’t the case, but it still is. So we still need the Voting Rights Act. We still need the Civil Rights Act. And we are about to vote on a nominee to be Attorney General who calls the Voting Rights Act intrusive, who says that a Supreme Court decision that guts the Voting Rights Act is “a good thing for the South.” It is not a good thing for African Americans in the South. It is not a good thing for Hispanics in the South. It is not a good thing for the people who wrote those discriminatory laws, but it is not a good thing for those who are trying to vote who have
witnessed and lived through decades of discrimination.

Let me talk about Senator Sessions’ record on immigration. In 2007, Senator Sessions referred to a comprehensive immigration reform bill as “terrorist assistance” and has been a leading voice in Congress in arguing against immigration reform. In two decades in the Senate, Senator Sessions has opposed every single immigration bill that has included a pathway to citizenship. He has favored, similar to President Trump, an ideological test for admission to the United States. He said this:

Immigration policy must be guided by our understanding that western society is diverse and special. Our values, our rules, our traditions are what make our society succeed where others fail. It is necessary and proper to who among the world’s billions of people will be granted the high honor of immigration to the United States on the basis of confidence that they share our values.

That is a radical idea. Why don’t we think about it for a second? The Attorney General of the United States will make important decisions about the enforcement of immigration law in this country. Much of what happens in immigration policy happens in the Department of Homeland Security and what the Attorney General makes important decisions about upholding the law on immigration policy, and we are about to vote to confirm a Member of this body who has said that there should be an ideological test for admittance, and I think the United States and that you have to share our values. I don’t know what that means, but the greatness of the United States is based on the fact that we have been able to bring people from a variety of different backgrounds, a variety of different value sets, a variety of different religions—bring them into this country and allow them to keep part of their heritage, part of their belief system from the places they came from, whether that be Ireland or England or China or Mexico, and then also assimilate into the whole and adopt part of this country’s short history of tradition over the last 240 years. What makes America great is that we allow people to bring values different from ours into this country, which in turn strengthens our collective set of values. We are constantly challenging ourselves with new ideas, with new perspectives.

Senator Sessions has been an opponent of Delayed Action for Childhood Arrivals policy. This is commonly referred to as DACA—the idea that if you are a child who came to this country when you were very young, knowing nothing other than the United States, an American in name if not legal status, then you should be able to stay in this country. It is cruel and inhumane to take a young man or woman who came to this country when they were 3 or 4 years old and send them back to their country of birth. The Democrats and Republicans of goodwill generally agree, if not on the broad aspects of the pathway to citizenship, that for these kids, these DREAMers as they call them, they should be able to stay in the United States. Senator Sessions has vigorously opposed this policy and many DACA-protected immigrants now fear deportation under a Department of Justice that is led by Senator Sessions.

His conduct tells us that he opposes protections for young men and women who know nothing other than the United States and want simply to have a shot at the American dream. That conduct is relevant to whether he is qualified to be Attorney General.

On criminal justice reform, Senator Sessions has personally blocked the Sentencing Reform and Corrections Act, which is a bipartisan effort spearheaded by Senators Grassley, Lee, Cornyn, and Speaker of the House Paul Ryan. As Attorney General, Senator Sessions will have the power to direct Federal prosecutors throughout the country to pursue the harshest penalties for drug offenses, a step that would further exacerbate our national record of incarcerating nonviolent offenders, the vast majority of whom can be successfully treated at far lower cost to society with a focus on treatment for their addiction or mental illness. Senator Sessions’ conduct in this body has been to oppose efforts to try to treat with more compassion and commonsense offenders in this country who are put in prison through treatment than through incarceration, so it is relevant to his nomination to be Attorney General where he will have broad discretion to lock up people for low-level offenses.

In Connecticut, we made the decision to divert people who are convicted of crimes but have serious mental illness or addiction into treatment. We have made the decision to reserve our prison system for the worst of the worst, for those who are convicted of serious crimes but have serious mental illness or addiction into treatment. We have made the decision to reserve our prison system for the worst of the worst, for those who are convicted of serious crimes. Connecticut has seen its prison population fall to a 20-year low. On September 3, 2016, the prison population in Connecticut dropped below 15,000 for the first time since January of 1997. At the same time, rates of reported violent crimes have plummeted in Connecticut. So the proof is in the pudding in my State. My State has reduced its prison population and at the same time violent crime has plummeted, and many States can tell the same story. Yet we can predict through his record on the floor of the U.S. Senate that Senator Sessions may use his power as Attorney General to reverse that trend line and lock up more of my constituents, which I would argue will have an upward effect on the rates of violent crime. Why? Because those individuals, having gone through the process of incarceration and coming out unreformed, untreated, will be no less a danger to society.

Finally, I want to talk about the issue of gun violence in this country. Obviously this is very personal to me, still watching the community of Newtown spiral through ripples of grief associated with the trauma of December of 2012. Senator Sessions and I clearly have differences about the way in which the Federal Government should restrict the flow of firearms in this country.

You know, it has to be relevant to the decision that I make. This is the chief law enforcement official of this country, so the views on firearms are relevant. Whether or not the Attorney General has the discretion to make policy on the issue of what firearms are legal and what aren’t or what sales are subject to background checks and what aren’t, there is a bully pulpit associated with the chief law enforcement official that carries weight, so Senator Sessions’ beliefs on firearms policy are relevant. His record and his conduct in the U.S. Senate on the question of gun violence is relevant as to whether he should be our next Attorney General.

Senator Sessions has lined up with the gun lobby over and over again against commonsense reform of our gun laws that are supported by 90 percent of Americans. He has voted against expanding background checks to cover sales at gun shows or online. He has voted against a bipartisan effort in the Senate to make sure that if you are on the terrorist watch list that you cannot purchase a weapon. He has voted against efforts to try to restrict sales of high capacity magazines and assault weapons, the kinds of magazines and the kinds of weapons that were used in the horrific crime in Sandy Hook. What Senator Sessions has said is that, if he were confirmed, he would take on the rising homicide rates in some American cities by working against illegal firearms use. He has pledged that he will enforce the law. Yet, again, coming back to his record in this body, he voted against the effort to strip from the Department of Justice and its appendages the tools they need in order to enforce the law. Every year we have on our appropriations bills riders that specifically stop the ATF from enforcing existing law. We restrict their ability to do inventories of gun dealers. We prohibit them from keeping modern databases on gun sales across the country.

The policy that Senator Sessions has backed and voted for in this body runs contrary to the statements that he has made. He has supported efforts to rob from the Department of Justice the ability to enforce the existing law on guns, yet he says when he gets there that he is going to use all efforts to enforce the law. Further, he has opposed efforts to give new tools to the Department of Justice to try to keep our streets safer. Shortly after Sandy Hook, he specifically debated on this floor legislation that would make it a crime to carry firearms at gun shows. I don’t know how much less controversial you can get when it comes to gun policy. We all agree that you shouldn’t
be able to walk into a store, buy guns, say they are for you, and then go out on to the streets and sell them to criminals. It happens all the time in our cities.

Somebody goes and buys a mess of guns at the gun store or gun show, and then goes into a city and sells them out of a trunk of a car to criminals who couldn’t otherwise go buy these guns because of their criminal background.

So he proposed a simple Federal law that would make it a Federal crime to do that, and you need that, because States can’t enforce that on a State by State basis because these guns are often trafficked across State lines. Senator Sessions voted against that. He is not going to be a champion for enforcing the gun laws of this Nation. His record is not going to magically transform when he becomes Attorney General. I have great respect for Senator Sessions, but he has been a chief opponent of the gun laws of this country more amenable to proper and appropriate and efficient enforcement, and that is not going to change when he becomes Attorney General.

So I am going to vote against his nomination, and I encourage my colleagues to do so as well. His record on civil rights, on criminal justice, on immigration, and on gun policy do not qualify him to be Attorney General.

I am deeply sad about what happened here last night with respect to the letter read into the RECORD by Senator Warren. I understand that things seem to be breaking down a little bit in this Chamber, that nerves are frayed and people are acting in ways that maybe they wouldn’t have acted a few years ago. These are exceptional times. I have never seen a President like this, trying to divide us from each other, using his position to bully and intimidate his political opponents. Raving about a brutal dictator in Moscow who murders people. We have never seen a moment like this. We should be really careful that we don’t model that behavior here in the Senate.

What makes me sad is that it looked to me like that is what happened—that in this body the majority party tried to use the rules of the Senate in order to bully Members of the minority into silence. It is not going to work. If we want a government to function as a body, then we better be OK with being able to have some open, honest conversations about the future of this country and the future of this body.

I am going to vote against Senator Sessions today. That doesn’t mean that I haven’t enjoyed working with him on a number of subjects, but he is not the right person to be Attorney General—not close, frankly—and I hope that over the course of the day my colleagues continue to talk about his conduct, continue to talk about his record, and continue to explain why it does not qualify him in any way, shape, or form to be the chief law enforcement official in this country.

I yield the floor.

I suggest the absence of a quorum.

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

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

Ms. HASSAN. Mr. President, I rise today to join my colleagues in opposing the nomination of Senator Jeff Sessions to be Attorney General of the United States.

Now more than ever, it is critical to have an Attorney General who is an independent defender of our Constitution, who puts the rule of law before all else, and who is committed to ensuring that all Americans have equal access to justice. Unfortunately, I do not believe that Senator Sessions is fully committed to enacting those principles, and I am concerned that he will not independently stand up to President Trump.

Senator Sessions was one of Trump's earliest supporters and has been a key source of influence for the President’s actions. White House Strategist Stephen Bannon recently wrote to the Washington Post: “Throughout the campaign, Sessions has been the fiercest, most dedicated, and most loyal promoter in Congress of Trump's agenda, and arguably the real clearinghouse for policy and philosophy to undergird the implementation of that agenda.”

In the wake of President Trump’s first few weeks in office, in which he signed dozens of Executive orders—including the un-American backdoor Muslim ban—it was reported that Senator Sessions played a role in influencing the President’s policy and strategy.

My office has heard from thousands in New Hampshire who have had serious legitimate concerns about the President’s actions in his first few weeks. I am concerned by reports that Senator Sessions pushed for an even more aggressive approach.

The Washington Post reported: ‘The Senator lobbied for a ‘shock-and-awe’ period of executive action that would rattle Congress, impress Trump’s base, and catch his critics unaware.’ Senator Sessions’ record in Congress and his history of standing against the constitutionally protected rights of millions of Americans is deeply troubling. These are issues that my office has heard from constituents across New Hampshire. As a resident from Merrimack wrote: “Pick a current civil rights issue and Sessions is on the wrong side of history.”

I do not have confidence that Senator Sessions would be an independent Attorney General. I am concerned that he would prioritize the rights of all Americans before the whims of this President, and that is why I oppose this nomination.

I am incredibly proud that my home State of New Hampshire understands that the values of inclusion and equality are at the very core of what makes us American and at the core of our constitutional system. We believe in free speech, the value of free press, and that is our duty and our destiny—to extend the same freedoms we enjoy to all of our people. We value human rights and we see inclusion and equality as core principles in our laws. These values have helped our State become a leader in advancing the rights of the lesbian, gay, bisexual, transgender, and queer community, recognizing that all people deserve the legal right to fully participate in the social, civic, and economic life of our communities.

Years ago, New Hampshire led the way in becoming one of the first States in the Nation to pass marriage equality, and I took great pride in casting my vote for that legislation as a State senator. When we went back to pass that and before that when we as a State or a country bring people in from the margins into the heart and soul of our democracy, we all get stronger.

About a year after we took that step in New Hampshire to enact marriage equality, I was sitting on a plane in the window seat, and the man next to me noticed my name on the notebook I was reading and said: Aren’t you elected in New Hampshire? What do you do there?

I told him I had been a State senator. He looked at me and said: Did you have anything to do with marriage equality passing?

Now, I wasn’t sure what this man’s point of view was as I sat next to him on this plane ride. I said: Well, yes, I was in the New Hampshire Senate, and I voted to pass marriage equality.

He said: I want to thank you for it. I am a recruiter for one of our State’s largest employers, and marriage equality is one of the best recruitment tools we have.

I asked him to expand a little bit on that. He said: It isn’t that we have any particular percentage of LGBTQ applicants or employees that is unusual, but the fact that New Hampshire passed marriage equality signals to people we are trying to recruit that we are an open and inclusive State, where every body is welcome if they are willing to work hard and do their part to move us forward.

During my time as Governor, we continued to fight for progress for the LGBTQ community, including issuing an executive order to prohibit discrimination in our State government on the basis of gender identity or gender expression.

Unfortunately, Senator Sessions’ record and previous comments call into question whether he will enforce the Federal laws designed to promote equality and protect the LGBTQ community. Senator Sessions has been a vocal opponent of marriage equality, going as far as to label same-sex marriages as dangerous.
In 2004, he stated: “But I do believe that it is not disputable that adopting a same-sex marriage culture undermines and weakens marriage.”

Following the Supreme Court’s 2015 decision that guaranteed marriage equality in all 50 States, Senator Sessions said: “The marriage case goes beyond what I consider to be the realm of reality.”

As Attorney General, it would be Senator Sessions’ job to implement and defend this ruling. I am extremely concerned that he would not follow through with that responsibility.

Senator Sessions has also worked to undermine the Federal hate crimes law designed to protect LGBTQ Americans. In explaining his vote against the 2009 Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act, Sessions argued that Federal protections for LGBTQ Americans were not necessary. When debating the law, Sessions said: “I am not sure if some or people with different sexual orientations face that kind of discrimination.”

Following Senator Sessions’ nomination as Attorney General, Judy Shepard, the mother of Matthew Shepard, who was killed in a hate crime and later that law was named, wrote a letter for the Human Rights Campaign opposing Sessions’ nomination. Shepard wrote:

“In 1998 my son, Matthew, was murdered because he was gay, a brutal hate crime that continues to resonate around the world even now.

Following Matt’s death, my husband, Dennis, and I worked for the next 11 years to garner support for the federal Hate Crimes Prevention Act. We were fortunate to work alongside members of Congress, both Democrats and Republicans, who championed the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act with the determination, compassion, and vision to match ours as the parents of a child targeted for simply being who he was. Senator Jeff Sessions was not one of these members. In fact, Senator Sessions strongly opposed the hate crimes bill, criticizing hate crimes as mere “thought crimes.”

My son was killed by “thoughts” or because his murderers said hateful things. My son was murdered with the butt of a .357 magnum pistol. [They] tied him to a fence, and left him to die in freezing temperatures because he was gay. Senator Sessions’ repeated efforts to diminish the life-changing acts of violence covered by the Hate Crimes Prevention Act horrified me then, as a parent who knows the true cost of hate, and it terrifies me today to see that this same person is now being nominated as the country’s highest authority to represent justice and equal protection under the law for all Americans.

As Attorney General, Senator Sessions would be responsible for not only enforcing the Hate Crimes Prevention Act, but a myriad of other Civil Rights laws including the Violence Against Women Act, which includes explicit protections for LGBTQ people. Senator Sessions’ very public record of hostility toward our community and federal legislation designed to protect vulnerable Americans, including the Voting Rights Act, makes it nearly impossible to believe that he will uphold that statute and ideas that he worked so hard to defeat.

I agree with Judy Shepard, and it is clear that Senator Sessions’ record shows that he will not stand up for the rights of LGBTQ Granite Staters and Americans if he becomes Attorney General.

There are other issues of concern as well. I have always fought to protect a woman’s constitutionally protected right to make her own health care decisions and control her own destiny, and I always will. Roe v. Wade is a landmark decision that protects women and their access to abortion. It guarantees a fundamental right for women to make decisions about their bodies. Senator Sessions has the right to decide whether to continue or terminate a pregnancy without government interference.

Sessions’ record leaves questions on whether he will enforce the law in this area. During his time in the Senate, Sessions has been dedicated to opposing a woman’s constitutional right to safe and legal abortion. He voted to grant legal status to an embryo. He has repeatedly voted to deny women in the military her pay check, and then she vate funds for abortion care at military hospitals. He has said that he would like to see a woman’s constitutional right to make her own health care decisions overturned.

This is unacceptable for a nominee to lead the Department of Justice whose role would be to uphold the very law that he seeks to overturn. We also know that a woman’s right to make her own health decisions isn’t just a matter of freedom. It is also a matter of health. It is also a matter of economics and finances.

When women have to pay more for their health care, and it puts them in an economic disadvantage. As Governor, I restored family planning funds and pushed to restore State funding to Planned Parenthood because I know how critical access to these services are for the women and families of my State.

Planned Parenthood provides critical primary and preventive health care services to thousands of New Hampshire women, including preventive care, birth control, and cancer screenings. There are countless stories of women whose lives have been changed as a result of access to Planned Parenthood in my State.

A young woman named Alyssa in my State lost her health insurance. She was on her father’s health insurance. She was younger than age 26. Suddenly her father passed away and she had a medical emergency. She didn’t know where to go. Grieving for her father, she was also without health insurance. She turned to Planned Parenthood, and they were able to provide her the care that she needed.

Alyssa’s story and the stories of thousands of others across our State make it clear why it is essential that we have an Attorney General who will protect a woman’s constitutionally protected right to make her own health care decisions.

Senator Sessions has voted six times to block patients from accessing health care at Planned Parenthood health centers. Senator Sessions has stated that Planned Parenthood should not receive Federal funds for any services because, among the other health care services it provides, it provides the constitutionally protected care—abortion—whenever she decides she must terminate a pregnancy.

Senator Sessions has opposed women’s access to no-cost birth control that is now provided through the Affordable Care Act. Sessions even refused to support the Violence Against Women Act, which is critical for the investigation and prosecution of violent crimes against women. The Violence Against Women Act was signed into law by President Clinton in 1994 and has been reauthorized by bipartisan majorities in Congress in 2000 and 2005 and signed by President George W. Bush.

The idea that the Attorney General of the United States would not support his commonsense legislation to protect women from violence is unacceptable.

As Governor, I also fought to expand economic opportunity for women and families.

We passed the New Hampshire Paycheck Fairness Act in New Hampshire, making sure that an equal day’s work gets an equal day’s pay.

I also strongly support efforts to expand paid family leave to ensure that workers are able to support their families during times of need at home.

I am troubled that Senator Sessions has worked to roll back the progress of equal pay. Senator Sessions voted against the Lilly Ledbetter Fair Pay Act and has consistently voted against the Paycheck Fairness Act.

I am far from the only one in New Hampshire who opposes the idea of Senator Sessions as our Nation’s top law enforcement officer. I have heard from many of my constituents regarding the impact of Senator Sessions’ nomination on women’s rights.

One constituent wrote:

I truly fear for the future of women’s rights and my daughter’s right to an autonomous life if Jeff Sessions is confirmed. The bottom line, Senator Sessions has a record of undermining the civil and constitutional rights of women in this country.

On another topic, in recent weeks there has been much discussion about the Individuals with Disabilities Education Act, otherwise known as IDEA, and the fact that Education Secretary Betsy DeVos seemed confused about the fact that IDEA is Federal law and also declined to commit to enforcing it. I am extremely concerned with Mrs. DeVos’s nomination yesterday.

What is also appalling is Senator Sessions’ previous comments on IDEA. In 2000, Senator Sessions gave a speech
on the Senate floor suggesting that disciplinary problems in schools stemmed from IDEA. SESSIONS said:

Teachers I have been talking to have shared stories with me. I have been in 15 schools around Alabama this year. I have talked to them about a lot of subjects. I ask them about this subject in every school I go to, and I am told in every school that this is a major problem for them. In fact, it may be the single biggest problem for teachers throughout Alabama today.

He continued.

There is no telling how many instructional hours are lost by teachers in dealing with behavior problems and consequences of an increasing competitive global society, it is no wonder American students fall short. Certain children are allowed to remain in the classroom robbing the other children of hours that can never be replaced.

There is no need to extend the school day. There is no need to extend the school year. If politicians would just make it possible for educators to take back the time that is lost on a daily basis to certain individuals, there is no doubt we would have better educated students.

He added:

It is clear that IDEA '97 not only undermines the educational process, it also undermines the authority of educators. In a time when our profession is being called upon to protect our public schools from increasingly dangerous sources, our credibility is being stripped from us.

As I have discussed over the last couple of weeks, the passage of IDEA was a grand bargain made in American history for people who experience disabilities in their families. After IDEA was passed, all schools in our country—were required to provide a free and appropriate education for children with disabilities.

Children like my son, now 28 years old, and a graduate of Exeter High School, who used to be relegated to institutions, subjected to inhuman conditions and maltreatment, treated as truly less than human were included in our public schools. There is no outlet for a parent of a child like my son who does not acknowledge that including new people with different needs in any setting can be challenging, but we are Americans, and we are supposed to do challenging things, and that is what IDEA challenged us to do.

I have seen the power of inclusion not only in my own home, but in my community and in our schools. I have seen it strengthen other students. Just last year my son’s classmates from fifth grade reached out because he had seen the coverage of the hearing concerning Mrs. DeVos’s nomination. He said in an email to me: You know, I don’t remember much about fifth grade, but I do remember having lunch with Ben. And I remember even now Ben’s lighthearted disposition.

What a lesson for our children to learn that even if you have severe and debilitating physical disabilities that prevent you from speaking or typing or walking, you can have a typical way of life. It could be lighthearted and love your life. There are always challenges connected to including new students with different learning styles, different behaviors. But because of IDEA, we have learned how to help those students cope and learn and adjust their behavior. And for anybody to suggest that it is the fault of people with disabilities, that it is their disability that is undermining our education, is appalling.

Various groups who represent individuals with disabilities have, therefore, voiced their opposition to Senator Sessions, particularly those of Parent Advocates and Advocates has written to the Judiciary Committee arguing that:

[Sessions] has compiled a longstanding and consistent record, including public statements, policy proposals, and other various actions that serve to discriminate against the rights and dignity of children and adults with disabilities. SESSIONS’ disinterest in special education and protection against community integration of individuals with disabilities is at odds with the laws, inconsistent with our nation’s commitment to supporting individuals with disabilities, and will lead to far higher societal costs in the future.

And a constituent with Etna, NH, wrote to share her concerns on Senator Sessions’s record on individuals with disabilities. She said:

Senator Sessions has a long, well-documented history of active opposition to respect for the human rights of the American citizenry, particularly those of us who experience multiple marginalizations in our society. And as such, he is unfit for the office of Attorney General. It is abundantly clear to me that Senator Sessions’ Attorney Justice Department would not support my equal protection under the law.

Americans with disabilities and their families deserve better than an Attorney General who has consistently spoken out against their rights. I also have concerns about Senator Sessions’ voting rights record. Voting is our most fundamental right, and ensuring that everyone can exercise that right is also making our democracy successful. Everyone deserves representation and the opportunity to vote on who represents them.

Throughout his time in office, Senator Sessions has demonstrated an opposition to ensuring that all Americans have the right to vote. In 1996, Senator Sessions called the Voting Rights Act “an intrusive piece of legislation.” In 2006, after the Senate passed the Voting Rights Act reauthorization, Senator Sessions was the only Republican in issuing a highly unusual committee report that sought to undermine the same legislation that they had all just voted to support. Chief Justice Roberts cited the report in his Shelby County v. Holder opinion, which gutted a key provision of the Voting Rights Act. Senator SESSIONS celebrated the Shelby County decision and stated it was “good news for the South.”

Since that decision, and despite the passage of voting restrictions in several States by Republican legislatures, SESSIONS has said, “I don’t think the Supreme Court ruling has damaged voting rights in any real way.”

It is clear that Senator SESSIONS is not committed to protecting voting rights. Many Granite Staters have written to my office, highlighting Senator Sessions’ record on voting rights as a reason that the Senate should oppose his confirmation.

A constituent from Tilton, NH, said: Our country has battled long and hard to throw off the errors of our past, but voting rights are under assault. Jeff Sessions is not the right person to safeguard the integrity of our voting process, nor can he be trusted to work on behalf of all Americans in the cause of justice.

At a time when we are discussing ensuring equality, justice, and inclusion for all of our citizens, I am reminded of my father’s story. My father was born and raised in the segregated South. His father was a traveling shoe salesman, and his mother was a school teacher who, during the Depression, got paid in food stamps. That is what kept the family going. Through hard work, a scholarship, taking on jobs like waitressing and manual labor, and a bit of good luck, my dad was able to attend Princeton University. It wasn’t long before his studies were interrupted, however, when, following the bombing of Pearl Harbor, he left to volunteer to fight in World War II, eventually being thrown into the Battle of the Bulge.

The Battle of the Bulge marked one of the first times in World War II that White and Black American soldiers fought alongside each other. Thousands of miles away from the school where he had been studying, this young man from the Deep South found himself learning more about the values of equality and inclusion than he ever could have learned back at home. And after my father’s experience in that battle, where African-American soldiers fought and died alongside their White counterparts, Dad returned home to a life of working to make the notion that every single one of us counts a reality. Our Founders believed in that principle, that when you count everyone and bring more people in from the margins, we all grow stronger.

We know that our Founders didn’t count everyone at first, but they had faith that we would continue striving, as our Constitution commands us to, to build a more perfect union, that generation after generation, we would continue to deliver on our Nation’s promise of equality. And while the road to greater inclusion is not without significant challenges, time and again, we have persevered to build a better future.

We need leaders who are committed to those values and who are committed to enforcing the laws that have included more and more Americans. Senator Jeff Sessions’ record shows that he is not committed to those values, and he has demonstrated that he lacks the independence needed to stand up to President Trump.

For these reasons, I cannot support Senator Sessions to be the next Attorney General of the United States.
urge my colleagues to vote no on this nomination.
Mr. President, I yield the floor.
I suggest the absence of a quorum.

Mr. President, I rise today to oppose the nomination of Senator Sessions for Attorney General.

I would like to preface my remarks with just a statement and recognition of the outpouring I have received from my State, from constituents. I have letters, I have postcards sent, some with the Statue of Liberty. I have letters from constituents from every corner of my State passionately writing about their views on President Trump's nominations, particularly Senator Sessions.

I would like to read one letter because I think it really summarizes the views of so many New Yorkers. This constituent writes:

As your constituent and as a Reform Jew, I strongly urge you to oppose the nomination of Jeff Sessions as Attorney General. As the nation's top law enforcement official in the country, the Attorney General has substantial power over the administration of key legislation that advances the fundamental rights of all people, regardless of race, class, sex, sexual orientation, gender identity or national origin. Senator Sessions' firmly-established record of opposition to protection of and advancements in voting rights, LGBTQ equality, women's rights, immigration reform and religious freedom suggests that he would not fulfill the Department of Justice's mandate to provide equal protection under the law for all people.

The letter goes on to talk about his votes particularly against the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act when it was added as an amendment to the 2008 Defense Authorization Act because of sexual orientation and gender identity to the list of classes protected under federal hate crimes law. In addition, Senator Sessions joined 21 other senators to vote against the 2012 reauthorization of the Violence Against Women Act, which included new protections for immigrants and LGBTQ people. Finally, he staked out positions that put him far outside the mainstream as the Senate considered and passed comprehensive immigration reform legislation in 2013 and has expressed support for a religious test for entry into the country.

The words of Leviticus 19:18: 'Love your neighbor as yourself,' guide us to stand up against bias, prejudice and discrimination. We cannot place the responsibility of leading the Department of Justice, the federal agency directly responsible for ensuring equal protection, in the hands of someone whose record demonstrates insufficient commitment to key civil rights protections.

I urge you to oppose Senator Sessions' nomination and to vote against his confirmation on the Senate floor.

Mrs. GILLIBRAND. Mr. President, I ask unanimous consent to call the roll.

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

Mr. BROWN. Mr. President, I ask unanimous consent to proceed to the roll.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, the job of the Attorney General of the United States is to enforce laws that protect the rights of each and every American. More than ever—more than ever—we need leaders who can bring Americans together to improve police-community relations, to ensure that all Americans have access to the ballot, and to reform our criminal justice system.

In the city in which I live, in Cleveland, we are under a consent decree today which already is improving relations between the police and the community. We saw substantial improvements a decade ago in Cincinnati, where Mayor Cranley—then a member of the council and now the mayor—has worked with the community, as have others. We see more people of color in the police department, and we see better training for officers. We see improvements in that community, in large part because the community came together—police, community leaders, citizens—to make
SESSIONS' record on civil rights is at that decision, before I announced it. The floor of the Senate after I made the decision there made a huge difference inside the community. The consequences of that decision-form tray liners, resulting in stains or mustard stains on them, but otherwise was able to vote. My State, shame.

I examined his nearly 40-year record as a U.S. attorney, the attorney general, and most recently as U.S. senator. Based on that record, I was the first in the Senate to say I cannot support his nomination. I told Senator Sessions on the floor of the Senate after I made that decision, before I announced it. I have known that Senator Sessions' record on civil rights is at direct odds with the task of promoting justice and equality for all. What is more important in an Attorney General than that?

Senator Sessions has a history of racial insensitivity, bias against immigrants, disregard for the rule of law, hostility to the protection of civil rights—exactly what we don't need in the Attorney General of the United States.

He condemned the Department of Justice's investigation of law enforcement agencies accused of violating civil rights. He voted against the Violence Against Women Act. One issue after another another disqualified him from being the Attorney General of the United States.

Senator Sessions is wrong on voting rights. I served as Secretary of State of Ohio in the 1980s. I take voting rights very seriously. I believe we should be doing everything we can to make it easier for Americans to vote. In those days, in the 1980s, during the Reagan years in Washington, in Ohio we had voter registration, voter outreach, aggression on behalf of new people to vote, of young people, of people regardless of political affiliation, regardless of ideology, regardless of age and race and income. We encouraged people to vote. We had good cooperation from Republicans and Democrats alike in the legislature.

I even approached the McDonald's corporation and asked them to print tray liners. They put tray liners on every tray. You go to McDonald's and order food. So I asked them to print the voter registration form on tray liners. They printed a million registration-form tray liners, resulting in thousands and thousands of voter registrations—some perhaps with ketchup stains or mustard stains on them, but nonetheless voter registration forms that were accepted by local boards of elections.

Utility companies included voter registration forms in their bills. Newspapers printed them in their daily papers so people could tear them out, fill them out, and send them in.

That was what we did for aggressive voter outreach, supported by people across the political spectrum.

But Senator Sessions doesn't seem to agree with that kind of voter outreach. He has a history of supporting voter ID laws that make it harder to vote. He refused to disavow President Trump's false statement—probably false. Lots of people may believe it because President Trump said it, but it is a provably false statement that there were 3 to 5 million illegal votes in this past election—no evidence, just demagoguery, just lies. But Senator Sessions was unwilling to disavow his perhaps future boss's comments.

Do we want an Attorney General, chief law enforcement official that is going to let the President go out and make statements like that and that are provably false? Do we want someone who they are lies to the President of the United States. Do we want an Attorney General who is simply going to brush those away and pay no attention? Senator Sessions called Shelby County v. Holder, which gutted a key part of the Voting Rights Act of 1965, good news for the South, even though, overwhelmingly, Senators in both parties had voted to renew and reauthorize the Voting Rights Act. He called it good news for the South to weaken protections for people of color and others in voting rights.

Since that misguided decision, States across the country have passed new voting restrictions that would disenfranchise hundreds of thousands of Americans. As Senator Sessions apparently was celebrating by saying "good news for the South," Texas moved within 2 hours of the decision. Alabama, taking their cue from people like Senator Sessions, acted the next day to restrict voting rights. As soon as the Court moved in a way the Court hadn't moved in five decades, State after State began to restrict voting rights because they had license to, because they had a green light, because they now had something they had not had in 50 years. At least 17 States have passed new voting restrictions since the Shelby County decision, although my State wasn't covered by it. My State, shamefully, is one of those that has restricted voting rights, even though from the 1980s into the 1990s, people of both parties joined me in wanting to expand voting rights and make sure that everybody—regardless of disability, age, gender, or nationality, or income—was able to vote.

We know who is hurt most by these laws, and there is political reason for it. We know who is hurt most—it is African Americans, Latinos, young people, and seniors. It just happens to be the voters who potentially might vote against the far right, which has lobbied hard after the decision to scale back voting rights.

Senator Sessions called the Voting Rights Act intrusive. Tell that to Congressman Lewis, who was beat up walking across the Edmund Pettus Bridge in Selma, in Senator Sessions' home State, who risked lives of times, who was injured more, probably, than anybody in the civil rights movement, including in his home State of Alabama—Congressman Lewis' and Senator Sessions' home State of Alabama.

Senator Sessions knows what happened to secure those voting rights for African Americans in his State. He was a young man at the time and saw what happened in the 1950s, and Rosa Parks and John Lewis in the 1950s and 1960s, and still he calls the Voting Rights Act intrusive.

I remember in my State, in 2004, people had to wait 6 hours in Greene County to vote, in Knox County had to wait 9 hours to vote. The people who are penalized the most are not people of higher income, who tend to have a little more flexibility in their schedule and who can leave work during lunch, go vote, and go back to work. If they have to wait more than 30, 40, 50 minutes or an hour, they often can't do it. They have to pick up their kids where daycare is expensive, and we know that many of them give up and don't vote, which might just be the purpose of people behind the Shelby County vs. Holder decision.

In 1981, when signing an extension to the Voting Rights Act, President Reagan called the right to vote the crown jewel of American liberties. President Reagan said it is the crown jewel of American liberties. Senator Sessions called the Voting Rights Act intrusive.

A couple of extensions later, the Court pulled back with Shelby County vs. Holder. Keep this in mind. Sometimes these pass the Congress unanimously. President Reagan said it was the crown jewel of American liberties. The Attorney General-designee calls the Voting Rights Act intrusive.

We need an Attorney General who will use the full extent of his powers to protect the right to vote, not stand by as State after State attempts to supplant it. The Attorney General-designee as a Senator has stood by while the President of the United States has simply lied about 3 to 5 million illegal voters. The Attorney General-designee stood by and did nothing because he is unwilling to criticize the President of the United States. I am concerned that when State after State attempts to suppress the vote and roll back voting rights, he will stand by and do nothing because he is called the Voting Rights Act intrusive.

As to criminal justice reform, we need to reform our criminal justice
system and stop ruining the lives of far too many young Black men over non-violent offenses. Senator Sessions has opposed bipartisan efforts, and there have been a number of them and a number of courageous leaders in this body who have sometimes taken politically unpopular positions on criminal justice reform and done the right thing. Senator Sessions, however, has opposed bipartisan efforts in the criminal justice reform. At the outset of my speech, I mentioned Cleveland and Cincinnati where it is a decade and a half later, and it has proven to be a success. In Cleveland, it is shaping up to be a success. He has called consent decrees that mandate reform of law enforcement agencies “an end run around the democratic process.” Reform of law enforcement agencies in many ways means better police training, with real dollars and real effort put into that police training. Again, he calls all of this “an end run around the democratic process.” Senator Sessions blocked bipartisan efforts to reduce sentences for certain nonviolent drug offenses.

There is surely a need for an independent Attorney General, and that is my third macro concern about my colleagues, and so clear to the American public, who help Americans, who help the American Armed Forces around the world? Students are prevented from coming to our State to learn and contribute in our great Ohio universities. We saw that in Ohio State. We are seeing that in Cleveland and Cincinnati. Judges across the country, appointed by Republican and Democratic Presidents, are striking down this order because it is not constitutional. It does not represent American values. It makes us less, not more.

In 2015, Senator Sessions questioned Sally Yates in her confirmation to be Deputy Attorney General, asking her this question: “Do you think the Attorney General has the responsibility to say no to the President if he asks for something that is improper?” Senator Sessions is asking an Obama nominee: “Do you think the Attorney General has the responsibility to say no to the President if he asks for something that is improper?” He went on to say: “If the views the President wants to execute are unlawful, should the Attorney General or the Deputy Attorney General say no?” That was a Judiciary Committee confirmation hearing for Deputy Attorney Sally Yates in 2015.

Ms. Yates responded: “Senator, I believe the Attorney General or the Deputy Attorney General has an obligation to follow the law and the Constitution and to give their independent legal advice to the President.” Senator Sessions, to his credit, was right to ask that question. Sally Yates, to her credit, gave the right answer, and when she was tested just last week, she stood by her word.

Senator Sessions has failed to assure the American people he will follow the law and uphold the Constitution—not simply follow the President of the United States, not blindly follow the President of the United States just because he is his boss. That is not the kind of Attorney General we want. That is not the kind of Attorney General we should vote to confirm today.

There is one last point. I watched the confirmation hearing of the Secretary of Education it was so clear to me, so clear to so many of my colleagues, and so clear to the American public that confirming this Secretary of Education was an unprecedented historical move. The Vice President came in and broke the tie, 51 to 50. Two Republicans stood up and voted against the Secretary of Education-designee, showing great courage.

Then it was so evident was the overwhelming opposition to her. Our mail, phone calls, and emails were 200 to 1 against her confirmation. It was that way everywhere in the country. In Senator’s office after Senator’s office, we were all hearing much, much more opposition to her than there was for any of the other Democrat secretaries. I sensed the fear among my Republican colleagues that voting against a Trump nominee put their political lives at risk; that they all knew that President Trump would tweet about their vote, would call them names, would attack them, would sic his political allies on them. A number of my colleagues were scared, and they knew that voting against her confirmation—even though I know a number of colleagues wanted to support Sally Yates because she was singularly unqualified, one of the worst performances ever in a confirmation hearing. She knew so little about the issue of education and so little about the Department of Education which she was charged to run. Nonetheless, they voted for her.

Some voted for her for legitimate reasons in their mind: They like her ideology; they like her for-profit charter schools; they are anti-public education and so little about the Department of Education which she was charged to run. Nonetheless, they voted for her.

A number of colleagues, I am convinced, voted for her because they were afraid of what the President of the United States would do. You can’t run a country by being fearful of the President of the United States. He came here. He was handcuffed to his country because a number of people who help American troops have been told: “You are not welcome. There is no place for you here.”

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I voted for about half of them. I voted against about half of them. I plan to vote against Congressman Price because he wants to raise the eligibility age of Medicare.

I think about the barber in Warren, the factory worker in Mansfield, the waitress in a diner in Findlay, and the manufacturing worker in Rubber Heights. I know they shouldn’t be expected to work until they are 67 or even 70 to be eligible for Medicare. I will vote against him.

I will vote against Mr. Mnuchin, who lied to the committee, first about a $100 million investment he had, which he forgot about. It is an understandable problem. Of course, people forget about $100 million investments they have. And he lied to the committee about some of the things he did at OneWest.

A whole host of these nominees simply aren’t qualified, and their ethics
are questionable. Other than Senator Murkowski and Senator Collins, I have not seen any of my Republican colleagues—out of fear of this President personally attacking them, publicly and personally—they have each stood up for doing their constitutional duty and voting their conscience. I hope maybe today, maybe in Senator Sessions’s vote, which I believe will be tonight, some of my Republican colleagues will realize they need to do their constitutional duty and stand up for what they believe when they realize this Attorney General-designee, Senator Sessions—a colleague I like personally, but a colleague that simply is not prepared—is not independent. He has not had a record of support for voting rights, for criminal justice reform—all the things that we want in the Attorney General of the United States of America. I plan to vote no today. I ask my colleagues to join me. I suggest issuing quorum.

The PRESIDING OFFICER. The clerk will call the roll.

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

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

Mr. CASEY. Mr. President, I want to outline a number of concerns that I have this morning about Senator Sessions’s nomination to be the next Attorney General. I will try to keep it to a short list. I have limited time this morning. But I wanted to start with the voting rights issue.

In our State of Pennsylvania, we have a long history of litigation and battles about the right to vote. And when the Supreme Court decision in Shelby v. Holder was issued a couple of years ago, the Senate took one, two, or three different positions. The position that I took was one of disagreement with the basic holding of Shelby v. Holder, which in my judgment gutted the Voting Rights Act’s requirements that certain States and certain jurisdictions with histories of discrimination seek what is called preclearance from the Federal government before changing voting rules. That was a substantial change from the policies that had been in place for years.

Since the Shelby decision, more than half of the so-called preclearance States have implemented restrictive voting laws—some as soon as the very next day after the decision was handed down. And over 800 polling places in Pennsylvania alone have been closed since the decision. So on this issue, it is a basic difference of opinion. I think Shelby was decided the wrong way, and Senator Sessions believes it was decided the right way. That is a fundamental disagreement. I have real concerns about an Attorney General who would have that position or that point of view on that case. I don’t know for sure what he would do as Attorney General. I can’t predict that, but I can certainly raise concerns about that decision.

When you think about what led to decisions like that over time, it is hard to encapsulate when you are speaking on the Senate floor all of the misery, all of the suffering, all of the trauma to individuals, all of the trauma that our country endured first to get the right to vote enshrined in the Constitution and then to enforce the law and to make it real. There is no way—if I had 9 hours on the floor, I probably couldn’t encapsulate or do justice to all of that work. So it is a fundamental divide, a fundamental disagreement about the voting rights.

As someone who represents Pennsylvania, we have a particular interest in the issue of voter ID laws. They are the kinds of laws that follow the Shelby decision. But we had a major debate in Pennsylvania back in 2012, where the Pennsylvania General Assembly passed—meaning the House and Senate passed—and the Governor signed into law a voter ID law. The litigation commenced and went all the way through the court system in Pennsylvania. The final decision was that the law was struck down. The voter ID law was struck down, so it is a major point of contention in Pennsylvania.

Over time, some have asserted that there is widespread voter fraud. We have heard that even more recently. I am still waiting for the evidence of that, but that is certainly an issue that we will continue to debate here in Washington.

I think the last thing we need in the United States of America is more restrictive voter ID laws. We should be expanding the opportunity for people to vote. Where there are barriers erected, knock them down. Where there are impediments to the right to vote, push through them or put in place strategies to overcome them.

Again, the basic difference between Senator Sessions and me, in terms of our approach to voter ID laws. We had a searing experience in Pennsylvania, which left a lasting impression on the people of our State.

Another issue, which I think is of critical importance in every administration at every time, but maybe even more so today with regard to this new Attorney General, is an issue that is now in a major litigation battle regarding what has been described as a travel ban. It is probably shorthand, but that is my best description of it. It has been a matter that has been litigated in federal district courts, and now it is in front of an appeals court. Who knows, the next step after this may be the U.S. Supreme Court. I raise that not to debate the substance of it; we can do that for a long while, I guess, but I raise it on the question of independence.

There are certain jobs in government—I had one of them in State government. I was elected as a State auditor general in Pennsylvania. I served two terms. In that job, for example, at the State level, the most important quality or metric by which you are judged is your independence. You are not independent on one job. And if you are independent, you can do auditing investigations that demonstrate that independence. Then you are doing what the people expect.

At the Federal level, even though even though the Attorney General is appointed by a President, I also believe the Attorney General has to demonstrate independence every day, in every decision, in every interaction with our government and with citizens across the country. I hope that Jeff Sessions can do that, were he to be confirmed. I have some doubts, not only based upon the recent campaign statements made, but I also have some significant concerns in light of the parts. It doesn’t mean you can’t work together. It doesn’t mean you can’t have a good relationship. But I would hope that the Attorney General of the United States, of either party, would make sure that decision as it relates to the marriage equality decision was made on marriage equality.

It is another basic difference that I have with the nominee for Attorney General. Once again, I think that is one of those basic issues that divides the parties. It doesn’t mean you can’t work together. It doesn’t mean you can’t have a good relationship. But I would hope that the Attorney General of the United States, of either party, would make sure that decision as it relates to the marriage equality decision was made on marriage equality.

I think the country took a step in the right direction, where every American, whether they are gay or lesbian or bisexual or transgender, was finally accorded the full measure of respect, the full measure of inclusion, when it came to the decision of what marriage means to the American people. And I think every American has a reasonable expectation is why we have hearings and hundreds, if not thousands, of questions because each of these nominees is granted enormous power. In some instances—unlike Senator Sessions—but
in some instances, they are appointed to positions where they will have substantial impact on people’s lives for years. Tens of millions of Americans’ lives will be impacted by their decisions, so they should have to go through a thorough vetting process and a very rigorous confirmation process because they are being accorded great power, and they are servants of the people. They have to remember that is what their job is: to be servants.

I know some want to shorten or truncate or make easier this path to confirmation for all of these Cabinet nomination positions. I think the people expect a thorough vetting, and we are still in the midst of that with regard to several of these positions.

So I just wanted to outline my objections—or I should say disagreements with—Senator Sessions. I will be voting no on his nomination.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

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

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

Mr. UDALL. Mr. President, I rise today in opposition to the confirmation of Senator JEFF SESSIONS to be the Attorney General.

It is never easy to oppose a President’s cabinet nominees, especially when one is your Senate colleague. I generally think the President should be able to assemble his team.

But with this President, we are in uncharted territory. President Trump doesn’t want to hire a team that will represent the American people.

Many of the nominees are billionaires who are out of touch with the struggles of average Americans, and many of them have shown great disdain for the very agencies they will lead.

People like Betsy DeVos, who is a billionaire with zero experience in public schools, has been selected to run the Education Department.

People like Scott Pruitt, who has been nominated to be head of the Environmental Protection Agency, which he is sued many times.

When the people nominated to the President’s cabinet are intent on dismantling the very agency they are nominated to run, our Constitutional role of advise and consent takes on new importance.

But the position of Attorney General is unique. The nominee requires even more scrutiny. The Attorney General is our Nation’s chief law enforcement officer with enormous power to either advance—or roll back—our constitutional protections.

Previous to the day, Senator Sessions said it best during the confirmation hearing for Sally Yates to be Deputy Attorney General.

In that hearing, Senator Sessions said, “You have to watch out because people will be asking you to do things you just need to say ‘no’ about.”

He then asked Ms. Yates, “Do you think the Attorney General has the responsibility to say no to the President if he asks for something that is improper?”

I completely agree with Senator Sessions. The Attorney General has the responsibility to tell the President no when he is wrong.

And that is why I cannot vote to confirm Senator Sessions. I don’t have the faith that he will tell President Trump no when the situation requires it.

But I have even less faith that the President will listen. Sally Yates told him no—she refused to let the Justice Department defend the President’s misguided travel ban. She was fired for doing exactly what the position of Attorney General requires.

And when Acting AG Yates said his travel ban was wrong, the President didn’t simply relieve her of her position. Instead, he put out a press release attacking her personally. Sally Yates had served the country for almost three decades as a career prosecutor and Justice Department attorney. She deserved the president’s respect, regardless whether he agreed with her.

Time and again, President Trump has shown that he will not tolerate dissent. You are either with him or—in his mind—you are wrong. And you become the enemy. President Trump has put the “bully” back into the bully pulpit.

He frequently—and publicly—lashes out against those who express different views. And more dangerously, he lashes out at the institutions that are the fabric of our democracy.

This weekend he attacked a Federal judge who ruled against his travel ban. Rather than respecting the rule of law, and the coequal judicial branch, he once again took to Twitter personally to target those who dare to uphold the rule against his policy—Federal judge who was appointed by George W. Bush.

President Trump disparages the free press at every opportunity. Any article or story that is critical of his policies is now dubbed “fake news.” Members of the press are punished for coverage of the administration that he deems negative. He said he wants to weaken libel laws so it is easier for him to sue the press.

President Trump will continue his assault on the first amendment, defining the press that holds him accountable as the enemy, deriding and belittling those who speak out against him and attacking the free expression of religion and targeting those who practice Islam.

And when he takes these actions, it is up to the Attorney General to tell him that he is wrong. It is up to the Attorney General to speak truth to power, and to be ready to be fired for doing so.

But it is far from clear that Senator Sessions will be that independent voice within the Department of Justice the American public needs.

The Washington Post reports—that Senator Sessions not only agreed with the President’s flurry of extreme executive orders, but that he wanted the president to go further and faster.

In an email to the Post Senior Strategist Stephen Bannon said that throughout the campaign, Senator Sessions “has been the fiercest, most dedicated, and most loyal promoter in Congress of Trump’s agenda. He has played a critical role as the clearinghouse for policy and philosophy to undergird the implementation of that agenda. What we are witnessing now is the birth of a new political order. . . .”

Loyalty is a valued characteristic in politics. But the Nation’s chief law enforcement officer must be independent, first and foremost. He or she must defend the Constitution and all Americans, not be the President’s personal architect of “a new political order” that excludes many people.

Mr. President, for these reasons I must vote no on this nomination.

We have had a very, very long night, and I want to say that I saw my good friend Senator CASERT here. I want to thank all the Senators the Democratic side who have spoken up over the course of these 30 hours. We are trying to address this issue—a very, very important issue—of whether Senator JEFF SESSIONS should be Attorney General of the United States.

In the remarks I am going to give now, I may draw some of them from the formal remarks I have.

I just want to say that my home State of New Mexico is a majority minority State. We have—and these are the rough numbers—about 46, 47 percent Hispanic, 10 percent Native American. Those are our large minority populations. It is a majority minority State.

I can tell you, since this administration has come in, people are very worried about their voting rights, and they are worried about their democracy. I have been home in New Mexico and heard the exchanges. I have read the various emails. People are concerned about the issue that goes to the heart of this nomination, which is how Senator SESSIONS would behave as Attorney General on the issue of voting rights.

I fully understand the importance of rule XIX and civility. In my activity here on the Senate floor, I try to be as civil as possible, but I think there is a bigger issue here. So I fully understand the importance of rule XIX. God knows we need to maintain civility in this esteemed body. But when a Member of this body has chosen to be considered for an office outside this body—and in the case of Senator Sessions, for an office in a department in which he has previously served—then his record in that office, better or worse, is critical to our consideration.

When Mr. Sessions exercised his duties as U.S. attorney in Alabama under
Mr. UDALL. This letter is dated on March 19, 1986. It is a letter from Coretta Scott King, The Martin Luther King, Jr. Center for Nonviolent Social Change. This is at the top of the letterhead. She is writing a letter to Strom Thurmond, and she says, I want to make my sincere opposition to the confirmation of Jefferson B. Sessions as a Federal district court judge for the Southern District of Alabama. My professional and personal roots in Alabama are deep and lasting. Anyone who has used the power of his office as United States Attorney to intimidate and chill the free exercise of the ballot by citizens should not be elevated to a federal judgeship.

I regret that a longstanding commitment prevents me from appearing in person to testify against this nominee. However, I have attached a copy of my statement opposing Mr. Sessions' confirmation, and I request that my statement as well as this letter be made a part of the hearing record.

I do sincerely urge you to oppose the confirmation of Mr. Sessions.

There is a carbon copy of this to Senator Joe Biden. This happened in March of 1986.

Coretta Scott King is speaking out against JEFF SESSIONS, who was at the time a U.S. attorney, and he was going to be promoted to be a federal judge. We all know the history—he was not promoted as a Federal Judge.

Here is her statement, which she asked to be read at the Senate Judiciary Committee on Thursday, March 13, 1986.

Mr. Chairman and members of the Committee:

Thank you for allowing me this opportunity to express my strong opposition to the nomination of Jefferson Sessions for a federal district judgeship for the Southern District of Alabama. It is a commitment, which I shared with my husband, Martin, to protect and enhance the rights of Black Americans, rights which include equal access to the democratic process, compels me to testify today.

Civil rights leaders, including my husband and Albert Turner, have fought long and hard to achieve free and unfettered access to the ballot box. Mr. Sessions has used the awesome power of his office to chill the free exercise of the vote by black citizens in the district he now seeks to serve as a federal judge. This simply cannot be allowed to happen.

Mr. Sessions' conduct as U.S. Attorney, from his politically motivated voting fraud prosecutions towards civil rights violations of civil rights laws, indicates that he lacks the temperament, fairness, and judgment to be a federal judge.

The Voting Rights Act was, and still is, vitally important to the future of democracy in the United States. I was privileged to join Martin and many others during the Selma to Montgomery march for voting rights in 1965. Martin was particularly impressed by the determination to get the franchise of blacks in Selma and neighboring Perry County.

As he wrote in his book, 'A Turbulent Century in the History of the Negro struggle has responded with the enthusiasm of Selma and her neighboring town of Marion. Where Birmingham depended only on the Black Belt to employ adults to participate in nonviolent protest of the denial of the franchise, Selma
Amendment of the Constitution is honored. We have to be concerned about discrimination at the polls. We have to ensure that those who are registered will be able to vote. We have to make sure that the voting rights are protected and that the franchise is an essential right. We have to ensure that the government respects the rights of all Americans and that the laws are applied fairly.

The exercise of the franchise is an essential right. The denial of access to the ballot box would irreparably damage the work of those who risked their lives and freedom. The integrity of the Courts, and thus the fairness others holding differing views, is essential. The nominee requires even more scrutiny. The Attorney General, as our nation’s chief law enforcement officer, has enormous power to either advance or roll back our constitutional protections, and that power resides in that one person.

The other important role of the Attorney General is to make sure the President is obeying the law. In this case, we have a real problem here. Within the first couple of weeks, the courts are calling the President in and telling him he is issuing Muslim bans and other orders and that he is violating the law. He is a self-appointed presidential order. In this case, he is not allowing the full debate to occur in this Chamber. That is really what this is about today. Are we going to have debate, we have open debate, cut off that debate? Are we able to say things about one another—and especially in this case. This just isn’t a debate from one Senator to another. As to Senator Warren, in which it was said she impugned the integrity of Senator Sessions. Senator Sessions is in a different category here today. Senator Sessions is seeking the office of U.S. Attorney General. This is the most important law office in the land—the most important law enforcement office. This is an office where you can be active and go out and file civil rights cases, you can protect voting rights, you can do numerous things. Senator Sessions is in a different category. So, this should be part of the RECORD, and I believe it is very important that we put it in the RECORD, that we talk about it, and then we look at the whole picture.

As I said earlier, I rise in opposition to the confirmation of Senator Sessions. It is not easy to oppose a nominee, especially when one is your Senate colleague. And I generally think the President should be able to assemble his team. But when the President is in uncharted territory—President Trump doesn’t want to hire a team who will represent the American people. Many of the nominees are billionaires who are out of touch with the struggles of average Americans, and many of them have shown great disdain for the very agencies they will lead. People such as Betsy DeVos, a billionaire who is out of touch with public schools, selected to run the Education Department. As we all know, yesterday, we saw what happened; two courageous Republicans—Lisa Murkowski and Susan Collins—voted against Betsy DeVos. Should this precedent move, the Vice President of the United States had to come and sit where the President of the Senate is and cast the tie-breaking vote in order to get her through. I think we are going to look back on that as a sad day for public education because she sure doesn’t stand up for public education.

People such as Scott Pruitt to be head of the Environmental Protection Agency, which he needs a Columbia. When the people associated to the President’s Cabinet are intent on dismantling the very Agency they are nominated to run, our constitutional role of advise and consent takes on a new importance.

The position of Attorney General is unique. The nominee requires even more scrutiny. The Attorney General, as our nation’s chief law enforcement officer, has enormous power to either advance or roll back our constitutional protections, and that power resides in that one person.

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we were witnessing now is the birth of implementation of that agenda. What policy and philosophy to undergird the region and those who practice Islam. attacking the free expression of reli- ating those who speak out against him, bable as the enemy, deriding and belit- ing the press that holds him account- assault on the First Amendment, defin- I don’t know what this new political order is, where you respect the rule of law and don’t respect democ- racy—headed in the wrong direction, in my opinion.

Loyalty is a valued characteristic in politics, but the Nation’s chief law en- forcement officer must be independent, first and foremost.

I hear back to when Senator Ses- sions and I were both attorneys gen- eral back many years ago, and I re- member assuming that role at the State level. It is an awesome role be- cause early on in my administration they brought me cases where Demo- crats who were in the State legislature were violating the law, and they said: They are violating the law. They said they are violating the law. We have to enforce the law, and I did, and we prosec- uted people in my own party.

We had many rulings that came in as Attorney General where people would say: Interpret this law. And the law could be interpreted in a political way of where you moved it toward your party, or the law could be interpreted the way it was written, with fairness. It ended up that we did everything we could to try to be fair to the law and fair as it was written.

I don’t think Senator Sessions is able to do that, not only based on his history in Alabama as U.S. attorney, but his entire career up to this date.

We talk about loyalty being a valued characteristic in politics. The Nation’s chief law enforcement officer must be independent, first and foremost. He or she must defend the Constitution and all Americans, not be the President’s architect of a new political order that excludes many people.

For these reasons, I must vote no on this nomination.

Mr. President, I ask unanimous con- sent to have printed in the RECORD the Washington Post article I referred to so that people can see that full article and be able to judge Steve Bannon’s quote, who is the President’s top strat- egist. There being no objection, the mate- rial was ordered to be printed in the RECORD, as follows:

TRUMP’S HARD-LINE ACTIONS HAVE AN INTELLECTUAL GODFATHER: JEFF SESSIONS

[From the Washington Post, Jan. 30, 2017]

The early days of the Trump presidency have pushed a nationalist agenda long on the fringes of American life—under- Session's quiet Alabamian who long cul- 

trated the nation's right to control their lives into action—and all of them: Jeff Sessions. The earliest days of the Trump presidency saw a call for national security and trade, the refugee ban. The tactic turning Trump's agenda into law is deputy chief of staff Rick Dearborn, Sessions's longtime political ally, as one of the White House's chief strategists. The mastermind behind Trump's incendiary brand of popu- lism is chief strategist Stephen K. Bannon, who, as chairman of the Breitbart website, promoted Sessions for years. There then is Jared Kushner, the presi- dent's son-in-law and senior adviser, who considers Sessions a savant and forged a bond with the senator while orchestrating Trump's trip last summer to Mexico City and during the darkest days of the campaign. Bannon's signature was scribbled onto a catalogue of executive orders over the past 10 days that translated the hard-line promises of his cam- paign into the policies of his government. The directives bore Trump's name, but another man's fingerprints were also on nearly all of them: Jeff Sessions.

The author of many of Trump's executive orders is senior policy adviser Stephen Miller, a Sessions confidant who was mentored by him and who spent the weekend over- seeing the government's implementation of the refugee ban. The tactician turning Trump's agenda into law is deputy chief of staff Rick Dearborn, Sessions's longtime political ally, as one of the White House's chief strategists. The mastermind behind Trump's incendiary brand of popu- lism is chief strategist Stephen K. Bannon, who, as chairman of the Breitbart website, promoted Sessions for years. There then is Jared Kushner, the presi- dent's son-in-law and senior adviser, who considers Sessions a savant and forged a bond with the senator while orchestrating Trump's trip last summer to Mexico City and during the darkest days of the campaign. Bannon's signature was scribbled onto a catalogue of executive orders over the past 10 days that translated the hard-line promises of his cam- paign into the policies of his government. The directives bore Trump's name, but another man's fingerprints were also on nearly all of them: Jeff Sessions.

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that agenda. What we are witnessing now is the birth of a new political order, and the more frantic a handful of media elites be-

come, the more powerful that new political order will be.

Trump, who is never shy about showering praise on his loyalists, speaks of Sessions with reverence. At a luncheon the day before his appointment, Trump single out one in the audience: “the legendary Jeff Ses-

sions.”

Trump said in an email to The Post that Sessions is “a truly fine person.”

“Jeff was one of my earliest supporters and the fact that he is so highly respected by everyone around the country was a tremendous asset to me throughout the campaign.” Trump wrote.

Sessions helped devise the president’s first-

week immigration plan and has signed himself as one of the key players in the Trump administration’s wizard of executive orders that begin to fulfill his signature campaign promises—although Sessions had advocated going even faster.

The senator lobbied for a “shock-and-awe” period of executive action that would rattle Congress, impress Trump’s base and catch his critics unaware, according to two offic-

ials involved in the transition planning. Trump opted for a slightly slower pace, these officials said, because he wanted to maxi-

mize news coverage by spreading out his di-

rectives over several weekends.

Trump makes his own decisions, but Ses-

sions was one of the rare lawmakers who shared his instincts.

“Sessions brings heft to the president’s gut

instincts,” said Roger Stone, a longtime

Trump adviser. He compared Sessions to John Mitchell, who was attorney general under Richard M. Nixon but served a more

intimate role as a counselor to the president on just about everything. “Nixon is not a guy given to taking advice, but Mitchell was—he

probably Nixon’s closest adviser,” Stone said.

There are limits to Sessions’s influence, however. He has not persuaded Trump—so far, at least—to eliminate the Deferred

Action for Childhood Arrivals program, under

President Obama, which allows some young people to legally stay in the country. Sessions has also been leading the internal

debate over their choices on reproductive

rights movement—women’s suffrage, women’s rights, women wanting free-
dom over their choices on reproductive rights; and then conservation and envi-

ronmental rights, which have kind of

changed America since Teddy Roo-

sevelt and Franklin Roosevelt and my father and Uncle Mo Udall, who served in the Congress.

I grew up believing civil rights was something that was moving us forward, was positive, and was something where we really cared about every-

person.

The job of the United States Senator is to represent your State. My State of New Mexico is majority-minority, very diverse, and I am very proud to speak out for the people of New Mexico and their civil rights. I have told many of them back home the story I learned through my father and through his public service, when he was a college student at the University of Arizona. . . .

Both he and my Uncle Morris Udall were at the University of Arizona in the lunchroom. Way back in the 1940s, the lunchroom was segregated so the Black students had to eat outside under the trees. They couldn’t eat in-

side. My father and my childhood friend, a young man by the name of Morgan Maxwell. Morgan still is a good friend of the family, and I am good friends with his son who lives in New Mexico.

Morgan was sitting out under the trees in D-Mo and my father over and said: We want you to have lunch with us. They took him through the line at the University of Arizona. The
people serving looked at him like they were a little shocked and surprised. They said: He is our friend. He is going to have lunch with us. They served him, and they sat down at the lunch table in the lunchroom. It ended up that she had a good lunch that day.

But that push to bring Morgan Maxwell, a Black student, into a segregated lunchroom ended up with the president of the university facing a decision: Was he going to discipline the Udall brothers or was he going to change the rule and integrate the lunchroom? Thank God, he integrated the lunchroom, and the University of Arizona, at that time, moved forward with integration. I had always heard that story, and it resonated with me a lot. Then, later, as I was growing up here in Washington when my father was Secretary of the Interior, there was a great commotion around here. The senior assistant legislative clerk was the last team in the NFL to integrate their team. Here, we are talking in the 1960s. The owner of the Washington Redskins was named George Preston Marshall. Everyone knew the story. The owner stood up and said: This is never going to happen. We are not going to integrate the Redskins. So there was a big movement in Washington to get my father to do something about it.

He took them in a serious way and passed it on to the Solicitor. The Solicitor came back and said: Stewart, actually, you can do something about it. The stadium resides on Park Service property. He proceeded to call the roll. Tell him next year when he gets his lease, if his team isn’t integrated, you can terminate the lease, or he can integrate. George Preston Marshall raised hell and went to Jack Kent and Bobby Kennedy at Justice and did everything they could to push it aside. The Kennedys backed my dad.

I know my colleague Senator Hirono is here.

The short story is that the Washington Redskins got Bobby Mitchell and had the first winning season the next year in a long, long time.

Those civil rights are things you grow up with. They are things you want to move forward with. That is why I rise today to say I am deeply disturbed about what Coretta Scott King said about Jeff Sessions. My professional and personal roots in Alabama are deep and lasting. Anyone who has used the power of his office to chill the free exercise of religion does not have the moral authority to do this. Anyone who has the audacity to chill the free exercise of the ballot by citizens should never be elevated to our courts. Mr. Sessions has used the awesome powers of his office in a shabby attempt to intimidate and chill elderly black voters. For this reprehensible conduct, he should not be rewarded with the federal judgeship.

I regret that a long-standing commitment prevents me from appearing in person to testify against this nominee. However, I have attached a copy of my statement opposing Mr. Sessions’ and I request that my statement as well as this be made a part of the hearing record.

I do so to urge you to oppose the confirmation of Mr. Sessions.

Sincerely,
Coretta Scott King.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

Ms. HIRONO, Mr. President, I have served with Jeff Sessions throughout my time in the Senate and respect him very much as a colleague. I come to the floor today not to decide whether Jeff Sessions is doing a good job as the Senator from Alabama, for, of course, that is for his constituents to decide. I come to the floor today to vote on whether to support Jeff Sessions for Attorney General of all the people of America, not just the people of Alabama. That is an awesomely different role and responsibility.

I have deep concerns about Jeff Sessions’ independence from the President and how he would use his prosecutorial discretion to address a number of critical issues confronting our country.

The Attorney General is the American prosecutor. He decides who will stand up to the President when it is necessary. The Attorney General has the responsibility to say “no” when he is asked to do things he doesn’t think are right.

Jeff Sessions has stood up to the President as Sally Yates did. He is not fit to be Attorney General. He is not fit to be the people’s lawyer.
the President if he asks for something that is improper? If the views of the President are unlawful, should the Attorney General or the Deputy Attorney General say no?

Yates’ response:

Senator, I believe the AG or deputy AG has an obligation to follow the law and the Constitution and to give their independent legal advice to the President.

The people of the United States need an Attorney General who will stand up to the President to defend the Constitution—especially, as Senator Sessions pointed out in his questions of Nominee Yates, when the President is wrong.

Based on Nominee Sessions’ long-held restrictive views on immigration, I do not think he would stand up to the President as Sally Yates did. I am also deeply concerned about how Senator Sessions would use his prosecutorial discretion to address a number of critical issues.

During his confirmation hearing, I pressed Senator Sessions for a commitment to vigorously protect every citizen’s right to vote, particularly with regard to section 2 of the Voting Rights Act, which safeguards Americans against discriminatory voting laws.

At a time when our President is making unsubstantiated claims of massive voter fraud, we need an Attorney General who will vigorously protect the right to vote and not give in to these kinds of alternative facts to justify voter suppression laws.

Senator Sessions did not provide me with a satisfactory answer that he would affirmatively scrutinize voting laws for impermissible discriminatory impact. If the Attorney General does not weigh in on these kinds of situations, this means that challenging these kinds of voting laws, these kinds of impermissible discriminatory voting laws, will be left to individuals and groups with limited resources, such as the NAACP.

I also asked Senator Sessions whether he would honor the Department of Justice’s consent decrees, some 20 of them, that address police misconduct and enhance accountability. Senator Sessions did not adequately assure me that as Attorney General, he would uphold these amendments. In fact, he left the door open for renegotiating these agreements. I pressed Senator Sessions for a commitment to defend Roe v. Wade in Federal court and to enforce laws that guarantee the constitutionally protected women’s right to choose. Senator Sessions refused to disavow his past comments that Roe v. Wade was one of the worst Supreme Court cases ever decided and, in his view, not based on the Constitution, when, in fact, the majority decision had a constitutional basis.

Should the Supreme Court be presented with a case that provides them the opportunity to overturn Roe v. Wade, asked Senator Sessions, would he instruct the Solicitor General to argue for the overturning of Roe v. Wade? He said that was a hypothetical and did not respond. Senator Sessions’ view on Roe v. Wade is clear. Would anyone be surprised if, as Attorney General, he would support overturning Roe v. Wade given that opportunity?

In addition, in one of his first actions, he reinstated a ban on foreign aid to health providers abroad who discussed abortion. This vow would compromise the health care of millions of women in places where the need is greatest. Taking the President’s lead, I seriously question whether his testimonial including the Attorney General nominee, will protect a woman’s right to choose.

I want to turn again to the topics of President Trump’s Executive order, basically banning Muslim immigration, because our next Attorney General will likely weigh in on this, as well as other immigration cases. In fact, the Justice Department is already in Federal courts right now defending President Trump’s Muslim ban. So while there is still argument that this really is not a Muslim ban, I say, you can call a duck a chicken, but if it looks like a duck, quacks like a duck, walks like a duck, it is a duck. That is what this Executive order is, a Muslim ban.

Senator Sessions, when the President is making comments that immigrants and Muslims are a tragic but undeniable part of our Nation’s history, and this fear has been used to justify the terrible treatment of minorities from Native peoples to slaves, to immigrants and those who helped build our country. In 1982, decades of incitement against Chinese immigrants resulted in the passage of the Chinese Exclusion Act, an immoral law that banned all Chinese immigration. This law, and others that followed, created a culture of fear that culminated in the mass internment of Japanese Americans during World War II.

This was one of the darkest periods of American history, and it took decades for our country to acknowledge our error.

Last week, we commemorated what would have been civil rights icon Fred Korematsu’s 98th birthday. As Japanese Americans were rounded up for incarceration, Mr. Korematsu, who was only 23 at the time, bravely resisted internment all the way to the Supreme Court, which upheld Mr. Korematsu’s conviction as being justified by the exigencies of war. Forty years later, documents kept from the Supreme Court revealed that the Americans of Japanese ancestry were not involved in sedition actions justifying mass incarceration. Mr. Korematsu waited more than 40 years for a court in California to overturn his conviction.

During the Judiciary Committee’s markup on this nomination, I read the full text of President Ronald Reagan’s remarks in 1988, apologizing for the internment of Japanese Americans.

More than 40 years ago, shortly after the bombing of Pearl Harbor, 120,000 persons of Japanese ancestry, Judge in the United States were forcibly removed from their homes and placed in makeshift internment camps. This action was taken without trial, without jury. It was based solely on race, for these 120,000 were Americans of Japanese descent.
Yet we must recognize that the internment of Japanese Americans was just that: a mistake. For throughout the war, Japanese Americans in the tens of thousands remained utterly loyal to the United States. Indeed, scores of Japanese Americans volunteered for our Armed Forces, many stepping forward in the internment camps themselves.

The internment of Japanese Americans took up entirely of Japanese Americans, served with immense distinction to defend this Nation, their Nation. Yet back at home, the soldiers and their families being denied the very freedom for which so many of the soldiers themselves were laying down their lives.

The legislation that I am about to sign provides partial payment of $120,000 of the 60,000 surviving Japanese Americans of whom 120,000 were relocated or detained.

Yet no payment can make up for those lost years. So I think that we need to do more to build stronger ties with the Japanese Americans in the past, and more to build stronger ties with the Japanese Americans in the future.

President Reagan’s words powerfully demonstrated the wrongness of the internment, but just after this Presidential election, a top Trump surrogate said that the Japanese internment should be used as “precedent” for a Muslim ban. This is shockingly wrong. Our government has the responsibility to be xenophobic. Right now, our country targets minoritites who are complicit in what follows. Time and justice Scalia, in 2014, warned us about the internment of Japanese Americans could happen again. The internment of Japanese Americans under the law.

The internment of Japanese Americans is yet another example of how, when we do not stand up against unconstitutional actions, our President’s Muslim ban, we will be complicit in what follows. Time and again, when our country targets minorities for discriminatory treatment, history proves us to have been deeply wrong. When our country targets minorities who reject its apocalyptic ideology of hatred, that is the end of the joint statement by Senators McCain and Graham. In the internment camps themselves.

That is the end of the joint statement by Senators McCain and Graham. Justice Scalia, in 2014, warned the public that President Trump is sending by pursuing this ban on Muslims.

Last night, our colleague, the senior Senator from Massachusetts, was silenced for sharing a letter from Coretta Scott King. If we cannot make a distinction between talking about a fellow Senator from a person who is a nominee that we must confirm, then the rule that she would be called a gag rule.

Over the last 2 months, I have heard from thousands of my constituents and a number of prominent civil rights organizations, including a number who testified at Jeff Sessions’ hearing questioning his nomination. So I will vote against the nomination of Jeff Sessions to serve as Attorney General because I am deeply concerned about how he would use his prosecutorial discretion.

This is a matter of standing up for civil rights, and safeguarding a woman’s right to choose. I am seriously concerned about Jeff Sessions’ willingness to say no to the President when he needs to. 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. SANDERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. SANDERS. Mr. President, I want to say a few words about the Sessions nomination for Attorney General, but I also want to express my strong opposition to Senator McConnell’s effort to deny Senator Elizabeth Warren the opportunity to express her point of view.

There are two separate issues. No. 1, this is the Senate. The American people expect from us a vigorous debate on the important issues facing this country. I think all of us are aware that issues of civil rights, issues of voter suppression, issues of criminal justice reform are enormous issues that people from one end of this country feel very strongly about. Those are issues that the Attorney General of the United States will be dealing with.

So clearly we need a vigorous discussion regarding the qualifications of President Trump’s nominee, Jeff Sessions, to be Attorney General. We need to take all points of view. The idea that a letter and a statement made by Coretta Scott King, the widow of Martin Luther King, Jr., a letter that she wrote, could not be presented and spoken about on the floor of the Senate is, to me, incomprehensible.

It comes at a time when we have a President who has initiated, and I hope it will not stand, a ban on Muslims entering the United States of America. We have a President who refers to a woman who issues a challenge to the President as a so-called judge, which tells every judge in America that they will be insulted and marginalized by this President if they dare to disagree with him.

I was under the impression we had three separate branches of government: Congress, the President, and the Judiciary, equal branches, not to be insulted because one branch disagrees with another branch.

Here we are now on the floor of the Senate and one of our outstanding Senators, Ms. Warren of Massachusetts, brings forth a statement made by one of the heroines, one of the great leaders of the civil rights of the United States of America, a statement that she made before the Senate Judiciary Committee on March 13, 1986.

Anyone who knows anything about Coretta Scott King understands, this is not a vicious woman; this is not a woman who is engaged in personal attacks. This is a woman who is engaged in personal attacks. This is a woman who stood up and fought for civil rights, for dignity, for justice for her whole life. Yet when Senator Warren read her statement, she was told that she could no longer participate in this debate over Senator Sessions’ nomination, which I regard as an outrage.

I want the American people to make a decision on whether we should be able to look at Senator Sessions’ record and hear from one of the heroines of the civil rights movement.

This is the statement of Coretta Scott King on the nomination of Jefferson Sessions for the U.S. District Court, Southern District of Alabama, made before the Senate Judiciary Committee on Thursday, March 13, 1986, and this is what the statement is about:

Let the American people judge.

This is from Coretta Scott King:

Mr. Chairman and Members of the Committee:

Thank you for allowing me this opportunity to express my strong opposition to the nomination of Jefferson Sessions for a
Jeff Sessions is a man who knows the stakes. He has fought for them, and his record suggests he can be trusted to uphold the law in the face of opposition. But his nomination to the federal bench requires more scrutiny than what we have seen so far.

For decades, the Voting Rights Act has protected the most fundamental right of American citizens: the right to vote. This right is not only a cornerstone of our democracy, but it is also the means by which our citizens ensure that those who hold power will be accountable to the people. The integrity of the Courts, and thus the exercise of this right, can only be maintained if citizens feel confident that those selected to sit on these great institutions respect the basic tenets of our legal system: respect for individual rights and a commitment to equal justice for all.

The federal courts hold a unique position in our constitutional system. Working to ensure that minorities and other citizens without political power have a forum in which to vindicate their rights. Because of this unique role, it is essential that the people selected to be our federal judges respect these rights they protect, can only be maintained if citizens feel confident that those selected as federal judges will be able to judge with fairness and impartiality.

Jefferson Sessions has a long record of opposing civil rights legislation. From his politically-motivated voting fraud prosecutions to his indifference toward criminal violations of civil rights laws, indications are there of temperamental fairness, and judgment to be a federal judge.

The Voting Rights Act was, and still is, vitally important to the future of democracy in the United States. I was privileged to join Martin and many others during the Selma to Montgomery march for voting rights in 1965.

In these investigations, Mr. Sessions, as U.S. Attorney, exhibited an eagerness to bring to trial and convict three leaders of the Perry County Civil League including Albert Turner despite evidence clearly demonstrating his innocence. Furthermore, in initiating the case, Mr. Sessions ignored allegations of similar behavior by whites, choosing instead to chill the exercise of the franchise by blacks by his misguided investigation. In fact, Mr. Sessions sought to punish older black civil rights activists, advisors, and colleagues of my husband, who had been key figures in the civil rights movement in the 1960’s. These were persons who, realizing the potential of the absentee vote among Blacks, had learned to understand the limits of the law and had taught others to do the same. The only sin they committed was being too successful in gaining votes.

The scope and character of the investigations conducted by Mr. Sessions also warrant grave concern. Witnesses were selectively chosen in accordance with the favorability of their testimony to the government’s case. Also, the prosecution illegally withheld from the defense critical statements made by witnesses who did testify. This, in my view, is a misuse of the “correct” testimony. Many elderly blacks were visited multiple times by the FBI who then presented their case to a grand jury in Mobile when they could more easily have testified at a grand jury twenty miles away in Selma. These, and others, have testified that they are now going to vote again.

I urge you to consider carefully Mr. Sessions’ conduct in these matters. Such a review, it would seem, raises serious questions about his commitment to the protection of the voting rights of all American citizens and consequently his fair and unbiased judgment in matters of law. When the circumstances and facts surrounding the indictments of Al Turner, his wife, Evelyn, and Spencer Hogue are analyzed, it is clear that his motivation was political, and the result frightening—the wide-scale chill of the exercise of the ballot for blacks, who suffered so much to receive that right in the first place. Therefore, it is my strongly-held view that the appointment of Jefferson Sessions to the Federal bench is not compatible with the vote he and his family cast for the number one civil right.

Jeff Sessions is a man who understands the stakes. He has fought for them, and his record suggests he can be trusted to uphold the law in the face of opposition. But his nomination to the federal bench requires more scrutiny than what we have seen so far.
to be a Federal judge. Yet Senator ELIZABETH WARREN, one of our leading Senators, was denied the right to read that letter to inform fellow Senators and the American people.

I think Leader MCCONNELL owes Senator SANDERS an apology, and I believe it is unconscionable and outrageous that Senator WARREN not be allowed to participate in the discussion about whether JEFF SESSIONS becomes our next Attorney General.

The President, General, is in this country right now, starting at the White House, where we have a President who has issued a ban on Muslim visitors coming into this country. There is a fear that we have a President who denigrates a justice our leading Senators the right to voice her opinion, the right to put into the CONGRESSIONAL RECORD what I have just said. And if Mr. MCCONNELL, or anybody else wants to deny me the right to debate JEFF SESSIONS' qualifications, go for it. But I am here. I will participate in the debate. I will oppose JEFF SESSIONS. And I think Senator WARREN is owed an apology.

With that, Mr. President, I ask unanimous consent to have printed in the RECORD the statement of Coretta Scott King:

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. First of all, Mr. President, I thank my colleague, the Senator from Vermont, for his statement, and remarkably, the events of the last 24 hours, with Senator WARREN's comments and now Senator SANDERS' comments and others, and the fact that it is now out there—using social media, this message reached this morning more than 5 million Americans. I know that Senator SANDERS' comments this morning continue to expand, reaching Americans. And out of every challenge comes an opportunity—the opportunity to make sure more Americans hear the powerful words and her rationale against Senator SESSIONS I think was very important, and so I thank him for his work.

Mr. SANDERS. Thank you very much.

Mr. WARNER. Mr. President, I also rise today to voice my concerns about Senator JEFF SESSIONS to serve as U.S. Attorney General. While I respect Senator SESSIONS' public service, I cannot and will not support his nomination.

I also rise to raise the concerns of thousands of my constituents who have contacted me about Senator SESSIONS. These Virginians worry about what his confirmation would mean for the rights of all Virginians. Senator SESSIONS' long record of opposing bipartisan, commonsense policies relating to voting rights, anti-dis-crimination, domestic violence, and discrimination on the basis of religion—an issue that unfortunately has reared its head most recently by the President's action. Opposing a much broader, comprehensive bipartisan effort to reduce violence and protect domestic violence victims calls into question Senator SESSIONS' commitment to administering these important programs at the Department of Justice.

The third area is the Violence Against Women Act. In 2013, Senator SESSIONS again was one of only five Republicans on the Judiciary Committee to vote against this bipartisan criminal justice reform legislation, of which I am a proud cosponsor, the Sentencing Reform and Corrections Act.

There is overwhelming support both in this body and among the American public for reforming a broken justice system and giving thousands of Americans a second chance to be productive members of society. I believe that Senator SESSIONS' views on criminal justice are at odds with what the American people want and at odds with the basic principles of fairness and equality under law that are supposed to be the hallmark of our Nation's justice system.

Finally, on the question of independence, I am concerned that Senator SESSIONS won't be sufficiently independent to execute the responsibilities of Attorney General effectively. Doing this job neutrally means saying no to the President sometimes.

This is a one area in which I agree with my colleague and very much want to
take him at his word; however, given his vocal, partisan support for President Donald Trump and his refusal to commit in his confirmation hearing to fully enforce certain laws, I am not convinced that Senator Sessions is fully committed to enforcing all of the Nation’s laws and by doing so, protecting the civil rights of all Americans. That is the most basic tenet of being Attorney General. Given Senator Sessions’ long record of opposing many of these fundamental laws that protect civil rights and equality for all, I have grave concerns about him fulfilling and taking this position.

For these reasons, I am unable to support Senator Sessions’ nomination to be Attorney General, and I encourage my colleagues to take these concerns under consideration as we move toward a final vote on this nomination.

Mr. President, I yield the floor.

The PRESIDENT pro Tempore of the Senate (Mr. SULLIVAN). The Senator from Minnesota.

Mr. FRANKEN. Thank you, Mr. President. I rise in opposition to the nomination of Senator Jeff Sessions to serve as our Nation’s next Attorney General.

The U.S. Attorney General has a job like none other. Our Nation’s top law enforcement officer doesn’t enforce just the laws designed to protect national security and keep the public safe but also the laws designed to protect Americans’ civil rights and civil liberties, the laws that guarantee each and every American access to the same opportunities and to participate fully in our democracy. I know Senator Sessions. He and I have served on the Judiciary Committee together since I joined the Senate back in 2005, and I have a good relationship with Senator Sessions. I respect him as an attorney. But no one who has observed Senator Sessions or me in a Judiciary Committee hearing could probably tell you, he and I have very different views about many of the issues that he stands to influence as Attorney General, particularly matters of equal justice. So once the President announced his nomination and after Senator Sessions submitted his material to the committee, I reviewed his background carefully, and I paid particular attention to how he described his work on civil rights. I noticed some discrepancies in the way he described his involvement in civil rights cases filed during his time as U.S. attorney. Those discrepancies stood out to me, and they didn’t just stand out because civil rights is an issue I care about personally or because it is an issue I know Senator Sessions and I have disagreed about in the past; the discrepancies caught my attention because the information seemed to misrepresent the nominee’s record, and that is something Senator Sessions himself promised not to do.

You see, back in 2009 when Senator Sessions became the ranking member of the Judiciary Committee, he was interviewed about how he would approach the committee’s work in general and nominations in specific. Senator Sessions viewed himself as the ranking Republican at the time, had just changed his party affiliation to join the Democrats, and so the gavel passed to Senator Sessions. Some people, particularly on my side of the aisle, were anxious about how Senator Sessions would judge Democrats’ records as Republicans given his more conservative views, but during that interview with the National Review, Senator Sessions indicated that Democrats should expect him to be an honest broker, to be fair, to the Democratic nominee.

Senator Sessions cited his experience before the Judiciary Committee back in 1986 when President Reagan nominated him to serve on the Federal bench. He rejected his nomination then, and Senator Sessions felt that in doing so, the committee had distorted his record. He said: “What I learned in that process is that we’re not going to misrepresent any nominee’s record, and we’re not going to lie about it.”

Senator Sessions said, as ranking member, that nominees before the committee would be “entitled to explain the charges against them. That doesn’t mean I’ll accept their explanation or agree with it.”

In my view, that seemed like a fair way to conduct the committee’s business. When I set about the task of reviewing Senator Sessions’ record and the materials that he provided to the committee, I expected that those materials would not misrepresent his record. I took him at his word.

So when I noticed discrepancies regarding the nominee’s record, I gave Senator Sessions an opportunity to explain them. I asked him about his claim to have filed 20 or 30 desegregation cases, a claim he made in that same 2009 National Review interview. In response, in the committee hearing Senator Sessions said: “The records do not show that there were 20 or 30 actually filed cases.” Of the claim, he said: “The record does not justify it.”

I then moved on to question him about four cases he had listed on his committee questionnaire, which asked him to list the “10 most significant litigated matters [he] personally handled.” Among those 10 cases were three voting rights cases and a desegregation case.

I know Senator Sessions, and I know his record on voting rights. He is no champion of voting rights. He has called the Voting Rights Act “intrusive” and complained about States with a history of discrimination being subject to preclearance. But here’s my question: why would he have his personal involvement in three voting rights cases and one desegregation case. It seemed to me that, given his previous experience before this committee and given the concern the civil rights community had expressed about his nomination, perhaps the transition team or others managing Senator Sessions’ nomination had attempted to reframe or of his history and recast him as a civil rights champion.

I questioned Senator Sessions about the questionnaires’s claim of personally handling those four civil rights cases. I reminded the Justice attorneys who had worked on three of those four cases wrote an op-ed stating that Senator Sessions had no substantive involvement in those cases. Two of those attorneys also submitted testimony to that effect, explaining that Senator Sessions had no personal involvement in any of the cases that he had listed among the top 10 matters that he had personally listed.

I asked Senator Sessions about this. In my view, he deserved an opportunity to explain himself. I asked him whether these attorneys had distorted his record by stating that with regard to three of those four cases: “We can state categorically that Senator Sessions had no substantive involvement in any of them.” Senator Sessions said: Yes, he believed they were distorting his record. He said that he had supported the attorneys, and he hoped they had the complaints they had brought.

Senator Sessions’ reply mirrored answers he provided in a supplement to his initial questionnaire. In that supplement, which he filed 2 weeks after he submitted his questionnaire, he clarified that his role was to “provide support for” DOJ attorneys. He said he “provided assistance and guidance” and “cooperated with DOJ attorneys—not quite ‘personally handled’” if you ask me. I suspect that is why he felt the need to file the supplement.

It is also worth noting that all four of the civil rights cases at issue—the ones at issue here—had either come before the committee before Senator Sessions first appeared before the Judiciary Committee in 1986. But 30 years ago, when he submitted his questionnaire, which also asked him to list the “ten most significant litigated matters which [he] personally handled.” Senator Sessions did not list a single one of these four cases—not a single one. I wonder what changed between 1986 and now that caused these four civil rights cases to take on new importance for Senator Sessions?

The fact of the matter is that Senator Sessions simply did not personally handle the civil rights cases that his questionnaire indicates he personally handled. His questionnaire overstates his involvement in the cases, and his record does not support his claims. It is clear that Senator Sessions submitted his questionnaire without consulting the records. Senator Sessions himself has said in 2009:

We’re not going to misrepresent any nominee’s record. . . . They’ll be entitled to
explain the charges against them. That doesn’t mean I’ll accept their explanation or agree with it.

And neither do I. The Senate has an important job to do. It requires that each and every one of us do our duties accurately. The duties and responsibilities of our Nation’s top law enforcement officer demand that the President nominate an individual who puts country before party and who is willing to pursue justice for the most vulnerable among us. But I do not have confidence that a nominee whose submissions to the Judiciary Committee inflate and exaggerate his handling of the critical issues—issues such as protecting the right to vote—is, frankly, capable of pursuing equal justice under the law.

I questioned Senator Sessions about voting rights during his hearing. I asked him about an extraordinary claim by the then-President-elect. In late November, President-elect Trump tweeted: “In addition to winning the electoral college in a landslide, I won the popular vote if you deduct the millions of people who voted illegally.” Let me repeat that: “the millions of people who voted illegally.”

Let’s be clear. President Trump lost the popular vote by 2.86 million votes—the popular vote for the President. He is the President of the United States, but he lost the popular vote by 2.86 million votes. Senator Sessions says, “I won the popular vote if you deduct the millions of people who voted illegally.” He is saying that at least 2.86 million people voted illegally.

That is a pretty extraordinary charge. During Senator Sessions’ hearing, I asked, do you agree with the President-elect that millions of fraudulent votes had been cast?

He responded: “I don’t know what the President-elect meant or was thinking when he made that comment, or what facts he may have had to justify his statement.”

Senator Sessions didn’t say whether he agreed. I asked him whether he had talked to the President-elect about that issue. Senator Sessions said: “I have not talked to him about that in any depth.”

Under the Attorney General’s leadership and direction, the Department of Justice is tasked with protecting the right to vote and with prosecuting fraud. I am unusual to me that the President-elect would make such an outrageous claim, backed with no evidence, asserting that a fraud of truly epic proportion had occurred and that he wouldn’t bother to discuss it with the man nominated to lead the Justice Department nor that the man tasked to head the Justice Department wouldn’t ask him about it and ask what his evidence was so that when he became Attorney General, he could prosecute the voter fraud.

But, in my questioning, none of this seemed to bother Senator Sessions. I suppose that shouldn’t come as a surprise, because another thing that didn’t seem to bother Senator Sessions was the speed with which States previously covered by the Voting Rights Act, covered by preclearance, moved to restrict voting rights after the Supreme Court’s Shelby County decision. He saw that as bad news. I pointed out that after Shelby County, States moved quickly to enact new restrictions, but he didn’t seem concerned.

We discussed North Carolina, which enacted restrictions that the Fourth Circuit reversed as targeting African Americans with “almost surgical precision”—targeting African Americans with almost surgical precision to make it harder for them to vote, to suppress their vote, which suppressed African-American votes in the 2014 election. So this had happened. But it didn’t seem to bother Senator Sessions. All he said was “every election needs to be managed closely and we need to ensure that there is integrity in it.” Does he regularly have fraudulent activities occur during election cycles?

Now, let’s be clear. Claims of apocryphal voter fraud are used to justify voter suppression. Claims of bogus pollution during President Obama and then by President Trump lost the popular vote by 2.86 million votes—"every election needs to be managed closely and we need to ensure that there is integrity in it—" does he regularly have fraudulent activities occur during election cycles?"

So understanding Senator Sessions’ views on voting rights and understanding how he responded to the President-elect’s outrageous claims of fraud—and is there anyone here in this body who doesn’t believe that the President’s claims are outrageous and, indeed, pernicious? Keeping Senator Sessions’ views on voting rights in mind and understanding how he responded to the President’s claims is important to helping us assess whether he is capable of filling one of the Attorney General’s most important duties, protecting the right to vote.

That is what we have all got here. We won elections. That is how the Presiding Officer won an election in Alaska, fair and square. This is so basic. The Fourth Circuit ruled that North Carolina had surgically targeted African Americans, and because of the Shelby decision, the Justice Department couldn’t review that, couldn’t do preclearance, couldn’t prevent African Americans from having their votes suppressed. That should bother us. That should bother everyone of us. It really should. We are here. We had some arguments over the last evening. The ones having the arguments were all elected. Protecting the franchise is the most basic duty in a democracy. And whose job is that? That is the job of the Attorney General.

Think about how basic and fundamental this is. It is all the words that are said here on the floor; they are said by people who won elections. I won an election by 312 votes. Every vote is important. To this mass of votes, to surgically target a race of people, how fundamentally wrong is that? It should make us shiver. It should. I would hope, clarify to my colleagues why there is so much fear in this country, when a man who is President of the United States says there are 3 million to 5 million votes fraudulently cast. I wonder how he got 3 million. Could it be possible that he lost the popular vote by 2.86 million? How did he bring that figure out of the air?

What are the American people supposed to think when the President makes these laughable claims, faced with no facts whatsoever?

He told the story about a German golfer in line in Florida. Do my colleagues remember this? He heard this story thirdhand. This is his proof to the congressional leadership. I believe Senator Cornyn was actually there. I think he was part of the group who went there as the leadership of the Senate. The President said that part of his evidence was this story that this German golfer lined up three Hispanic people in front of him and three back. The President then went into conjecture about what Latin American countries they could be from. Then he said that none of them were pulled out of line and only one or two of the famous German golfer. He has won some PGA tournaments. He is a great golfer. He is not registered to vote in the United States. The story was apocryphal. Doesn’t this send a chill down the spine of every Member of this Senate who cares about the franchise?

Think about it. This is the fundamental building block of our democracy—the franchise.

Now, Senator Sessions said during his hearing that he believes we regularly have fraudulent activities during our election cycles. That might explain why he didn’t talk with the President-elect in any depth about the now-President’s claim that millions of fraudulent votes were cast. Perhaps Senator Sessions didn’t find it alarming because he believes there is a kernel of truth to the claim. That claim has been fact-checked to death. Nearly 138 million votes were cast in the 2016 election. State officials found virtually no credible reports of fraud and no sign whatsoever of widespread fraud.

In 2014, a comprehensive study examined elections over 14 years, during which more than 1 billion ballots were cast, and they found just 31 incidents of voter fraud. President Trump didn’t stop President Trump. Never let the truth get in the way of a good story. He again claimed that he won the popular vote and continued to claim it and asked for an investigation.

It is so profoundly disturbing. I ask my colleagues, doesn’t it bother you?

The President went on to tweet about this “major investigation into VOTER FRAUD, including those registered to vote in two states, those who are illegal, and even, those registered to vote who are dead, and then (and many for a long time).”
I know on my deathbed, which I hope is surrounded by my family, my grandchildren, and hopefully my great-grandchildren, if they say: Grandpa, Great-grandpa, any last wishes, I would say: Yes, I want to, before I leave this world, ‘slip my mortal coil,’ or whatever Shakespeare said: I want to make sure that I unregistered to vote because I was a U.S. Senator and I wouldn’t want to commit voter fraud, so, please, somebody, call the county clerk to do that.

But I want to unregister because clearly anyone who doesn’t unregister to vote before they die is committing some kind of fraud, and clearly anyone who is registered to vote in two States is committing fraud—people like Steve Bannon, Sean Spicer, the Press Secretary, Steve Mnuchin, Treasury Secretary designee, the President’s daughter Tiffany, and his son-in-law Jared Kushner. We really should investigate them.

The President has said the administration would form a commission led by Vice President Pence to investigate this voter fraud. This raises serious concerns, not the least of which is whether such an order or commission would serve as a pretext for nationwide voter suppression. Before my colleagues vote on Senator Sessions’ nomination, we deserve to know whether the President intends for the Attorney General or the Justice Department to lead or participate in these investigations.

When the President of the United States lies about the existence of massive, widespread fraud, it is the job of the Attorney General to call him on it. It is the job of the Attorney General to call him on it. The Attorney General has an obligation to tell him like he is. Senator Sessions may have said it best himself. When Sally Yates was nominated away Attorney General, Senator Sessions questioned her during her confirmation hearing. He said: “You have to watch out because people will be asking you to do things and you will need to say no.”

Do you think the Attorney General has a responsibility to say no to the President if he asks for something that is improper? A lot of people have defended the Lynch nomination, for example, by saying: Well, he will appoint somebody who is going to execute his views even if they are wrong with that. But if the views the President wants to execute are unlawful, should the Attorney General or the Deputy Attorney General say no?

Ms. Yates responded: Senator, I believe the Attorney General or the Deputy Attorney General has an obligation to follow the law and the Constitution, to give their independent legal advice to the President.

As everyone here should agree, that is exactly what Ms. Yates did last week—I think it was last week. These weeks seem long. This Nation owes her a debt of gratitude. She did exactly what Senator Sessions asked if she would do, but I fear Senator Sessions has not demonstrated that he is capable of fulfilling that obligation, and his record, as demonstrated by the fact that he did not discuss these claims with the President, suggests that he is simply not willing to speak truth to power.

Now, Senator Sessions has a long record, not just during his time as U.S. attorney and the Attorney general but here in the U.S. Senate. But regardless of the posts he held, Senator Sessions has not exhibited what I would characterize as a commitment to equal justice.

In my view, it is the obligation of elected officials, law enforcement officers to recognize injustice when they see it and stand in opposition to it, but on far too many occasions, it seems Senator Sessions has not followed that obligation.

In 2009, the Senate debated the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act, the bill that extended Federal hate crimes protections to those targeted on the basis of their sexual orientation or gender identity. In the hearing on that bill, Senator Sessions said, “I am not sure women or people with different sexual orientations face that kind of discrimination. I just don’t see it.”

Senator Sessions repeatedly opposed a bill to reauthorize the Violence Against Women Act, or VAWA, the landmark law combating domestic sexual violence, much of it by non-Indians—most of it—a large majority of it. That is not a new development. But Senator Sessions said to me that at the time he voted on the issue, he didn’t understand the gravity of the problem. He must not have seen it.

In 2006, when the Judiciary Committee held a hearing on reauthorizing the Voting Rights Act, Senator Sessions said there is “little present day evidence” of State and local officials restricting access to the ballot box. He commented that the Voting Rights Act’s preclearance requirement unfairly targeted certain States. He said, “Alabama is proud of its accomplishments, but we have the right to ask why other areas of the country are not covered by it.” Now, the Voting Rights Act’s preclearance requirement forced States with a history of enacting discriminatory measures to get Federal approval before changing their voting practices. That is why Alabama was subject to preclearance, but he just didn’t see it.

During this hearing and in his responses to written questions, Senator Sessions has said “all Americans are entitled to equal protection under the law, no matter their background.” He has said that, if confirmed, he would “enforce the laws passed by Congress.” But time and time again, Senator Sessions has demonstrated an inability to recognize whether it is discrimination faced by LGBT people, discriminatory barriers to the ballot box, or violence against women. If he can’t see injustice, what assurance do we have that he will act to stop it? The community the President should be confident that the Nation’s top law enforcement officer is capable of recognizing the challenges they face and will help them overcome those challenges. Before the Senate moves to confirm this nominee, it is important to understand whether Senator Sessions is able or willing to acknowledge those challenges and to take steps necessary to address them, not turn a blind eye. I am not confident that he is and I will be voting against him.

Mr. President. I yield the floor. Mr. Schumer. Mr. President, 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. Schumer. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. Schumer. Mr. President, we here in the Senate have a tradition of mutual respect among our fellow Senators. We have a spirit of comity. It is a tradition that I hold in high esteem. Last night that tradition was violated, and the Senate went in a very bad direction. I believe my Republican colleagues were far too zealous in trying to enforce that tradition and in doing so were guilty of the exact same thing they were trying to prevent.

My friend the Senator from Massachusetts was reading a letter written by Mrs. Coretta Scott King, the widow of Martin Luther King, Jr., to the Judiciary Committee—her testimony about the nomination of then-Judge Jeff Sessions to be a Federal Judge. For that, the Chair and my friend the majority leader interrupted her remarks, invoked rule XIX, and forbid her from continuing. The Chair directed the Senator to take her seat. My view, it was totally, totally uncalled for. Senator Warren wasn’t hurling wild accusations; she was reading a thoughtful and considered letter from a leading civil rights figure. Anyone who watched the Senator floor on a daily basis could tell that what happened last night was the most selective enforcement of rule XIX.

My friend the Senator from Massachusetts was here when one of her colleagues called the leadership of my dear friend, Senator Reid, ‘cancerous’ and said that he “doesn’t care about the safety” of our troops. That was not enforced as a rule XIX violation, but
reading a letter from Coretta Scott King—that was too much.

Suggesting that the distinguished majority leader had repeatedly lied to the press—a comment made by a fellow Republican, by the way—that was fine. Reading the letter of a civil rights icon? At least to the other side, unacceptable.

Just last week I heard a friend on the other side of the aisle accuse me of engaging in a “tear-jerking performance” that triggered the “Screen Actors Guild awards.” It was only the second time that week I had been accused of fake tears on the floor of the Senate, but I didn’t run to the floor to invoke rule XIX. But when my friend from Massachusetts read a piece of congressional testimony by Coretta Scott King, she was told to sit down.

Why was my friend from Massachusetts cut off when these other, much more explicit, much more direct, much nastier attacks were disregarded? There is a double standard here when it comes to speech. Unfortunately, it is not constrained by the four walls of this Chamber.

While the Senator from Massachusetts has my Republican colleagues up in arms, only reciting the words of a civil rights leader, my Republican colleagues can hardly summon a note of disapproval for an administration that insults a Federal judge, tells the news media to “shut up,” offhandedly threatens a legislator’s career, and seems to invent new dimensions of falsehood each and every day.

I certainly hope that this anti-free speech attitude is not traveling down Pennsylvania Avenue to our great Chamber, especially when the only speech being stifled is speech that Republicans don’t agree with—even speech that is substantive, relevant, on point to the matter this body is considering, and appropriate and measured in tone.

I would make a broader point. This is not what America is about, silencing speech, especially in this Chamber. What we do here is debate. We debate fiercely and forcefully but respectfully. The Founders of the Republic and titans of the early Senate—Webster, Clay, and Calhoun—debated until they were blue in the face. From time to time, they probably had tough words for one another. We are not afraid of tough words in America. We don’t look to censor speech. The rule is only intended to keep Senators on the facts, to keep them from making baseless accusations about another’s character. My friend from Massachusetts was following the letter and the spirit of the rule last night. She was engaging in that tradition of forceful but respectful debate when she was cut off. That is not what the Senate is about. That is not what our dear country is about.

Every Member on the other side of the aisle accuses me of selective enforcement. It was the most selective enforcement of a rarely used procedure to interrupt her, to silence her, and it was the only violation of the spirit of mutual respect and comity in this body that occurred last night. Mr. President, I yield the floor.

The PRESIDING OFFICER. The majority leader has a point of order.

Mr. CORNYN. Mr. President, I ask unanimous consent that following the letter, the Senator from Nevada be recognized for such time as he shall consume, and then I be recognized.

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

Mr. CORNYN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clock will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

PRAYER

Pursuant to rule IV, paragraph 2, the hour of 12 noon having arrived, the Senate having been in continuous session since Monday, the Senate will suspend for a prayer by the Senate Chaplain.

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Lord God, teach us this day, through all our employments, to see You working for the good of those who love You.

Strengthen the hearts of our lawmakers against temptations and make them more than conquerors in Your love. Lord, deliver them from all dejection of spirit and free their hearts to give You zealous, active, and cheerful service. May they vigorously perform whatever You have given them to do, thankfully enduring whatever You have chosen for them to suffer. Guard their desires so that they will not deviate from the path of integrity.

Lord, strengthen them with Your almighty arms to do Your will on Earth, even as it is done in Heaven.

We pray in Your mighty Name. Amen.

The PRESIDING OFFICER (Mrs. Ernst). The Senator from Nevada.

REPEALING OBAMACARE

Mr. HELLER. Madam President, I want to take a few moments to discuss an issue, one that is on everybody’s mind; that is, the status of ObamaCare. Congress has taken the first step to repeal ObamaCare. I was in the House of Representatives when ObamaCare was passed into law. I opposed the law five times while I was in the House before it was passed with zero bipartisan, zero Republican support and was signed into law by the President.

I opposed ObamaCare because I feared that this law would increase costs. I have heard for patients to see a doctor, increase taxes on the middle class, increase taxes on seniors, and hurt the economy.

Over the last 7 years, all of these fears have become a reality. A new Congress and a new administration have heard the people’s response loud and clear, and that response is that we must repeal ObamaCare. Repealing ObamaCare means repealing all of the taxes that go with it and none of them, not some of them, but all of them.

ObamaCare increased taxes on hard-working Americans by $1.1 trillion. Higher taxes lead to more money being taken out of the pockets of hard-working families. Higher taxes were increased to a degree where I have heard from Nevadans across the State, of all ages and backgrounds, all with similar concerns.

What I wish to do is take a moment to read an email that I received just last week from a 13-year-old boy who lives in Las Vegas. He said:

I wanted to write an email to express my concerns about Obamacare and hopefully persuade you in making a change.

My family used to have health insurance until ObamaCare kicked in and forced my family to drop our insurance since it tripled the cost and wasn’t getting penalized now for not having insurance.

Think about that. ObamaCare kicked their family off their insurance by tripling the costs, making it unaffordable, and then ObamaCare penalized that family for not having insurance.

Going back to the young boy, he said: Since then we have had medical bills piling up. This is an issue with a lot of people and I don’t know a lot about policies but I do know that something needs to change for the good of the people.

I’ve heard President Donald Trump will be addressing this issue. I just hope you will represent Nevada in favor of getting rid of ObamaCare.

I can assure my constituents back home in Nevada, and especially this young man who is advocating for his family, that I am committed to repealing ObamaCare. This young man’s parent had employer-sponsored health care coverage that took care of their family when they needed medical care. And as a result of ObamaCare, the costs were too high to afford the health insurance they had.

One of the biggest drivers of cost increases on the middle class is the 40-percent excise tax on employee health benefits, better known as the Cadillac tax. In Nevada, 1.3 million workers who have employer-sponsored health insurance will be hit by this Cadillac tax. These are public employees in Carson City. These are service industry workers on the Strip in Las Vegas. These are small business owners and retirees across the State.

We are talking about reduced benefits, increased premiums, and higher deductibles. When I first started working on this issue, I knew the devastating impact this tax would have on Nevadans, but also in order to get anything done, we needed a bipartisan effort to reduce this tax and to eliminate it.

I recruited a good friend by the name of Senator MARTIN HEINRICH from New
Mexico, and together we were able to gain huge support on both sides of the aisle. During the highly partisan reconciliation debate in 2015, where Congress successfully delivered an ObamaCare repeal bill to President Obama’s desk, Senator Heinrich and I pushed hard to include our legislation to fully repeal the Cadillac tax as an amendment.

Our amendment passed with overwhelming bipartisan support by a vote of 90 to 10. With this nearly unanimous vote, we were able to delay the Cadillac tax until 2020.

This Congress, Senator Heinrich and I have reintroduced Senate bill 58, the Middle Class Health Benefits Repeal Tax Act, which fully repeals this bad tax. I hope that my Senate colleagues on the other side of the aisle will join Senator Heinrich on this bipartisan piece of legislation and on this issue to support our bill and get rid of this Cadillac tax once and for all.

I believe that my colleagues on the other side of the aisle will have a lot of differing opinions on the Affordable Care Act, but one thing we can agree on is that the Cadillac tax should be fully repealed. Now that we have passed an ObamaCare repeal resolution, we will move to the next phase of the repeal process. The budget we just passed included reconciliation instructions for the Senate Finance Committee and the HELP Committee to repeal ObamaCare.

We made a promise to repeal ObamaCare, and now it is time to keep that promise. This includes my legislation to fully repeal the Cadillac tax. The goal of health reform should be to lower costs for those who already have health benefits and to expand access to those who do not currently have coverage. ObamaCare did not achieve either of those goals.

I am committed to ensuring that all Americans have access to high-quality, affordable health care. We must start by repealing the Cadillac tax.

I thank Senator Heinrich for his continued leadership on this issue. I want to thank him, and I want to say that Senator Heinrich continues to put his constituents above politics. I know that he shares my commitment to repeal this bad tax.

I also want to thank Congressman Kelly and Congresswoman Courter for their leadership on the House side. I know that we are all eager to work together to get this bill to the finish line.

Madam President, I yield to the senior Senator from Texas.

The PRESIDING OFFICER. The majority whip.

Mr. CORNYN. Madam President, last night we all witnessed a rather extraordinary event. Certainly for the first time in my time in the Senate, we saw rule XIX overturned, Standing Senate Rules invoked. That rule says: ‘‘No Senator in debate shall, directly or indirectly, by any form of words impute to another Senator or to other Senators any conduct or motive unworthy or unbecoming a Senator.’’

I certainly agree with the ruling of the Chair and the decision of the Senate as a body that that line was crossed last night. A Senator can’t evade that rule by some technical claim: These weren’t my words; I was reading what somebody else said.

Specifically, in the case of our former colleague, now deceased, Senator Ted Kennedy claimed that the American General was somehow a disgrace to the Justice Department and ought to resign. That certainly crossed that line.

Our colleagues want to point to a letter written by Coretta Scott King. That was part but not the whole of the speech given by the Senator from Massachusetts. I hope that maybe we have all been chastened a little bit, and maybe we have all learned a little bit of a lesson here.

I yearn for the day when the Senate and, frankly, the country as a whole would pull back from the abyss of re-crimination, personal attacks, and we would get back to doing what this institution was designed to do—which is to be a great body for deliberation and debate, and to work together with the civility with which we would all want to be treated.

We are at a pretty challenging time in our Nation’s history, when many people who are surprised and disappointed at the last election are unwilling to accept the results of that election and the verdict of the American people. I can only hope that, after the passage of some time, they will return to their senses, and they will agree that no one is well served by this race to the bottom in terms of decorum and in terms of rhetoric, in terms of how we treat one another. The American people are better served when we treat each other with civility and regard for personal attacks against Senators because of the positions that they take.

This debate over the nomination of Senator Jeff Sessions has taken on some rather unusual twists and turns. I want to comment briefly on some of the remarks made by our colleague from Minnesota about voting rights because I think this is exemplary of the way that Senator Sessions’ record on voting rights has been misrepresented. We were actually a part of the 1965 law that was later struck down. Section 2 is the provision of the Voting Rights Act that applies to the entire Nation, and it authorizes a lawsuit to vindicate voting rights that are jeopardized by some illegal practice. Section 5, which was the subject of the decision by the U.S. Supreme Court in the Shelby County case that was decided in 2013—that was directed not at section 2, which applies to the entire Nation, but to section 5, which applied only to a handful of jurisdictions around the country. It was based on voting practices that existed in the middle 1960s.

I would be the first to admit that the record of vindicating the rights of minority voters in 1965 was not something to be particularly proud of. We have come a long way in this country, and it has been because of the Voting Rights Act. It has been because of our collective commitment to the right of every citizen to vote that we have those statistics which existed in the mid-sixties are no longer valid today.

In fact, if you look at many of the jurisdictions covered in the 1960s, including places like Alabama, where Senator Sessions is from, they have records of minority voting that are superior to jurisdictions that are not covered by section 5. How our colleagues across the aisle can somehow condemn Senator Sessions for the Supreme Court’s decision in the Shelby County case is beyond me. We made a promise to repeal the authorization of the entire Voting Rights Act, section 2 and section 5, strikes me as extremely misleading and unfortunate, but it does seem to characterize the nature of the debate about this nominee.

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politician as Attorney General. In fact, we need a nonpolitician, an apolitician, somebody who believes that their allegiance to the rule of law, irrespective of who is involved, whether it is the President of the United States or the least among us, that is what the rule of law is all about. And that is one reason why I feel so strongly that Senator Sessions will be an outstanding Attorney General, because I believe he will restore the Department of Justice to an institution that believes in and enforces the law of the United States, and that is a fundamentally important thing to do.

We know Senator Sessions, as I said earlier, brings a lifetime of relevant experience to this job: former Federal prosecutor, former U.S. attorney for the Department of Justice. He said there were some of the best years of his life.

I once had a colleague who now serves on the Fifth Circuit. When he became a U.S. district judge in San Antonio, he was recalling his days as U.S. attorney. He said—I still remember this after all these many years—he said he never had a prouder moment in his life than when he appeared in court and he saw his colleagues across the aisle know that all of these nominees, particularly in the case of Senator Sessions, will be confirmed. So holding up the nomination just for delay alone makes no sense at all.

Well, some have said holding up Senator Sessions’ nomination is somehow similar to the confirmation process for Loretta Lynch, but that really rings hollow on examination. Let me remind them what happened when Loretta Lynch was nominated as Attorney General. At the time, our Democratic friends were filibustering a bipartisan bill that later passed 99 to 0. They were filibustering a bipartisan anti-trafficking bill for no good reason. That is precisely what I think we have here. This is my good reason. I think actually what it had to do with was the Hyde amendment and the longstanding limitation on the use of taxpayer funds for abortion that had gone back to roughly 1976. They wanted to eliminate that restriction in this anti-trafficking bill, so they refused to consider that legislation, which many of them had cosponsored, to help thousands of victims of sexual exploitation, slavery, and human trafficking find a path to healing and restoration. So the majority leader, in an action that I completely endorsed, simply said that as soon as they dropped the filibuster, we would move on with the Loretta Lynch nomination. They did finally, and we processed her nomination. So in no way were those two situations similar.

Today, our colleagues across the aisle have offered him an occasional compliment, like the Democratic leader, who once called him straightforward and fair. The assistant Democratic leader called him a man of his word. But now the decision of cabinet nominees is as long as possible and to waste valuable time that could be used on other bipartisan legislation—we know our Democratic colleagues have chosen to slow-walk the process, and I think it is a shame, particularly in the case of somebody whom we all know as Jeff Sessions and who is dedicated to the Department of Justice and the restoration of the rule of law.

Several of us have talked from time to time about how the holding up of these nominees is unprecedented at this point in President Obama’s term. 21 Cabinet members were confirmed.

Senator Sessions, when we vote on his nomination tonight, will be No. 8—21 to 8. You have to go back to George Washington to find a slower confirmation timeline for a new administration. There is no good excuse for it, particularly in light of the fact that now, under our colleagues across the aisle know that all of these nominees, particularly in the case of Senator Sessions, will be confirmed. So holding up the nomination just for delay alone makes no sense at all.

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Senator Sessions, when we vote on his nomination has been delayed until we vote on him tonight. After 9/11, the Attorney General became more than just a law enforcement officer; he became a counterterrorism official as well, integrally tied, with supervision of the FBI, to being able to protect the American people from terrorists who would kill us or our allies.

So there is really no good excuse for delaying the confirmation of Senator Sessions, and I am confident that tonight we will finally do what we should have done at least the day Vice President Pence confirmed Senator Sessions as the next Attorney General of the United States. And I believe it is past time that we do so.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, I would like to respond to the statement made by the Republican whip, my friend from Texas, Mr. JOHNSON.

This is day 20 of the Trump administration. Day 20. Not quite 3 weeks since President Trump was sworn in as President of the United States. This evening at about 7 p.m., we will vote on his nominee for Attorney General. So in the first 20 days of this administration, he will have his Attorney General.

What the Senator from Texas failed to relate was the experience we went through not that long ago when President Obama wanted to fill the vacancy of the Attorney General’s office with Loretta Lynch, a woman who had served as prosecutor, U.S. attorney, lifelong professional in the Department of Justice, who went through the regular hearing process in the Judiciary Committee, was reported from the committee, and she was sent more than 20 additional questions by Senator Sessions of Alabama—questions of which course, she dutifully answered, as she was required to do. Then she was reported to the calendar, where she sat for 2 months. A 2-month vacancy in the Attorney General’s office. Why? Was there something substantively wrong or controversial about Loretta Lynch? If there happened to be, I never heard it.

Where then was that argument about national security and leaving the Attorney General nomination in limbo when it was President Obama seeking to fill it? Well, we didn’t hear it at all. In fact, the exact words from Texas said: Oh, it was related to another bill and whether that bill was going to be called; it was actually Senator Reid who was holding it up. Then she was reported to the calendar, where she sat for 2 months. A 2-month vacancy in the Attorney General’s office. Why? Was there something substantively wrong or controversial about Loretta Lynch? If there happened to be, I never heard it.

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no obvious reason by the Republicans. They had been reported from the committees. They were ready to fill judicial vacancies across the United States and other posts. And the official position of the Republican Senators happened not to be about ever letting people vote on them because we are hoping and praying we will get a Republican President who can fill those same vacancies with people of our political persuasion. That was the reality.

That was the same reality that left Merrick Garland, President Obama’s nominee to fill the vacancy on the Supreme Court, languishing for almost 1 year. The Republicans and the leaders in the Senate would not give him a hearing or a vote. And Senator McConnell came to the floor and said: I won’t even meet with him.

So when I hear these protests now from the Republican side of hope, we are not dealing enough on these nominations, we are. And I think we are moving in the appropriate way. We are asking hard questions.

And I don’t subscribe to the position of the Senator from Texas, who preceded me here, when it comes to the Voting Rights Act. I listened as Senator Sessions of Alabama said that he believed the Shelby County v. Holder decision was a victory for the South when it ended preclearance of legislation that could have a direct impact on the voting rights of individuals. And I do recall what happened when the Federal court took a specific look at North Carolina’s legislation statutes as it related to voting and said the North Carolina legislature had “with surgical precision” found ways to exclude African Americans from voting—not 20 years ago but just a few months ago, before this last election.

This is a difficult issue, and it is interesting to me that last night the dustup on the floor involving the Senator from Massachusetts, Senator Warren, was about the same issue, the Voting Rights Act.

In a letter sent by Coretta Scott King to Strom Thurmond—then chairman of the Senate Judiciary Committee—when Senator Sessions, before he was Senator Sessions, was being considered for Federal judgeship—this is what Coretta Scott King said in the letter: I am not going to read the personal and controversial sections that have been pointed out before, but it is critical to what her message happened to be. She said to Strom Thurmond in a letter about Senator Sessions moving to the Federal bench:

Free exercise of voting rights is so fundamental to American democracy that we cannot tolerate any form of infringement of those rights. Of all the groups who have been disenfranchised in our Nation’s history, none has struggled longer or suffered more in the attempt to win the vote than black citizens. No group, Senator Sessions, from the ballot box has been consistently and intensively.

It was a critical issue over 30 years ago when Mr. Sessions was then being considered for a Federal judgeship. It is a critical issue to this day because of two things: a decision by the Supreme Court, which basically took away one of the major powers of the Voting Rights Act, and, secondly, a coordinated effort by Republicans across the United States to suppress the vote of minorities and particularly African Americans.

I point directly to that North Carolina decision for what I just said. What they have tried to do is to systematically reduce the likelihood that poor people and all voters. As chairman of the Judiciary Committee’s Subcommittee on the Constitution, Civil Rights, and Human Rights, I held public hearings in Ohio and Florida. Those hearings were held in those States because they had proposed new restrictions on voters.

So, both in Cleveland and in Florida, I brought the election officials—Democrats and Republicans—before my subcommittee, put them under oath and asked: What is the incidence of widespread voter fraud in the elections in your State which you led to make it more difficult and challenging for the people of your State to vote?

The answer was: There were none. There were no cases of widespread fraud. There were only a handful of prosecutions for voter fraud. That told the story. This didn’t have anything to do with voter fraud. This had to do with discouraging turnout in areas that were more friendly to Democratic candidates, period. So when we make a big issue of the position of Alabama Senator Jeff Sessions on the Voting Rights Act, it is with good cause.

It is historically an issue which has haunted the United States since the Civil War, when excuses after excuses were made for African Americans seeking the right to vote, and people were denied the right to vote with poll taxes and literacy tests and ridiculous standards to this very day, when the Republican Party is trying to diminish the African-American vote by voter suppression.

Is it important that we know the position of Senator Jeff Sessions on the Voting Rights Act? To me, it is one of the most important questions to be asked. The fact that it evoked controversy on the Senate floor with Senator Sessions last night is an indication of how seriously we take it. Yes, we have added a few more hours to the debate. I disagree with the Senator from Utah and the Senator from Texas who say: You know how it is going to end; why are you wasting our time?

I don’t think it is a waste of time to have a fulsome debate in the Senate on something as fundamental as protecting the right of every American citizen to vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Mr. President, will the Senator from Illinois yield for a question?

Mr. DURBIN. I will be happy to yield.

Mr. TESTER. I say to Senator Dur- bin, there has been a lot of talk about the fact that the number of Cabinet appointees were much higher in the Obama administration than they are now. Could you take us back 8 years and explain, we just the lady by to be Secretary of Education who has never spent 1 minute in a public school classroom, on a school board, teaching, student, otherwise. There are claims out there about some of these nominees being involved. There are claims out there that some of these nominees did not pay their taxes.

Could you take us back 8 years ago and tell us how those folks were treated, if there was something wrong with them when they came to this floor?

Mr. DURBIN. Through the Chair, I will respond to the Senator from Montana. Here is the difference. Eight years ago, when Barrack Obama was elected President and was to be sworn in on January 20, he brought together his team to serve in his Cabinet and said to them: The first thing you need to do is to follow the law. You need to file the papers required of you by the ethics standards of the United States Government.

So, I am told that on January 8, almost 2 weeks before he was sworn in, their paperwork was on file. So they had complied with the law and they were awaiting their opportunity for a hearing. Contrast that with the current situation. There are still proposed Cabinet members by President Trump who have not filed their required ethics disclosures.

Why is it important? Because we believe that though we can’t reach in and require the President to file his income tax returns, which he has steadfastly refused to do, we can require him to meet the ethical standards when it comes to many of those departments.

The standards are very demanding. There has to be a disclosure and there has to be a process of divestment. If I am not about to be head of an agency and my personal wealth includes holdings that have a direct impact on that agency, I am required by law to divest myself of those holdings. The more complicated my portfolio and net worth might be, the more challenging this is.

Penny Pritzker, a very wealthy individual from Chicago, was chosen by President Obama to be the Secretary of Commerce. It took her 6 months, I say to Senator Dur- bin, there has been a lot of talk about some of these nominees being involved. Why aren’t our billionaires put on the fast-track?

I am sorry, but Trump billionaires are subject to the same rules as all billionaires. They have to file the necessary documents. I might add, you can go back a little further in history and find disqualifications for Cabinet positions. Oh, you hired someone in your
Now we have Trump nominees where that is happening—not with frequency, but with it. And I wonder if it doesn’t seem to be even close to a disqualification. So it clearly is a double standard. I would say to the Senator from Montana, the fact that the Obama nominees moved through as quickly as they did showed they took the law seriously, they got the disclosures they were required to make, and in virtually every case had unique qualifications for the job.

To put Betsy DeVos as Secretary of Education next to Arne Duncan, who headed up the Chicago Public School System as Secretary of Education, is to show that contrast.

Mr. TESTER. I want to thank the Senator from Illinois for his history lesson on the confirmation process over the last century, least in the Senate. I want to speak today on behalf of the thousands of Montanans who have asked me to oppose the nomination of Mr. SESSIONS as the Attorney General of the United States. As this country’s top law enforcement official, the Attorney General must speak for all Americans. The Attorney General must provide a voice for the folks who often are not able to speak for themselves.

The Attorney General must enforce the law as it is written, not how the President wishes it was written. I believe Mr. SESSIONS has proven time and time again that he does not fulfill these qualifications, and therefore I will oppose his nomination for Attorney General.

Mr. SESSIONS opposed the reauthorization of the Violence Against Women Act. This landmark legislation protects women from domestic violence and sexual violence and brings survivors to justice. In my State of Montana, this law helped provide over $10 million every year to support women and children. These are critical resources that make a real difference in the lives of women, children, and their families, and they keep our communities safe.

The Violence Against Women Act supports shelters like the Friendship Center in Helena, which is literally saving lives and protecting women and children from violence every day—in fact, they help over 1,000 Montanans each and every year—or programs like Rocky Boy Office of Victims Services, which is in the Rocky Boy Indian Reservation.

Thanks to the Violence Against Women Act, this has helped reduce the number of sexual assaults on that reservation. If he is confirmed, I would invite Mr. SESSIONS to Red Lodge, Missoula or Browning, and the many other places in our State to see how the Violence Against Women Act is saving lives and making communities safer. I invite him to sit down with the survivors at any of the YWCAs in Montana and explain to them why he opposes the Violence Against Women Act.

As Attorney General, Mr. SESSIONS will be responsible for administering critical resources through the Violence Against Women Act and other resources that will save lives, but as a Senator, Mr. SESSIONS has turned his back on the survivors of domestic violence. I am not confident he will be there for them as Attorney General.

I will not support a nominee for Attorney General who opposed legislation that helps us better investigate and prosecute violent crimes against women, but that is not all. I am not convinced that Mr. SESSIONS will stand up for the privacy laws of law-abiding Americans. Less than 2 years ago, right on this Senate floor, Mr. SESSIONS fought to preserve the most intrusive aspects of the PATRIOT Act.

That was not the first time he supported unchecked government surveillance in support of the most intrusive aspects of the PATRIOT Act seven times—seven times.

He is a staunch advocate for the NSA’s bulk data collection, which violates the privacy of millions of Americans. If Mr. SESSIONS is confirmed as Attorney General, will he push back and fight our government that undercuts our freedoms? Will he fight on behalf of government officials who listen into our phone calls, or scroll through our emails or preserve our Snapchats? Will he intervene if the government once again spies on citizens without a warrant? I think the answer to that, quite frankly, is no. When government agencies like the NSA collect bulk data, they do so at the expense of our freedoms. If Mr. SESSIONS is not willing to protect our Fourth Amendment rights, can we expect him to fight for other constitutional rights?

Will he, the First, the Second, the Fifth? Again, the answer is no. We need an Attorney General who will fight and protect our individual freedoms, not one who is willing to sacrifice it.

I am not alone. Thousands of Montanans have contacted my office opposing Mr. SESSIONS. Here are some of the things Montanans have written to me.

Ms. BALDWIN. Madam President, I rise to urge my colleagues to join me in opposing the confirmation of our colleague Jeff Sessions to be Attorney General of the United States.

I have great respect for Senator Sessions’ long history of public service, and I am pleased to have had the opportunity to work with him where we have found common ground. However, Mr. Sessions and I have frequently disagreed and sometimes vehemently disagreed on important issues, including matters like civil rights and voting rights, hate crimes law, immigration, and criminal justice reform.

I want to acknowledge that Senator Sessions’ nomination is supported by many, including many in the law enforcement community in my home State of Wisconsin. It is vital that the Attorney General have a good working relationship with the law enforcement community, and I have no doubt that Senator Sessions will be a strong voice for law enforcement, if he is confirmed.

But the role and the responsibility of our Attorney General is bigger than any one group. Our Attorney General must work on behalf of all Americans. The Department of Justice has a broad jurisdiction. So I have also heard from over 16,000 Wisconsinites who are opposed to his confirmation, many of whom expressed profound concerns about the impact that he would mean for racial and ethnic minorities, immigrants, including DREAMers, and others, were he to become our Attorney General.

Hundreds of national civil and human rights organizations have expressed their opposition on similar grounds.

After reviewing his record, getting a chance to meet with him in my office, and considering everything that I have heard from my constituents, I simply do not believe that Senator Sessions is the right choice to be Attorney General of the United States. I have that belief for a number of reasons.

First, I am concerned that Senator Sessions will not be the independent
champion for the rule of law that we need with Donald Trump in the White House. In any administration, the Attorney General’s first duty is to the Constitution and to the people of the United States. This President has already issued a number of orders legally, or perhaps worse, orders that include one affecting our visa and refugee programs that a number of Federal courts have already temporarily blocked. We need an Attorney General who will ensure that the President’s actions do not run roughshod over protections guaranteed by our Nation’s laws and Constitution. I am not convinced that Senator Sessions will be that kind of Attorney General.

Second, I do not believe that Senator Sessions will be the champion of the civil rights of all Americans that an Attorney General must be. The Department of Justice plays a central role in enforcing our Nation’s civil rights laws, from investigating hate crimes to safeguarding the right to vote, to fighting discrimination against women, racial and religious minorities, and people with disabilities. At a time when there has been a disturbing increase in hate-motivated crimes, discrimination, and harassment, including, particularly, Asian, gay, bisexual, and transgender people, and people of the Muslim faith, it is even more important that the Department of Justice be strong and proactive.

I have constituents in Wisconsin who have faced bigotry and hate-motivated speech in the wake of the election of Donald Trump. Among them is a family from Fitchburg, WI, with 11 adopted children, including children from Ghana and China.

This family received an anonymous letter proclaiming “Trump won” and calling them race traitors and telling them to go home. This and other reports from Wisconsin and, frankly, from around the United States breaks my heart.

Senator Sessions fought against efforts to strengthen and make more inclusive Federal hate crimes laws and criticized voting rights laws as “intrusive.” He has shown hostility to the rights of LGBT individuals and attacked the reproductive health care rights of women.

Now more than ever we need a Justice Department that places a priority on enforcing our voting rights laws, proactively combatting hate violence and fighting for the equality of all Americans. I am simply not convinced that Senator Sessions will be the champion vulnerable Americans need as Attorney General with an unflagging commitment to make our country a fairer and more equal place.

Third, I believe Senator Sessions will not take a fair or humane approach as Attorney General with regard to immigration. I was deeply troubled by Trump’s ugly and divisive rhetoric on immigration, and I am appalled by the actions that he has taken thus far as President.

Senator Sessions was one of his campaign’s key advisers on immigration and has been a vocal opponent of bipartisan, comprehensive reforms that would address our broken immigration system.

The Department of Justice is responsible for adjudicating immigration cases and ensuring fairness and due process in the treatment of undocumented individuals and refugees.

The Department is a key role in our national security apparatus, helping to fight terrorism, and keeping the homeland safe.

The President’s recent orders on immigration have further divided, created chaos and confusion, proved to be legally and constitutionally questionable, and are inconsistent with core American values. In the opinion of many national security experts, they will make our Nation less safe, not more.

I simply do not believe that Senator Sessions, with his history of hostility to immigration and support for this President’s approach, is the right person to lead the Department of Justice, as it discharges its critical duties on immigration and national security.

America has made great progress over the last 8 years with an administration that has taken seriously a shared responsibility to pass on to the next generation a country that is more equal, not less.

All Americans deserve a strong commitment from America’s top law enforcement official to act on violence torn out of us by race, religion, disability, sexual orientation, gender identity, or any other characteristic.

At a time when voting rights and the constitutional right of women to make their own health care decisions are under attack across our country, we need an Attorney General who will stay true to these constitutional freedoms and not be driven by politics.

For me, the Senator Sessions’ confirmation is a moral choice. I am guided by my strong belief that all Americans deserve equal opportunity and freedom to pursue their hopes and dreams. I cannot support this nomination for Senator Sessions to be Attorney General, and I urge my colleagues to oppose him.

Now I would like to take a moment to discuss what happened last night here on the Senate floor. Last night, the Rubicon of this Chamber stopped one of my colleagues from reading the words of Coretta Scott King.

Coretta Scott King wrote a letter and a statement to the Senate Judiciary Committee expressing her opposition to Jeff Sessions’ nomination to serve as a Federal judge.

Coretta Scott King believed, as I do, that the right to vote is a fundamental right afforded to every American. It is a right that has allowed our lives seeking and defending.

Mrs. King wrote in her testimony regarding Jeff Sessions’ record:

Blacks still fall far short of having equal participation in the electoral process. Particularly in the South, efforts continue to be made to deny Blacks access to the polls, even where Blacks constitute the majority of the voters. It has been a long uphill struggle to keep alive the vital legislation that protects the most fundamental right to vote. A Department of Justice must have the responsibility to the enforcement of those laws, and thus, to the exercise of those rights by Black people should not be elevated to the Federal bench.

Mrs. King’s words matter. They matter to me, and they matter to millions of Americans. Mrs. King’s words should matter in this debate, and they deserve to be heard. I believe it is simply wrong to silence legitimate questions about a nominee for U.S. Attorney General, and I hope that her words can be heard as this debate continues.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

CAREER AND TECHNICAL EDUCATION MONTH

Mr. PORTMAN. Madam President, I come to the floor today to talk about Career and Technical Education Month. The month of February has been set aside as Career and Technical Education Month. It is an opportunity for us to talk about something that is working very well in some of our States and is giving our young people amazing opportunities, and it should be expanded.

Over the last 6 years, my home State of Ohio has come a long way. We have turned a record deficit into a billion-dollar rainy day fund. We have created lots of new jobs, but we also have a problem in Ohio and across the country, and that is a skills gap.

If you go to the www.ohiomeansjobs.com Web site right now, I think you will see about 122,000 jobs being offered. In other words, these are companies saying: We are looking for people.

At the same time, in Ohio today, we have about 280,000 people who are out of work. So how could that be, you ask? Well, if you look at the jobs and the people in the workforce, many are jobs that require skills, and some of these skills are not available right now in the workforce. So you could get a lot of people put back to work just by developing these skills in Ohio.

At the same time, this is happening around the country, and this skills gap—this mismatch between the skills that are in demand in a local economy and the skills of a worker—is something that can be dealt with with more aggressive career and technical education.
DeVos is that she talked about skills infrastructure expansion everybody is made was: We would love to see this in-skilled workers to rebuild the infra-service. We have this long-term unemployment again. The skills gap would help deal with that. There are 5.8 million Americans who are now stuck in part-time work who would want full-time work. So we have some challenges in our economy, and this skills training would really help. According to a survey from Deloitte, 98 of the 100 biggest privately held employers in my hometown of Cincinnati, OH—98 out of 100—say they are struggling to find qualified workers. There is a skills gap: machinists—machine operators. We are a manufacturing State. There is also a shortage of other jobs, IT skills, health care skills. Companies want to hire, but they have a hard time finding workers with the right skills. By the way, it is not just in Cincinnati or in Ohio; it is across the country. There was a study done by the National Association of Manufacturers that found that three out of every four manufacturers say the skills gap is hurting their ability to expand and create more jobs. So as soon as this new Congress and new administration get to work, I think there is an opportunity for us to address this. One thing we have heard about from the administration and also from both sides of the aisle here is the need for more infrastructure. We have all heard about the funding for our crumbling roads and bridges, our water systems, our waste water systems. I think that is all true, but it is going to be tough to do it because we don’t have the skilled workers to rebuild the infrastructure. I think there is an area of common ground that if we have skilled workers, we will be much more likely to restructure. We had a conference on this issue a couple of weeks ago in Congress, and we brought people in from Ohio from the building trades. The point they made was: We would love to see this infrastructure expansion everybody is talking about. But who is going to do the work? We need more skills training, and we need to make sure that is there. Yesterday afternoon we confirmed the Secretary of Education, Betsy DeVos. One reason I voted for Betsy DeVos is that she talked about skills training. Her quote was that CTE, career technical education, is an “important priority,” and she agrees that we must do more to give our young people the job skills they need. Some people, when they hear about CTE, wonder what it is. For some in school, it is called vocational education, but I will tell you that it is not your father’s Olds-mobile. It is really impressive to go to these CTE schools and see what they are doing and see the changes in the attitudes of the kids and their parents since they get into these programs. One of the challenges we have is getting kids to enroll in some of these CTE programs. Sometimes the parents say to their kids: That is not something you should do. You should get on a track to go to college because that is the track we were on, and that is the track we were told was better. I will tell you that is a big mistake. Changing that attitude is really important to helping expand CTE because young people going to CTE programs have an incredible opportunity. By the way, many of them do go on to college, 2- or 4-year institutions. Many of them also get a job out of high school, and, again, that job is very important to making our economy and our economic activity here in this country, but it is also a huge opportunity for them. I was at a CTE center a couple of years ago. We were sitting around the table with the Ohio employers who were there supporting the programs, some of the administrators, and, of course most importantly, some of the students who were from three local high schools who were all involved in this CTE program. Of the three young people who were there, two of them were going off to manufacturing jobs where they were going to be making 50 grand a year plus benefits, and the third was going into an IT position where, again, he was going to have a great opportunity. My question to the students was: Have you gone back to your high school and talked to your friends about this? They all indicated they were planning to do that, because they had a great experience. They had great opportunities. By the way, one of them was interested in being an engineer. He was going to CTE and then going to get a job. He had a job lined up with a company he had interned for, but that same company offered him a job to go to school to get a degree in engineering over the subsequent years. All three of them had college credits already because in Ohio students are allowed to get college credits from CTE courses, which makes it more likely that they will graduate but also more likely that they will be able to get to college and have college be more affordable by getting credits in advance. It is a terrific idea. There is a story that I heard about recently of a young woman in Ohio. Her name is Mackenzie Slicker from Massillon, OH. She will tell you that she was not doing very well in school. She was not hitting her marks, and she was not very excited about school. Then one day she saw there was an opportunity to get into a CTE course in sports medicine. She applied for it, The Department of Labor’s Bureau of Labor Statistics says that the typical unemployed worker today has been unemployed for about 6 months. So we have this long-term unemployment again. The skills gap would help deal with that. 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Senator Kaine and I are also planning to reintroduce another bill called Educating Tomorrow’s Workforce Act, which improves the quality of our CTE programs by setting minimum standards for CTE programs that would ensure students are able to transfer their credits, be able to have their work graded today based on today’s industry standards, and use equipment that is up to date. So basically it is legislation—and again I thank Senator Baldwin for her support—to help increase the quality of CTE education. In some of our States this is working incredibly well. Ohio is one of those cutting-edge States. We have to ensure that the standards are maintained and expanded everywhere and we continue to support reauthorization to strongly support our CTE programs.

Just like the JOBS Act, this bill has been endorsed by a number of education experts and groups, and we appreciate their help, including the National Career Academy Coalition, the National Career Development Association, National Association of Secondary School Principals, and many more.

In Ohio we have some great schools, whether it is Cleveland, OH—the Max Hayes High School does an awesome job. I was there for its opening, now about a year and a half ago, and they are doing a terrific job of working with the building trades, working with private industry, working with the high schools in the area, and developing skills that are badly needed in Northeast Ohio. Ohio has some great health care CTE programs. I mentioned the young woman who found her vocation getting involved in CTE for sports medicine.

Recently I went to Butler Tech to their health care campus, which is north of Cincinnati, and what they are doing there is amazing. You walk in and all the kids have on their white medical coats, and whether they are dental techs who are being trained or technologists or students who plan to go to medical school someday or those who are interested in getting a degree in nursing, there are some incredible sites. They have brought in outside partners, all from the area, who are involved with working with them. It is good for our kids but also really good for our community.

Mr. President, if we pass this legislation that I am talking about today, if we can focus on career and technical education as we are supposed to do this month—CTE month, February—we are going to help many millions of our young people to be able to have better opportunities and, most importantly, better skills and better jobs to help our economy. We are going to help create more jobs and more opportunities in this country, to be able to close that skills gap, to put people back to work. It makes too much sense for us not to do this. Whether as Republicans and Democrats alike, and with the new administration, to promote career and technical education.

With that I yield my time.

Mr. President, I rise today to support the nomination of Senator Jeff Sessions for Attorney General. He is a veteran and an outstanding public servant who has worked tirelessly for decades in service of his constituents in Alabama, in this body, as a U.S. attorney, as Attorney General of Alabama. He is a good colleague and a friend to many of us on both sides of the aisle. He is gracious with his time, his wisdom, his intelligence.

In all nomination processes there is some twisting of facts that goes on and, unfortunately, even some character attacks, but the twisting of his record and the attacks on Senator Sessions, in my view, have been particularly egregious. That is why I was very saddened by what happened on the floor of the U.S. Senate last night.

That is the rule. It has been in place for decades, and I don’t think you need to be a Harvard law professor to realize that rule was violated last night.

Mr. President, I have been in the Senate for a couple of years. I certainly have tried very hard to work with my colleagues, all my colleagues across the aisle, Democrats, Republicans. I have respect for all of them. I have no problem whatsoever with Senators coming down, and in the last week or so, Senators coming down to the floor of the Senate to debate their views on nominees for Cabinet positions, up-or-down votes on the merits and the qualifications of these nominees. That is our job.

That is our job. We have seen a lot of that over the last several weeks. Like the Presiding Officer, in the last couple of years, I supported some of President Obama’s Cabinet officials, who were opposed to others, as is our job, on their merits and qualifications. We can do this in a respectful manner, especially here on the floor of the U.S. Senate. We can certainly do this in a way that does not violate rule XIX by impugning the good character and qualifications of a U.S. Senator. More importantly, we can do this in a way that is respectful of each other. For the sake of the Senate and for the country, I hope we can get back to that tradition that is so important to this body.

Let me try to set the record straight on Senator Sessions, the Senator Jeff Sessions I know. I have gotten to know him over the last 2 years. He certainly has a long, distinguished history of public service. Nobody in this body is denying that. Everyone in this body knows Senator Sessions well, knows that he is a man of integrity, a man of principle. He will support the laws of the land, and he will be a fierce advocate for the rule of law and defending the Constitution.

I wish to spend a few minutes on the broader issue of what is happening on the Senate floor right now. We are not going to spend a lot of press time on it, but it is the unprecedented obstruction that is happening with regard to President Trump’s Cabinet. Because of this obstruction—unfortunately, by my colleagues—more than 2 weeks into President Trump’s term, only six Cabinet Secretaries confirmed at this point than any other incoming President since George Washington. That is some pretty serious obstruction. Nineteen days into his term as President of the United States, President Obama had 21 Cabinet Members confirmed. Right now, President Trump has seven. President Obama had three times the numbers we now have today.

I believe most Americans—certainly the Americans I represent, fairminded Americans who love this country and our economy working again—don’t like this kind of obstruction. They see a new President who should be allowed to move forward with his Cabinet in place so the Federal Government can get back on behalf of the American people. I think Americans are also seeing the reputation of good people who want to serve our country tarnished for political purposes.

I hope the Members on the other side of the aisle understand that the American people are wise. They see through all this theater. We need to get to work. We need to let the Trump administration get to work.

This body has a responsibility to treat the confirmation process with the same courtesy, seriousness, and focus the Senate gave to President Obama when he came into office, and that has not happened right now. It is not happening right now, and we need to move forward on that.

Mr. President, we are on the eve right now of a very important visit of a very important ally. Prime Minister Abe of Japan will be visiting the United States here in the next day. He is going to be visiting with some Members of the Senate, visiting with President Trump and his team.

I wish to make a few points on how important this visit is, not only for the United States-Japan relationship, but the importance of our allies. We are an ally-rich nation. When you look around the world, you look at the broad number of allies the United States has, and then you look at our adversaries or potential adversaries who are ally-poor. This is one of the most important strategic advantages the United States has right now in the world, to keep Americans safe and our allies safe. We are an ally-rich nation and our adversaries and our potential adversaries are ally-poor.

For over 7 years, since the end of World War II, both the executive
branch and this body and the House of Representatives have worked hard on this to build a system of allies all around the world to keep our country safe and our allies safe.

In his inaugural address, I was pleased to see President Trump talked about reinforcing old alliances and forming new ones. That is exactly what we need to do as the United States of America. In terms of our allies and the importance of different regions, there is no more important ally than Japan. There are no more important foreign policy and national security challenges that exist in the world than what is happening in the Asia-Pacific with the rise of China and the security and economic challenges but also opportunities in that part of the world.

I urge all of my colleagues to warmly welcome the Prime Minister of Japan and his team and to help focus on making sure that as we move forward with a new administration, we are working together with them, we are encouraging them. As the Senate, we are very focused on this issue of deepening our existing allies and alliances and broadening the types of alliances to cooperate with.

The Senate plays a very important role in this regard. In terms of being able to keep American citizens safe, there is nothing more important than making sure our allies on our side, and, in particular, to give a warm welcome to the Prime Minister of Japan this week.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. VAN HOLLEN. Mr. President, I wish to start by responding to my new colleague.

I respect my colleague. We have worked together on many issues, the Senator from Alaska and I. I think he would agree it is very important that the American people, the public, have a thorough review of candidates for a position in public office who are going to have a notable influence on all aspects of their lives. That is why it is so important we undertake this process.

It is a fact that many of the nominees put forward by President Trump had massive conflict-of-interest issues that need to be resolved. Many of them remain unresolved. Many of them are still not proceeding through committees because either their ethics report information has not been provided yet or they haven’t passed other clearances.

So it is absolutely fitting that we in the Senate do our job to make sure the people who are placed in these positions of high office are thoroughly vetted.

I also wish to take a moment to respond to the statements regarding my good colleague, the Senator from Massachusetts, ELIZABETH Warren.

Last night she was reading from a letter presented by Coretta Scott King at the time of the 1986 hearings on the judicial appointment of Senator Sessions. At the time he was a nominee to fill the vacancy.

As a new Member of the Senate, it is difficult to understand how reading that letter—I have a copy of that letter right here—could be a violation of the Senate rules, but I assume we will all have time to investigate that question. I will say that the result has been a lot more people in this country have had an opportunity to read that important letter from Coretta Scott King.

Obviously, we are gathered here as we consider the nomination for Attorney General. Jeff Sessions wrote: “The most sacred of the duties of government [is] to do equal and impartial justice to all its citizens.” This is the job of the Department of Justice, and I think it is worth reviewing the mandate and purpose of the Department of Justice to determine whether Senator Sessions is the right person for this special and unique position in the U.S. Government.

The Judiciary Act of 1789, the same act in which the first Congress created the Federal judiciary, Congress also created the Office of the Attorney General. In years thereafter, Congress empowered the Justice Department to handle all criminal and civil suits in which the United States has an interest. The Attorney General overseas over 114,000 employees, 60 agencies, from the Antidiscrimination Division, the Office of Privacy and Civil Liberties, to the U.S. attorneys and the Office on Violence Against Women Act.

The Justice Department’s Voting Section works to achieve equal opportunity for people with disabilities by implementing the Americans with Disabilities Act. Forty-nine million Americans with disabilities rely on the Attorney General to protect their rights. The Justice Department’s Executive Office for Immigration Review adjudicates immigration cases by fairly, expeditiously, and uniformly interpreting and administering the Nation’s immigration laws. That is their charge. Under the supervision of the Attorney General, the office conducts immigration court proceedings, appellate reviews, and administrative hearings that determine the fate of millions of people—and we have seen just how important that is in the last few weeks.

The Justice Department’s voting section enforces Federal laws that protect...
Americans’ right to vote, including the Voting Rights Act, the Uniformed and Overseas Citizens Absentee Voting Act, the National Voter Registration Act, the Help America Vote Act, and the Civil Rights Act. That is their charge. The Attorney General, who is, after all, the chief legal officer of the United States, directs the Justice Department. The Justice Department provides legal advice to the President and the executive branch. They are supposed to give their best legal advice and call the balls and strikes without political shadowing. The office reviews for legality all Executive branch actions, and it is supposed to issue a legal opinion that the President can take into account in any decision he makes.

In 1957, in Little Rock, AR, the Justice Department helped to force the Governor of Arkansas to allow African-American children to attend an all-White Central High School. That was a Justice Department action under then President Eisenhower.

In the years since the Supreme Court’s 1954 decision in Brown v. Board of Education, the Justice Department has fought to implement the goal of integration under the Americans with Disabilities Act to provide people with disabilities the opportunity to live their lives to their full potential. In 2013, in Atlanta, GA, a Justice Department investigation and prosecution in response to the beating of a 20-year-old gay Atlanta man resulted in a conviction in Georgia under the sexual orientation provision of the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act.

Again, the Justice Department is not a passive actor, enforcing the laws of the United States in order to advance equality. It fights for equality in the United States of America.

This is a really important legacy to uphold, and the question is, Is Senator Sessions the right person to uphold that legacy?

Senator Sessions has represented the State of Alabama in the Senate for 20 years. He has served as the ranking Republican member of the Budget Committee, among other responsibilities here in the Senate. There may be many other things he has done as an executive branch official for which that experience would provide an appropriate fit, but the role of the Attorney General is different. As I have said, this is a sacred duty.

Senator Sessions has taken positions that vary with those important traditions in our jurisprudence and in our law and, indeed, are contrary, in many instances, to the very mission of the Justice Department.

Many years ago, back in 1986, I was on the floor of this Senate in a very different capacity. At that time, I was the legislative assistant for national security and defense policy for a Maryland Republican Senator by the name of Mac Mathias—a very independent Maryland Republican Senator, a liberal Republican and a real statesman. Senator Mathias was on the Judiciary Committee at the time. Strom Thurmond, a conservative South Carolina, was the chairman. In fact, Mac Mathias probably should have been the chairman, but because of his independent streak, the Republican caucus at that time worked really hard to make sure Mac Mathias was on the Judiciary Committee to become chairman so that Mac Mathias could not assume that position.

Senator Mathias was somebody who always looked at the facts and called the balls and strikes as he saw them—a good role model for me, a good role model for everyone. I wasn’t ever thinking—it was the last thing on my mind—of running for office at that time, but as I look back, he was a good role model for a U.S. Senator.

As I said, he was on the Senate Judiciary Committee at the time. He was on the Judiciary Committee during the time of the hearings when now Senator Sessions, then U.S. Attorney Sessions, was up for his nomination for a Federal judgeship. Senator Mathias listened very carefully to the testimony. Senator Mathias, I am sure, would have read the letter from Coretta Scott King. He always did his homework. He always read everything and listened to everybody. After hearing all of the testimony, Senator Mathias took the floor for over an hour by himself.

As I review the materials since that time—since the time that Senator Mathias cast that vote exercising his independence as a Republican Member of the Senate Judiciary Committee—I find that we have received very little assurances that there has been a change in the desire of Senator Sessions to be that advocate—that advocate—for justice, because all of these many years later, we are now hearing from those who have taken the time to update his record.

I have with me now a letter that many of us received—and I have received many letters, as have my colleagues from the Leadership Conference on Civil and Human Rights. The letter reads:

In our democracy, the Attorney General is charged with enforcing our Nation’s laws without prejudice and with an eye towards fairness. And just as important, the Attorney General has to be seen by the public—every member of the public from every community—as a fair arbiter of justice.

They conclude:

Unfortunately, there is little in Senator Sessions’ record that demonstrates that he would meet such a standard.

They say that his 30-year record of racial insensitivity, bias against immigrants, and hostility to the protection of civil rights are among the reasons that they oppose his nomination.

The NAACP reached another and a similar conclusion, strongly urging the Senate to vote no on Jeff Sessions’ nomination for Attorney General.

The letter reads, in part:

The Justice Department has played a crucial enforcer of civil rights laws and adviser to the President and Congress on what can and should be done if those laws are threatened. Given the disregard for issues which protect the rights and, in some cases, the lives of our constituents, there is no way the NAACP can be expected to sit by and support Senator Sessions’ nomination to support the U.S. Department of Justice.

Another letter from the National Task Force to End Sexual and Domestic Violence reads, in part:

The leadership organizations and individuals advocating on behalf of victims of sexual assault, domestic violence, dating violence, and stalking write to express our opposition to Senator Jeff Sessions’ nomination for Attorney General of the United States of America.

We have arrived at this position based upon a review of his record as a State and Federal prosecutor, during which he applied the law unevenly, and as a U.S. Senator, during which he supported laws that would afford only some members of our society equal protection under the law.

There is another opinion letter from the Religious Action Center of Reform Judaism, which has spent a lot of their time and energy over decades focused on civil rights issues. I quote from their letter of January 12, 2017:

The pursuit of civil rights has been the core of the reform Jewish movement social justice work for over a century. Based on the fundamental principle that all people are created equal in the divine image and words of Leviticus, 19:18, love your neighbor as yourself, we have worked to pass landmark legislation that advances fundamental rights of all people, regardless of race, class, sex, gender identity, sexual orientation, or national origin. As the chief law enforcement officer in the country, the Attorney General has substantial power over the administration of these policies.

They go on to write:

Senator Sessions’ longstanding record of immigrant commitment, support for LGBTQ equality, women’s rights, immigration reform, and religious freedom causes us...
to believe that he would stand in the way of the Justice Department’s mandate to ensure equal protection under the law.

There are many other letters like this one from people who took a thorough review of the record of the president’s nominee to be Attorney General.

I would like to discuss something that has received a little bit less attention regarding Senator Sessions’ record, and that is what I believe and what I have close attention to these issues believe has been a poor record in support for individuals with disabilities. This is especially important given the debate we had just the other day on the nomination of Mrs. DeVos to be the Secretary of Education, because she indicated in her testimony before the HELP Committee that she thought that it was a State obligation, not a Federal obligation, to enforce the IDEA law—the Individuals with Disabilities Education Act. So we should take a little time to look at the record of Senator Sessions with respect to the rights of people with disabilities.

One such occasion was a big moment on the floor of this Senate. It is when the Senate ratified the ratification of the Convention on the Rights of Persons with Disabilities, a treaty that had been negotiated under President George W. Bush and later signed by President Obama. Although I was serving in the House of Representatives at the time, I got lots of urgent calls and letters from constituents and friends in the disability community about the importance of the United States ratifying that convention. But in his remarks on the floor of the Senate, Senator Sessions not only opposed it, but he called the convention on the rights of persons with disabilities “dangerous.”

There have been few moments on this floor when Senators were more eloquent about that convention than former Senator and former presidential nominee Bob Dole, who appeared on the floor at the time, and who is no longer a Senator. He did in committee testify in favor of ratification of the convention that was before the Senate. He recalled during his testimony his maiden speech, the very first speech here in the U.S. Senate of Senator Dole. His first speech occurred on April 14, 1965. It was the anniversary of the day U.S. troops first landed in World War II. He delivered his maiden speech on persons with disabilities, about the importance of protecting and ensuring the rights of people with disabilities. He, as we know, was disabled in action fighting for the House of Representatives.

In his testimony to the committee in 2012 on the convention, he said:

It was an exceptional group I joined during World War II, which no one joins by personal choice. It is a group that neither respects nor discriminates by age, sex, wealth, education, skin color, religious beliefs, political party, power, or prestige. That group, Americans who has grown in size ever since. So, therefore, has the importance of maintaining access for people with disabilities to mainstream American life, whether it’s access to a job, an education, or registering to vote.

Those were words of Senator Dole urging the Senate to ratify that convention. He went on to point out U.S. leadership of persons with disabilities, particularly with the Americans with Disabilities Act. He pointed out that current U.S. laws in place in 2012 were already enough to make sure the United States fulfills its obligations to the international Convention on the Rights of Persons with Disabilities. Joining the treaty, Senator Dole said, would reaffirm the common goals of equality, access, and inclusion for Americans with disabilities—both when those affected are in the United States and outside of our country’s borders.

Senator Dole believed so powerfully in the importance of this treaty that, as I indicated earlier, he came to the floor of the Senate many, many years after he served here and hoped that his presence on the floor of the Senate would convince his Republican colleagues—and all his colleagues—to support that convention. Unfortunately, when the vote came down, it failed in getting the necessary level of votes necessary for ratification by only 5 votes. One of those votes was that of Senator Sessions who, as I indicated, said that this convention on disabilities was “dangerous.” He rejected an international treaty that had been signed and supported by both Republican and Democratic Presidents, negotiated by President Bush and signed by President Obama. It imposed no additional obligations on the United States. It just said that we stand with others in the international community to support the billions of people around the globe who have a disability.

On that issue, Senator Sessions stood against nearly every veterans organization in America. He stood against a broad coalition of disability rights groups, including the Alabama Disabilities Advocacy Program. He advanced a theory that somehow U.S. sovereignty would be called into question. Yet, as then-Senator Dick Lugar, the Republican chairman of the Senate Foreign Relations Committee, pointed out, the United States had already satisfied its obligations and made that clear, the declaration in the resolution of advice and consent stated simply at the time: “The Senate declares that, in the opinion of the United States to make sure all their children have an equal opportunity to try to make sure that every child—every child, regardless of disability—has a chance to achieve his or her full God-given potential. That was apparently irritating.

Senator Sessions’ statements—not just with respect to individuals with disabilities, but in many other cases. In far too many circumstances, he appears to conflate steps to protect the rights of a minority or disadvantaged group that has historically faced persecution or discrimination as somehow an effort to give that group an elevated status over everybody else instead of just an equal chance with everybody else. The idea that the IDEA legislation to help kids with disabilities get an education in school was somehow a big advantage to the disadvantage of other kids with disabilities. That is a striking and revealing statement, and it is one that carries through and on to other circumstances.

I am concerned that Senator Sessions fails to recognize that there are communities in this Nation that truly have been subjected to discrimination and that are disproportionately affected by certain policies and need sustained civil rights protections—not to give them an elevated status, but simply to give them an even playing field with everybody else.

It is the job of the Attorney General of the United States to make sure all of our citizens are treated equally under the law. The notion that some people who have been historically discriminated against is a bad thing and gives them an advantage doesn’t conform to the reality of our country. I think we all know that.

This issue came up with respect to Senator Sessions’ position on the Matthew Shepard hate crimes bill. He called it a “special protection” for...
LGBT individuals rather than an acknowledgement that these individuals had been historically discriminated against and put at risk of greater violence. He criticized Supreme Court Justice Sonia Sotomayor for her decision that disenfranchising felons violated the Voting Rights Act, saying she denied the policy had a discriminatory impact on African Americans.

Senator Sessions. So that statement, along with his position on opposition to the convention on peoples with disabilities raises many, many troubling questions regarding his willingness to protect individuals who need protection.

Senator Leahy pointed out at Senator Sessions’ confirmation hearing that Senator Sessions opposed a resolution saying the United States should not use religious tests for immigration into the country, that they were antithetical to our founding principles. Now, we believe that to be something that should be counted and stand up, Senator Sessions did not do that.

More recently, we heard President Trump criticize the Washington State judge—and I see our leader, my friend Senator Murray, on the floor. He criticized the decision of a Federal district judge, and he did it, as we know, in a dismissive way, tweeting that he was a “so-called judge.” That is another moment when—whether you support President Trump and his campaign or his actions as President, it is a moment when, if you are going to be the chief law enforcement leader in the country, you say: Mr. President, really, that is not an appropriate thing to say.

Senator Sessions had another opportunity to challenge then-Candidate Trump on an earlier occasion when Candidate Trump criticized the judge who made a ruling against him in the Trump University case and criticized her on the ground of her heritage. That was an opportunity when others in this country, even people who were supporting Candidate Trump, said: You know what, that is out of line. That is out of bounds.

We did not hear from Senator Sessions. Maybe Senator Sessions was being looked at for another executive agency where that question was less important, where maybe it wouldn’t carry so much weight. But for the Attorney General of the United States, somebody there is saying to be independent, somebody who is going to be willing to challenge the President of the United States when he...
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suggests unlawful actions or makes statements that are inconsistent with the system of justice.

Finally, on the issue of voter fraud, I think all of us have heard from President Trump about his claim that he really won the popular vote. He shouldn’t even be here talking about it, but he keeps talking about it. He claims that he really won the popular vote, that it was these 3 million people who cast fraudulent ballots—zero evidence, no evidence, and yet when Senator Sessions and Senator Sessions didn’t take the opportunity to say: You know what, I support President Trump, but he is out of line; he is wrong to make these outrageous claims. He didn’t say that. In fact, President Trump at one point was talking about having the Justice Department or the FBI look into this very question.

I am absolutely certain at all that Senator Sessions would meet his own test—the test he presented to Sally Yates when she was up for her nomination for Deputy Attorney General about whether she would stand up to what she considered unlawful order by the President of the United States. She did. She was fired. There is no evidence that Senator Sessions would stand up under those circumstances, and we need an Attorney General who will stand up for the law and for equal justice and for every American. I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. ROUNDS. Mr. President, I rise today regarding the upcoming confirmation on Senator Jeff Sessions of Alabama to be Attorney General of the United States. For the past 3 years, I have had the great pleasure of working with Senator Sessions in this body. We served together on both the Armed Services and Environment and Public Works Committees. Within those committees, as well as on other issues that have come before the Senate during that same time period, I have found that Senator Sessions is extremely forthright, hard-working, and Senator Sessions is honest. He has served Alabamans and all Americans well during his 20 years in the U.S. Senate.

In addition to serving on the Armed Services and EPW Committees, he also serves on the Senate Judiciary and Budget Committees, all of which address vital aspects of our Federal system.

Senator Sessions also had a distinguished career before he was elected the U.S. Senator from Alabama. After graduating from the University of Alabama with a law degree, Senator Sessions practiced law in Russellville and Mobile, AL. In 1975, he took the oath to serve the Constitution of the United States as an assistant U.S. attorney—the first step in a long and honorable career as a prosecutor. In 1981, Senator Sessions was nominated by President Reagan and confirmed by the U.S. Senate as the U.S. Attorney for the Southern District of Alabama. He served honorably in that role for 12 years. Senator Sessions was then elected Alabama attorney general and served in that role until his election to the U.S. Senate.

It is clear to me that Senator Sessions is exceptionally and perhaps uniquely qualified to serve as the Attorney General for the United States. He has served the people of Alabama and, as both an U.S. attorney and Alabama attorney general, as the chief Federal and State law enforcement authority. He has personally handled or managed a wide variety of cases—criminal and civil, trial and appellate. Senator Sessions also has extensive experience in the Federal system and, as a former State attorney general, a deep respect for State and local law enforcement and the role of States in our Federal system.

There is an attribute even more important than in my opinion, and that is integrity. Over the course of his career, Senator Sessions has demonstrated a deep respect for the Constitution and the rule of law, and ultimately, I believe that is what is most important to the Attorney General of the United States.

In 1935, the U.S. Supreme Court wrote this about the role of a U.S. attorney, and I think it applies similarly to the Attorney General:

A federal prosecutor "is the representative not of an ordinaryarty to a controversy, but of a sovereignty whose obligation to govern impartially is as compelling as its obligation to govern at all and whose interest, therefore, in a criminal prosecution is not that it shall win a case, but that justice be done."

The Supreme Court continued:

[A]s such, he is in a peculiar and very definite sense the servant of the law, the twofold aim of which is that guilt shall not escape or innocence suffer.

I support Senator Sessions as Attorney General of the United States not only because his experience makes him qualified to serve but more importantly because his character makes him qualified to serve. Senator Sessions will, in the words of the Supreme Court, be a certain "servant of the law" and will make certain that justice is done for all Americans.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. Cotton). The Senator from Washington.

Mrs. MURRAY. Mr. President, I stand here today to give a voice to the thousands of people who have contacted me in recent weeks urging me to vote no on this nomination. First, I need to express my frustration and outrage about what happened here on the floor last night.

In the middle of a debate about the next Attorney General of the United States, someone whose job it will be to defend the rights of all Americans; whose job it is to defend people from discrimination, inequity, and unfairness; whose job it is to defend women, to defend people of color, to defend all those who are too often told to sit down, stand down, be quiet—we saw the Republican leader selectively use the rules to silence our colleague, a woman Senator, who was reading the words of an African-American woman and a civil rights leader, reading the words of someone who embodies the fight for justice, for freedom, for equality, and for civil rights in America; someone who all of us should be looking to for lessons in integrity, who said words should not be silenced because she said something people may not enjoy hearing.

At a moment when we are engaged in a debate about how best to defend our fellow citizens from discrimination and fight back against forces that seek to demean others in order to gain power, I was stunned. I respect the decorum that the Senate strives to maintain, but there are times when you cannot be silent. This is one of those times. We will not be silent.

So I want to say that I stand with my friend, the Senator from Massachusetts. I stand with the words of the late Coretta Scott King, and I stand with those many people who have contacted me about this nominee that we are debating here today. I can tell you that the day President Trump announced he had picked Senator Jeff Sessions to lead the Department of Justice, the phones in my office lit up. People from across my home state of Washington contacted my office to express their shock, their outrage, and their fear.

The calls came from people who help LGBTQ youth experiencing homelessness; groups who have tirelessly advocated for necessary criminal justice reform; families caught in a broken immigration system; civil rights advocates and community leaders who have fought for decades to create a more just society; advocates and nonprofits trying to help women escape domestic violence. The list goes on.

That was in November. And in the weeks and months since the President made his choice for Attorney General known, those concerns have not died down. In fact, they have only gotten louder and more urgent as the public gets a better look at Senator Sessions’ long record, what he stands for, and where he wants to take this country. I share their concerns.

It is why I will oppose Senator Sessions’ nomination to be Attorney General. I urge my colleagues to join me to reject this nomination, and send a message to the new President about the rule of law in this country. Send a message to the new President, who came into office showing blatant disregard for our traditions of transparency, traditions that tell us the President has a duty to put the needs of the American people before the needs of his bank account. Send a message to the American people who, just weeks into his term, has displayed shocking disdain for the U.S. Constitution and the separation of powers, the
same President who fired an Acting Attorney General because she refused to ignore the law, to approve his hateful and unconstitutional Executive order barring refugees; the same President who ridiculed a well-respected Federal judge in Seattle, a George W. Bush appointee, because the judge didn’t rule the way he wanted.

The U.S. Attorney General is often the last line of defense for our Constitution within an administratively and politically driven executive branch. And they need to be the first to stand up to our President when our President is wrong.

Senator JEFF SESSIONS is not that kind of nominee. The people of this country expect and deserve an Attorney General who will protect their civil and constitutional rights and liberties. They deserve someone committed to the principles of inclusiveness and justice—someone who will fiercely defend the rights we are guaranteed under the law. Senator Sessions had had repeatedly demonstrated he is not the person for that job.

More than 30 years ago, he couldn’t even pass muster in a Republican-majority Senate. During his confirmation hearing, he denied his racially charged comments and his shameful record on civil rights as a U.S. attorney as reasons they could not support him. And as my late colleague Ted Kennedy said at the time: “It is inconceivable that a person of this attitude is qualified to be a U.S. attorney, let alone a U.S. Federal judge.”

I ask my colleagues who are inclined to support his nomination today, What has changed? I have served alongside Senator Sessions for years, and he knelt his record all too well. And like my constituents who started sounding the alarm back in November, I am deeply concerned by his agenda that would take our country backward.

Senator Sessions has dismissed one of our bedrock civil rights laws, the Voting Rights Act, as “intrusive,” while pushing restrictive voter ID laws and fueling conspiracy theories about voter fraud. I watched as he refused to work with a bipartisan majority of the Senate on immigration reform and instead pushed extreme policies that would punish the most vulnerable members of our communities. And that included DREAMers across the country who have never known another home besides America. His personal passion on that issue and his years of advocacy against common-sense immigration policies cause me great concern. I urge him to use the Department of Justice to pursue his extreme anti-immigration agenda.

On criminal justice reform, he beat back efforts from within his own party to address the exploding rate of incarceration across this country. The injustice of these laws falls disproportionately on communities of color.

Time and again, he has defended laws that favor throwing nonviolent offenders in jail rather than working to rehabilitate them, even though it has been consistently proven that prison is not a means of rehabilitation. This nominee’s views on criminal justice reform are so soined, his position is even at odds with the Koch brothers.

At the very time our Nation engages in a critically important debate about ensuring equal treatment under the law, he will continue to make sure equality shines through our education system, our justice system, our economy, and our country. Senator Sessions remains dismissive of the very tools our Justice Department must use to move us forward.

When I joined so many of my colleagues in the Senate to reauthorize and improve the bipartisan Violence Against Women Act to protect women across the country, Senator Sessions was the first to speak against it apart. As a person who has sat face-to-face with survivors of domestic violence and fought to increase protections for those dealing with sexual assault, I can see why people would question whether Senator Sessions has any intention of enforcing the laws that protect them because I wonder that myself.

This nominee’s track record of trying to undermine women’s constitutionally protected reproductive rights is horrifying. And today, scare every woman in this country.

I have heard from so many members of the LGBTQ community who are terrified that Senator Sessions would be tasked with protecting their rights. His votes against repealing don’t ask, don’t tell and expanding hate crimes definitions to include LGBTQ Americans confirm those fears.

This alone has to give my colleagues pause when so many Americans—our friends, our neighbors, our co-workers—fear that their government will look the other way as they endure violence, discrimination, and marginalization just because of who they love or how they live. We must fight back with everything we have.

When this President attacks the independence of our judges—judges who have declared the obvious, that the Muslim ban Executive order is unconstitutional—we cannot put the person who Steve Bannon calls the fiercest, most dedicated and most loyal promoter of the President’s agenda at the head of the Department of Justice. This is not who we are.

Senator Sessions is not the Attorney General this country needs. I urge members of the Senate to stand up for the Constitution, to stand with your fellow Americans. The stakes are far too high to make Senator Sessions our next Attorney General.

I urge you to join with me in voting against this nomination. Now more than ever, we need an Attorney General who will be independent and willing to stand up to President Trump’s illegal and unconstitutional actions whenever they happen.

The last thing this country needs right now is a rubber stamp to validate this administration’s illegal actions.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. It is always disturbing to sit in this Chamber and listen to some of the speeches. I am wondering if even a saint could get approved without a filibuster in this body.

NOMINATION OF TOM PRICE

Mr. President, I am pleased today to come to the floor in support of another friend, someone I am honored to have worked with for many years, and that would be Dr. Tom Price. When I first heard that President Trump nominated Dr. Price to serve as Secretary of Health and Human Services, I was reassured to know that one of the most capable, well-prepared individuals President Trump could have chosen would fill an important post.

Health care is highly complex, highly specialized, and it has a significant impact on our Nation. Our Federal Government’s involvement in health care has changed dramatically over the last few decades, and these changes have accelerated in the last few years. Health care makes up one-sixth of our economy, and the Department of Health and Human Services has a tremendous impact on all parts of all sectors of healthcare. Who better than a doctor should head an organization that covers the wide variety of major health care programs?

Let me mention just a few that a doctor should be in charge of. One would be Medicare, another is Medicaid. And then there is our vast biomedical research functions at the National Institutes of Health, usually referred to as NIH. Then there is our domestic and international public health work at the Centers for Disease Control and Prevention, or CDC; the review of innovative and lifesaving drugs and devices at the Food and Drug Administration, or FDA; or how about our preparedness in the development of medical countermeasures at the Biomedical Advanced Research and Development Authority, or BARDA; and many other programs impacting the Nation’s health that also provide an alphabet of initials who better to understand the most important side of health care, the patient, than one who is, at the end of the day, the person that takes care of the patient? The patient is the biggest factor in all health policies. These policies are often put together here in Washington. Hundreds of bureaucrats sit in offices, deciding what patients ought to have done to them. Sitting here in offices without being doctors, without having treated patients, I will be glad to have someone in charge that knows whether a doctor should head an organization that covers the wide variety of major health care programs?

Let me mention just a few that a doctor should be in charge of. One would be Medicare, another is Medicaid. And then there is our vast biomedical research functions at the National Institutes of Health, usually referred to as NIH. Then there is our domestic and international public health work at the Centers for Disease Control and Prevention, or CDC; the review of innovative and lifesaving drugs and devices at the Food and Drug Administration, or FDA; or how about our preparedness in the development of medical countermeasures at the Biomedical Advanced Research and Development Authority, or BARDA; and many other programs impacting the Nation’s health that also provide an alphabet of initials who better to understand the most important side of health care, the patient, than one who is, at the end of the day, the person that takes care of the patient? The patient is the biggest factor in all health policies. These policies are often put together here in Washington. Hundreds of bureaucrats sit in offices, deciding what patients ought to have done to them. Sitting here in offices without being doctors, without having treated patients, I will be glad to have someone in charge that knows whether a doctor should head an organization that covers the wide variety of major health care programs?

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view on the importance of the patient in health care. He reiterated that again before the Finance Committee when he said: “[It is] imperative that we have a system that’s accessible for every single American, that’s affordable for every single American, that incentivizes and provides the highest quality health care that the world knows and provides choices to patients so they are the ones selecting who is treating them, when, where, and the like.”

Tom Price is an ideal candidate for this role. Not only does he know the health care system as a physician, he knows it as a policymaker who has been its thoughtful leader in health care here in Congress. His resume is well rounded. He has practiced and taught medicine, he was a business owner, and he served as a legislator.

Let me repeat. He has not only practiced medicine, and he has been a business owner of a large business that dealt with health care and he served as a legislator.

His confirmation will also mark the first time since the George H.W. Bush administration that a physician has led this agency. Our health care system is in a significant time of transformation. Well before ObamaCare, there was a need to make changes that would give people more options in health insurance and to find a way to contain costs.

We have even more work to do now as patients find themselves with fewer choices and costs. The new Secretary’s role will be a difficult one. In the last year, our health insurance markets have teetered into unstable ground, especially in the individual market. Even with absolutely no changes, even with the other options, and more people will lose access to health insurance coverage.

It has been suggested that the Republicans should just let the current system stay and another year or so until the Democrats would be begging us to make changes, but we are not going to do that. We are not going to sit and wait for the system to crash. We will be working in Congress to repeal ObamaCare and reform our health care system by putting the patient first.

It will be critical to have a partner in the executive branch to make changes and implement the law in a way that reflects the intent of Congress and provides for full, open, and transparent input from the public. I understand that some of my Democratic colleagues have made a very strong request that Mr. Price, who was in violation of Senate rules, not be rewarded with a federal judgeship. For this reprehensible conduct, he should not be rewarded with a federal judgeship.

I do sincerely urge you to oppose the confirmation of Mr. Price.

When Senator Elizabeth Warren tried to read this exact same letter last night here on the Senate floor, Republicans simply issued a directive saying that she was in violation of Senate rules aimed at preventing Senators from impugning the motives of their colleagues.

The move by some of my colleagues to silence the voices of Senator Warren and Mrs. King last night is troubling not only because this is a threat to our democratic values, but also, frankly, because it is hypocritical. During a scathing speech last year in this same Chamber, the Senator from Texas went so far as personally attacking the Republican majority leader Mitch McConnell and accusing him of lying. In May of last year, the Senator from Arkansas, also here on the Senate floor, delivered a speech directly criticizing former Senate Majority Leader Harry Reid, using the terms “vulgar,” “incoherent,” and “cancerous” to describe him. He said on the Senate floor: “I am forced to listen to the bitter, vulgar, and incoherent ramblings of the minority leader. Normally, like every other American, I ignore them.”

I bring this up because neither of these Senators were silenced. Neither were told to sit down and take their seat. Silencing Senator Warren for reading Mrs. King’s letter under the guise of following Senate rules is hypocritical and rightfully leads some to question whether the majority leader may have a different standard of expected conduct for female Senators compared to their male counterparts.

I already have announced that I will vote against the nomination of Senator Sessions. After this episode last night, I believe now more than ever this position will require an unwavering commitment to protect American’s constitutional rights, and to stand up against discrimination and hate.

Like the thousands of New Mexicans I have heard from, I lack that confidence in Senator Sessions. I urge the American people to read and share Coretta Scott King’s letter and continue to make your own voices heard because we will not be silenced. We will persist.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:


Hon. Strom Thurmond, Chairman, Committee on the Judiciary
U.S. Senate, Washington, DC.

Dear Senator Thurmond: I write to express my sincere opposition to the confirmation of Jefferson B. Sessions as a federal district court judge for the Southern District of Alabama. My professional and personal roots in Alabama are deep and lasting. Anyone who has used the powers of his office as United States Attorney to intimidate and chill the free exercise of the ballot by citizens should not be elevated to our courts. Mr. Sessions has used the awesome powers of his office in a shabby attempt to intimidate and frighten elderly black voters. For this reprehensible conduct, he should not be rewarded with a federal judgeship.

I am forced to listen to the bitter, vulgar, and incoherent ramblings of the minority leader. Normally, like every other American, I ignore them.”

Mrs. King wrote:

I write to express my sincere opposition to the confirmation of Jefferson B. Sessions as a federal district court judge for the Southern District of Alabama. My professional and personal roots in Alabama are deep and lasting. Anyone who has used the powers of his office as United States Attorney to intimidate and chill the free exercise of the ballot by citizens should not be elevated to our courts. Mr. Sessions has used the awesome powers of his office in a shabby attempt to intimidate and frighten elderly black voters. For this reprehensible conduct, he should not be rewarded with a federal judgeship.

I do sincerely urge you to oppose the confirmation of Mr. Sessions.

Sincerely,
Coretta Scott King.
The Voting Rights Act was, and still is, vitally important to the future of democracy in the South. I was privileged to work with Martin and many others during the Selma to Montgomery march for voting rights in 1965. Martin was particularly impressed by the determination to get the franchise once blacks in Selma and neighboring Perry County. As he wrote, "Certainly no community in the history of the Negro struggle has responded with the tenacity and fairness and judgment to be a federal judge."

The Voting Rights Act was, and still is, vitally important to the future of democracy in the South.
fears about a Justice Department head-
ed by Senator JEFF SESSIONS as Attor-
ney General of the United States.

My constituents and Americans all
across the country are concerned about
the independence and integrity of the
Justice Department under President
Donald Trump.

We are only 3 weeks into the Trump
administration, and what we have seen
so far has been alarming. We have 3
years and 49 weeks left to go in Presi-
dent Trump's office, and we have already
seen 3 weeks President Trump issue an illegal and immoral
ban on Muslim refugees. We then saw
President Trump fire Acting Attorney
General Sally Yates from her job over-
seeing the Department of Justice—an
action reminiscent of Watergate's infa-
mous “Saturday Night Massacre”—be-cause she refused to defend in court his
unconstitutional and un-American Ex-
cutive order.

Sally Yates's job and the job of the
entire Justice Department is to uphold the
rule of law. The Attorney General of
the United States is the lawyer for
the people of the United States—not
Donald Trump's personal lawyer. It is
called the rule of law, not the rule of
Trump. The ability to act as an independent At-
torney, as Alabama's attorney general,
and as U.S. Senator.

A review of that record, including 2
days of hearings before the Senate Ju-
diciary Committee, demonstrates any-
thing but the commitment to the equal
and impartial administration of justice
and an independence from the Presi-
dent that we must demand from the
Nation's top law enforcement officer.

Senator SESSIONS' record spanning decades in office reflects his
ability to important constitutional
rights, hostility to laws intended to
protect people of color, hostility to
laws intended to protect women, hos-
tility to laws intended to protect the
LGBTQ community, and hostility to
laws intended to protect immigrants
against discrimination and violence.

Senator SESSIONS has fought against
civil rights efforts. He has fought
against protecting voting rights, and as
a Justice Department he has pursued
laws to prevent immigrants from
accessing the courts. Mr. Sessions' con-
mittance of his conduct on civil rights issues. I
regret to say that, since the Judiciary
Commission, Senator SESSIONS tried to
prosecute three civil rights workers
who were helping elderly and disabled
African-American voters to cast absen-
tee ballots.

During his 1986 judicial nomination
hearing, he called the Voting Rights Act
“an intrusive piece of legislation.”
And in his testimony to the Judiciary
Committee, Senator SESSIONS would
not commit to continue the Justice De-
partment's efforts to challenge restric-
tive State voter ID laws. Senator SES-
SIONS has fought against conserva-
tive immigration reform, against
criminal justice reform, and against
crimes against gun control measures.

As for a woman’s right to choose, Senator SESSIONS has said: “I firmly
believe that Roe v. Wade and its de-
sendants represent one of the worst,
colossally erroneously Supreme Court
decisions of all time.” At his confirma-
tion hearing, Senator PEYENSTEIN
asked him whether he still held that
view, and if so, whether he would oppo-
se his confirmation. Asked him whether it was still his view. “It is.” Senator SESSIONS replied.

It is simply unimaginable that we
would have an Attorney General of the
United States holding such a view of
Roe v. Wade. Women have the right to
control their own reproductive
health. Roe v. Wade is the law of the
land, and it should remain that way
forever.

Mr. President, I would also like to
address the actions last night by the
Senate majority leader to silence the
remarks of my colleague from Massa-
chusetts, Senator ELIZABETH WARREN.

Coretta Scott King was attending the
New England Conservatory of Music
in Boston as a piano studentship in 1962,
in Boston. One year later, Coretta
Scott married Dr. Martin Luther King,
Jr., as they took their degrees from
Boston to begin a cause found in the
South to begin a cause found in the
American Revolution, John Adams,
and President John Kennedy.

What Senator WARREN was doing last
night was standing up for equal justice
the way Massachusetts has always
stood up for equal justice, the way Sen-
tagor Ted Kennedy stood up for equal
justice. We have a deep and proud his-
tory in Massachusetts of fighting for
what is right. The abolitionist move-
ment was born in Massachusetts.

In previous generations, when young
women wanted the right to vote, a
group of committed activists in Massa-
chusetts formed the Suffragette move-
ment, and they changed the U.S. Con-
stitution so women can vote.

When young people in Massachusetts
were upset with the voting rights laws
for minorities in America’s southern
States, they became the Freedom Rid-
ers, and they changed the laws of the
United States.

I make these remarks from the desk
once held by Massachusetts Senator
Edward Brooke. Senator Brooke was
the first African American elected to
the Senate. He was a Republican. He
was also a civil rights activist, and he
also received his law degree at Boston
University.

From the Founding Fathers to the
movement for universal health care,
to the first same-sex wedding in the
United States, and to the Senate floor
last night, Massachusetts has always
been at the forefront of America’s quest
for equal justice.

Leader McConnell used an arcane
Senate rule to silence Senator Warren,
but the people of Massachusetts and all
people of good conscience will never be
silenced when confronted with our
moral responsibility to speak out.

Senator WARREN deserves an apology
for being silenced when she attempted
to share this very relevant, very power-
ful part of our national history last
night. The American people deserve to
hear the important words of Coretta
Scott King. So here they are:

Dear Senator Thummond:

I write to express my sincere opposition to the nomination of Judge Sessions as a federal district court judge for the Southern
District of Alabama. My professional and
personal roots in Alabama are deep and last-
ing. Anyone who has used the power of his
office as United States Attorney to intimi-
date and chill the free exercise of the ballot
citizens should not be elevated to our
courts. Mr. Sessions has used the awesome
powers of his office in a shabby attempt to
intimidate and frighten elderly black voters.

For this reprehensible conduct, he should
be disbarred with a federal judge.

I regret that a long-standing commitment
prevents me from appearing in person to tes-
tify against this nomination. I have attached
a copy of my statement opposing Mr. Sessions’ confirmation and I request
that my statement as well as this letter be
made a part of the hearing record.

I sincerely urge you to oppose the con-
firmation of Mr. Sessions.

Sincerely, Coretta Scott King

Coretta Scott King was right in the
1960s, Coretta Scott King was right in 1992.

Based on the totality of Senator Ses-
SIONS’ record, I have no confidence that
he shares a commitment to justice for
all Americans. I do not believe he will
fight to defend the most vulnerable in
our society. I do not believe he will stand up to President Trump when the
time comes, as it surely will come.

The great Robert F. Kennedy, a U.S.
Attorney General himself, once said
“that every community gets the kind
of law enforcement it insists on.’’

We must insist that our top law en-
forcement officer upholds the law for
all Americans. I do not have assurance
that Senator Sessions will meet that
challenge.

I will be voting no on Senator Ses-
SIONS’ nomination this evening, and I
urge all of my colleagues to do like-
wise.

Mr. President, I yield the floor.

Mr. LEAHY. Mr. President, yester-
day I spoke at length about my fear
that Senator Sessions has the ability to
act as an independent At-
torney General. The Attorney General
is not the President’s lawyer. He or she
is the chief law enforcement officer of
the United States. And he or she must
faithfully serve all Americans. Even if
Senator Sessions could demonstrate
independence from President Trump,
my review of his extensive record
leaves me unconvinced that he is capa-
bale of serving and protecting all Ameri-
cans.

In 1968, Senator Ted Kennedy called
JEFF SESSIONS a “throwback” because
of his conduct on civil rights issues. I
regret to say that, since the Judiciary

Committee’s bipartisan rejection of Senator Sessions’ nomination to be a district court judge in 1986, Senator Sessions has not allayed our concerns. In his 20 years in the Senate, he has not shown a commitment to protecting the civil and human rights of all Americans. Time and again, when the rights of women, LGBT individuals, and disenfranchised communities have been debated here in the Senate, Senator Sessions has not sought to protect their civil and human rights. All too often, he has been the one standing in the way.

That is why National Nurses United has written to me to express their opposition to Senator Sessions. They wrote: “We provide the best care we possibly can, without regard to race, gender, national origin, religion, socio-economic circumstances, or other identifying characteristic. That is what caring professionals do. Unfortunately, that is not what Jeff Sessions has done in his role as a public servant.” I ask unanimous consent that their full letter be printed in the Record at the conclusion of my remarks. That is why my friend John Lewis testified before the Judiciary Committee in opposition to Senator Sessions. Congressman Lewis stated that, “When faced with a challenge, Senator Sessions has frequently chosen to stand on the wrong side of history.” Senate Republicans should be listening to these concerns and the thousands of letters in our offices and airports standing up for our Constitution. We should not subject those concerns to a gag rule.

Yet Senator Sessions and his supporters have painted a different picture of his record. They have argued that he has a strong record on civil rights. So I asked Senator Sessions in written questions to identify areas in which racial inequalities persist. He could have talked about sentencing or about areas where his Justice Department’s Civil Rights Division has found patterns and practices of police departments violating people’s rights or about the kind of voter suppression efforts that an appeals court found “target[ed] African Americans with almost surgical precision.” Senator Sessions did not identify a single example of racial inequality in modern America. That is astonishing. No one can uphold the rights of all Americans if he is unwilling to pay attention when those rights are violated.

Some have suggested that Senator Sessions’ record on civil rights has been criticized unfairly and he is held to a different standard because he is a conservative from the South. I disagree. When the Judiciary Committee rejected Senator Sessions’ district court nomination in 1986, one of the votes against him came from Senator Heflin, who was a conservative from Alabama. Moreover, I and most other Democrats just voted to confirm as U.N. Ambassador another conservative Southerner: Nikki Haley. In 2015, then-Governor Haley made the decision to remove the Confederate flag from the South Carolina Statehouse grounds. She said, “[I]t should never have been there” and that she “couldn’t look my children in the face and justify it staying there.” When Senator Sessions was asked about this and other efforts to remove the Confederate flag from public buildings, he argued that such efforts “seek to delegitimize the fabulous accomplishments of our country.” It can come as no surprise that the civil rights community is concerned by his nomination.

But I will speak to my own experiences with Senator Sessions’ views on civil rights laws. In 2009, Senator Sessions opposed expanding hate crime protections to women and LGBT individuals, groups that have historically been targeted based merely on who they are. He stated, “I am not sure women or people with different sexual orientations face that kind of discrimination. I just don’t see it.” Thankfully, a bipartisan majority of Senators sided with the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act is now law. These protections are needed now more than ever. According to recent FBI statistics, LGBT individuals are more likely to be targeted for hate crimes than any other minority group in the country.

Judy Shepard, Matthew’s mother, wrote a letter last month opposing Senator Sessions’ nomination. She was concerned about Senator Sessions’ opposition to the law that bears her son’s name, but by how Senator Sessions viewed such hate crimes. She wrote: “Senator Sessions strongly opposed the hate crimes bill—characterizing hate crimes as mere thought crimes.” Unfortunately, Senator Sessions believes that hate crimes are, what he describes as, mere ‘thought crimes.’

“My son was not killed by ‘thoughts’ or because his murderers said hateful things. My son was brutally beaten with the butt of a shotgun, left to hang for over 20 minutes, and then left him to die in freezing temperatures because he was gay. Senator Sessions’ repeated efforts to diminish the life-changing acts of James Byrd, Jr. Hate Crimes Prevention Act horrified me then, as a parent who knows the true cost of hate, and it terrifies me today to see that this same person is now being nominated as the country’s highest authority to represent justice and equal protection under the law for all Americans.

But that was not all. Senator Sessions also said that “the hate crimes amendment . . . has been said to cheapen the civil rights movement.” I asked him about this comment and whether he still felt that way at his hearing, but he did not respond to the question. I asked him a second time, in a written follow-up, what he meant by that comment. He replied that “Those were not my words,” but again did not explain what he had meant by that remark. So I asked him a third time. The third time, he finally conceded. He said that he needed to correct to the fact that he did not say it cheapens our commitment to civil rights.” If it is not correct to say that, then why did Senator Sessions quote it in the first place—and why did it take him three tries to acknowledge the error?

Senator Sessions also opposed the 2013 Leahy-Crapo Violence Against Women Reauthorization Act, which would have eliminated all VAWA grants. I asked Senator Sessions to commit to stand up for victims and preserve these critical programs. Again, he refused.

Amitha Swadhin, who appeared before the Judiciary Committee and bravely shared her story of being raped as a child, explained why this issue is so important: “We need an Attorney General who will continue the progress we have made since the passage of VAWA, someone committed to improving and enforcing our laws to ensure the most vulnerable victims of crime can come forward to seek accountability and to access healing.” This law and the important programs that it supports are needed more than ever to serve the life and death to many people across the country. We need an Attorney General who understands that. The National Task Force to End Sexual and Domestic Violence, which has never before taken a position on an Attorney General, nominated, wrote to the Judiciary Committee because they do not believe Senator Sessions understands that. The letter states:

“Senator Sessions’ senate record of strenuous opposition to protections for personally marginalized populations, coupled with his record of selective prosecutions, demonstrate his unwillingness to protect marginalized victims, affix, and disqualify him from holding the position of Attorney General of the United States, a position charged with the responsibility of securing justice for all.”

I ask unanimous consent that this letter be printed in the Record at the conclusion of my remarks.

Senator Sessions and his supporters have tried to minimize his opposition to the Leahy-Crapo VAWA bill by pointing out that he did vote in committee for the Republican substitute amendment. Let me explain what that amendment would have done. It would have cut authorization levels by 40 percent, hampering efforts to prevent violence and provide services to victims in need. It would have removed all provisions intended to ensure that victims can receive services, regardless of sexual orientation and gender identity. It would have removed important provisions that would help tribal justice reach the many criminal and civil cases that fell through the cracks. That amendment would have gutted core elements
of the VAWA reauthorization that goes to the heart of what VAWA does. A vote for that amendment hardly demonstrates a commitment to victims.

Another issue that concerns me is criminal justice reform. For years, I have worked with a bipartisan group of Senators to reduce mandatory minimum sentences for drug offenses. These sentences have created perverse disparities within our justice system. Racially biased punishments still receive nearly 80 percent of them. Our bipartisan effort has had the strong support of the Justice Department and many others in law enforcement, but not Senator Sessions. In recent years, no one in the Senate has fought harder against even modest sentencing reform than he has.

I am also concerned about Senator Sessions’ commitment to ongoing civil rights litigation. I asked whether he would maintain the Justice Department’s position in certain important cases. He would not commit to maintaining the Department’s position, even in voting rights cases where courts have already found that certain voter protections were discriminatory.

Senator Sessions would not commit to even maintaining cases that are already at the Supreme Court. Last month, the Supreme Court heard oral argument in Endrew F. v. Douglas County School District. The Justice Department filed an amicus brief in support of the petitioner, arguing that the Individuals with Disabilities Education Act requires states to provide more than de minimis educational benefits to eligible children with disabilities an opportunity to make significant educational progress.” Even though it would be extraordinary for the Justice Department to take a new position after oral argument has already been heard, Senator Sessions would not commit to maintaining the Department’s position in this case.

I pointed to a lawsuit the Justice Department has already heard, alleging that Georgia’s treatment of students with disabilities violated the Americans with Disabilities Act. In this lawsuit, the Justice Department noted that some of the facilities used by students with disabilities “are located in poor-quality buildings that formerly served as schools for black students during de jure segregation.” I asked Senator Sessions whether he would continue to pursue this case, and bring to court where Senator Sessions has committed violations of the ADA. He refused to commit to continuing this case. The ADA also contains a waiver of State sovereign immunity, which is a critical tool for enforcing that landmark law. Twice now, I have administered the Justice Department argued, and the Supreme Court agreed, that the waiver was a valid exercise of Congressional power under section V of the 14th Amendment, but Senator Sessions would not commit to defending the constitutionality of that provision.

Senator Sessions’ record on disability rights is also of concern because of the way he spoke about students with disabilities. He once argued that mainstreaming causes a “decline in civility and discipline in classrooms all over America.” As with my hate crimes amendment and VAWA, the Sen- 

tator Sessions has opposed protections for the most vulnerable, it is also the language that he uses when opposing them, which denigrate the laws seek to protect. That is why a group of 18 disability rights organizations have written to Senate leadership expressing their strong opposition to Senator Sessions’ nomination.

Senator Sessions has also demonstrated a shockingly brazen attitude when I asked him about the offensive rhetoric used by some of his political associates. I asked him whether he would condemn certain remarks by David Horowitz, Frank Gaffney, and others. Senator Sessions received awards from these individuals who regularly attended his conferences. He has given media statements in support of their organizations and the views they put forth. Yet, when Senator Sessions was directly asked to respond to these statements, he effectively shrugged his shoulders. These included comments: referring to Muslims as “Islamic Nazis” who “want to kill Jews, that’s their agenda”; alleging that President Obama “is an anti-American, racist,” publicly declaring that a Muslim he believes is a Christian. . . . He’s a pretend Christian in the same way he’s a pretend American.”

I also asked whether he would condemn certain remarks by some Muslim members of Congress, Longstanding Muslim Brotherhood ties”; arguing that a Muslim member of Congress should not be allowed to serve on the House Intelligence Committee because of his “extensive personal and political associations with . . . jihadist infrastructure in America;” claiming that marriage “cannot be raped by their husbands; calling for “railroad cars full of illegals going south; and calling President Obama a traitor.”

Senator Sessions responded that he does not hold those views. That is fair enough. But he did not explain why he chose to associate with such individuals. When someone accuses President Obama of treason, it is not at all enough to say, “I do not hold that view.” When Muslim advocates and 36 other civil rights organizations, including the Leadership Conference on Civil and Human Rights and the NAACP, wrote a letter to the Senate Judiciary Committee expressing strong concern that “Senator Sessions has closely aligned with anti-Muslim hate groups, accepted their awards and accolades, and publicly praised their leadership, Senator Sessions’ appointment will only embolden these groups and activists and serve to further fanned flames of anti-Muslim bigotry already burning in this country.” If Senator Sessions cannot condemn David Horowitz and Frank Gaffney, who the Southern Poverty Law Center has repeatedly called “extremists” who run hate groups, for calling President Obama a traitor, it is fair to ask whether he will have the courage to stand up to the President of the United States, as Sally Yates did.

The Attorney General is charged with enforcing the laws that protect all Americans. No one can fulfill that obligation who is not clear-eyed about the threats facing the most vulnerable in our communities. We need an Attorney General, who will aggressively confront those who appeal to hate and fear. I do not believe that person is Senator Sessions. The Senate and the Judiciary Committee have heard from a multitude of civil rights, civil liberties, and domestic violence organizations, as well as nurses and numerous faith leaders, who oppose this nomination. This Senator stands with them.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL NURSES UNITED, Washington, DC, February 8, 2017.

Hon. Patricia J. Leary. U.S. Senate, Washington, DC.

DEAR SENATOR LEARY: We write on behalf of the more than 150,000 registered nurse members of National Nurses United to urge you to vote against the confirmation of Senator Jeff Sessions, President-elect Donald Trump’s nominee for Attorney General. Much has been said by many others against confirmation of this nominee, so we will be brief.

Our members work as bedside healthcare professionals in almost every state in the nation. We work in every hospital setting, from small rural facilities to large urban public health systems, in prominent research hospitals affiliated with prestigious public and private universities, as well as Veterans Affairs hospitals and clinics. We care for Americans on every point of the demographic spectrum, at their most vulnerable. We provide the best care possible, without regard to race, gender, national origin, religion, socioeconomic circumstances, or other considerations. That is what caring professionals do. Unfortunately, that is not what Jeff Sessions has done in his role as a public servant. And to vote in favor of confirming him as the chief law enforcement official of the United States would abdicate your responsibility to provide the oversight necessary to ensure that basic legal rights are enforced evenhandedly and for the protection of all people.

As Senate colleagues, you no doubt know Senator Sessions’ record as a lawmaker, as well as his record as the chief law enforcement official for the Southern District of Alabama and as the Alabama Attorney General. It was, of course, his record in the U.S. Attorney’s office and his public statements, largely insensitive comments that resulted in a majority of the Senate Judiciary Committee voting against confirmation for his nomination to be a U.S. District Court judge in 1986. This ‘no’ vote happened while the Judiciary Committee was majority Republican. Even Senator Howell Heflin, a fellow Alabamian, voted against his confirmation in “reasonable doubts” over whether he could be “fair and impartial.”

Senator Sessions has also asserted that his confirmation vote over the years was taken out of context, or intended as humor. But his record tells the truth. Early in his career he
charged civil right leaders ("the Marion Three") with voting fraud related to their efforts to assist African American voters. The fact that the defendants in that case were acquitted of charges by Judge Sessions, the United States District Judge for the Southern District of Alabama, does not alter the fact that his indifference to this crisis. For example, drug convictions made up 40 percent of his drug convictions made up 40 percent of his drug convictions made up 40 percent of his

publicly called the Voting Rights Act "intrusive," and has insisted that its proactive protections of racial minorities were no longer necessary. This is especially dis

turbing given the public support for voter-ID laws, while his home state recently tried to close over thirty DMV offices, many in majority-black areas, short
dumping requirements. We are reminded of the words of Coretta Scott King in her letter opposing Jeff Sessions' nomination to the federal dis

crict court in 1986: "The irony of Mr. Ses
sessions' nomination is that, if confirmed, he will be given a life tenure for doing with a deliberate indifference to the rights of his constituents. Senator Sessions' accomplished twenty years ago with clubs and cattle prods."

We will not attempt to address all the posi
tions that are making us out of step with the reality of the difficult times we are in, but as nurses we must in
clude our grave concern that as Attorney General he would not be vigilant in enforcing environmental protections. In a July 2012 Senate hearing on climate science, Senator Sessions dismissed the concerns about global warming as "phantom climate sci
cientists, and asserted that this is "[a] danger that is not as great as it seems." These posi
tions are frightening. Climate change is a public health issue that cannot be over

stated. As nurses we have been seeing for some time increases in the frequency and se

verity of asthma, allergic rhinits, sinusitis, bronchitis, and emphysema, as well as an increase in cancers and aggravation of cardiovascular illness. The effects of air pol

duction are particularly acute in pediatric pa
tients. They have higher respiratory rates than adults, and consequently higher expo

sure. Our elderly patients are also especially vulnerable. Respiratory symptoms was com

mon as coughing, shortness of breath, heart attacks, and other serious health imp

acts in geriatric patients. As global warm

ing progresses, we are seeing sharp increases in heat stroke and dehydration, both of which are sometimes fatal.

In our disaster relief work through our Registered Nurse Response Network, we have been called upon to assist the victims of Hur

ricane Katrina and Super Storm Sandy—
events that many scientists believe would not have happened if climate change were not if not for rising temperature.

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a thorough understanding of the legal definition of sexual assault under federal law and under the laws of the jurisdictions in which the Office of the U.S. Attorney has prosecutorial authority. The National Task Force has worked collectively for decades to ensure that legal definitions in the U.S. Code and under state laws make it abundantly clear that sexual assault is a crime. The job of the Attorney General is to enforce the law without fear or favor. Thus, we expect the Department of Justice under his leadership to vigorously prosecute sexual assault crimes, a practice that leaves us fearful that he will not vigorously prosecute sexual assault crimes, a practice unbecoming of the nation’s chief law enforcement official.

Additionally, Senator Sessions’ poor history with respect to fighting for fairness and equal protection for those with disabilities leaves us justifiably concerned that he will not step in to vindicate the rights of survivors of campus sexual assault and other victims of discrimination. The Justice Department has jurisdiction to ensure that educational institutions bar discrimination in education based on race, color and national origin, and sex (respectively) by educational institutions that receive federal funding. On college and university campuses alone, we know that 20 percent of women are victimized by sexual assault. Absent an Attorney General committed to enforcing that educational institutions root out bias and violence and hold perpetrators accountable, victims will be left with the vicious cycle of violence based on sex, race and/or national origin. If the Attorney General has jurisdiction to address victimization because they fear, based on prior experience, that any justice system response may not help them. We expect anyone who serves as Attorney General to create a safe environment for students of color and survivors of sexual assault.

Senator Sessions’ history allows us to question whether he will prosecute sexual assault crimes, a practice that leaves us fearful that he will not vigorously prosecute sexual assault crimes, a practice unbecoming of the nation’s chief law enforcement official. The National Task Force has worked collectively for decades to ensure that sexual assault is a crime. The job of the Attorney General is to enforce the law without fear or favor. Thus, we expect the Department of Justice under his leadership to vigorously prosecute sexual assault crimes, a practice that leaves us fearful that he will not vigorously prosecute sexual assault crimes, a practice unbecoming of the nation’s chief law enforcement official.

Senator Sessions has taken a strong stand against immigration and programs and services that provide protection under the law to victims of gender-based violence. Senator Sessions’ record shows that he has a history of fighting against immigration reform bills, as well on various other occasions, Senator Sessions opposed the bipartisan bill; Senator Sessions opposed the Violence Against Women Act in 2013, which removed one of many barriers that prevent access to justice for American Indian and Alaska Native domestic violence survivors. Senator Sessions’ record shows that he has a history of fighting against immigration reform bills, as well on various other occasions, Senator Sessions opposed the bipartisan bill; Senator Sessions opposed the Violence Against Women Act in 2013, which removed one of many barriers that prevent access to justice for American Indian and Alaska Native domestic violence survivors. Senator Sessions’ record shows that he has a history of fighting against immigration reform bills, as well on various other occasions, Senator Sessions opposed the bipartisan bill; Senator Sessions opposed the Violence Against Women Act in 2013, which removed one of many barriers that prevent access to justice for American Indian and Alaska Native domestic violence survivors.

While Attorney General for the State of Alabama, according to a January 2015 report, 14% of Asian women, 20.3% of Black women, 19.6% of Asian and Pacific Islander women, and 20.8% of Asian and Pacific Islander men (where data for Asian and Pacific Islander men is not available), 43.7% of Black women, 38.6% of Black men, 37.1% of Hispanic women, 26.6% of Hispanic men, 94.6% of White women and 92.6% of White men. We know firsthand that many survivors from vulnerable populations hesitate to contact law enforcement or do not trust the court system to address their victimization because they fear, based on prior experience, that any justice system response may not help them. We expect anyone who serves as Attorney General to create a safe environment for students of color and survivors of sexual assault.

Senator Sessions’ record sends the message to marginalized survivors that their experiences will not be understood, nor will their rights be protected, if he is confirmed as the Attorney General.

CONCLUSION

The 14th Amendment provides the inalienable right to all people to equal protection under the law. Senator Sessions’ record of strenuous objection to protections for historically marginalized populations, coupled with his record of selective enforcement to protect community safety. The National Task Force has worked collectively for decades to ensure that sexual assault is a crime. The job of the Attorney General is to enforce the law without fear or favor. Thus, we expect the Department of Justice under his leadership to vigorously prosecute sexual assault crimes, a practice that leaves us fearful that he will not vigorously prosecute sexual assault crimes, a practice unbecoming of the nation’s chief law enforcement official.

We are concerned that the nominee voted against the Violence Against Women Act (VAWA) Reauthorization of 2013. Senator Sessions’ record shows that he has a history of fighting against immigration reform bills, as well on various other occasions. Senator Sessions opposed the bipartisan bill; Senator Sessions opposed the Violence Against Women Act in 2013, which removed one of many barriers that prevent access to justice for American Indian and Alaska Native domestic violence survivors. Senator Sessions’ record shows that he has a history of fighting against immigration reform bills, as well on various other occasions. Senator Sessions opposed the bipartisan bill; Senator Sessions opposed the Violence Against Women Act in 2013, which removed one of many barriers that prevent access to justice for American Indian and Alaska Native domestic violence survivors.

Our analysis revealed that many survivors were not able to access justice to the extent they needed. Of particular note, we found that LGBT survivors often lacked access to justice and support based on their gender identity or their sexual orientation. We also learned of the deplorable lack of access to justice faced by survivors of domestic violence and sexual assault on tribal lands. VAWA 2013 included provisions that expanded and ensured that immigrant survivors can access VAWA protections, allowing survivors to come out of the shadows, help hold batterers and perpetrators accountable, and access law enforcement to protect community safety. VAWA 2013’s goal of ensuring equal protection of the law was rejected by Senator Sessions, who cast the bill’s advancement towards inclusion and equal protection as political maneuvering and, in that light, voted against the bill. The Attorney General is tasked with ensuring VAWA protections and programs are available and accessible to all. Senator Sessions’ opposition to the VAWA protections and his prosecutorial record leave us gravely concerned that he would not vigorously or consistently apply these protections.

We are concerned that the positions that Senator Sessions has taken on immigration and LGBT individuals pose grave threats to vulnerable victims of gender-based violence. His consistent support of immigration policies that increase vulnerability for undocumented victims of sexual and domestic violence victims pushes immigrant victims further into the shadows and harms communities that have been harmed. Senator Sessions’ history allows us to question whether he will prosecute sexual assault crimes, a practice that leaves us fearful that he will not vigorously prosecute sexual assault crimes, a practice unbecoming of the nation’s chief law enforcement official. While Attorney General for the State of Alabama, according to a January 2015 report, 14% of Asian women, 20.3% of Black women, 19.6% of Asian and Pacific Islander women, and 20.8% of Asian and Pacific Islander men (where data for Asian and Pacific Islander men is not available), 43.7% of Black women, 38.6% of Black men, 37.1% of Hispanic women, 26.6% of Hispanic men, 94.6% of White women and 92.6% of White men. We know firsthand that many survivors from vulnerable populations hesitate to contact law enforcement or do not trust the court system to address their victimization because they fear, based on prior experience, that any justice system response may not help them. We expect anyone who serves as Attorney General to create a safe environment for students of color and survivors of sexual assault.

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FAIR APPLICATION OF LAW

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§503, that Senator Sessions’ is unqualified to hold this post. Yours truly,
THE NATIONAL TASK FORCE TO END SEXUAL AND DOMESTIC VIOLENCE

Mr. REED. Mr. President, after a great deal of careful thought and consideration, I have decided to oppose Senator Sessions’ nomination to be the next Attorney General of the United States.

I have long served with Senator Sessions. While he and I have frequently disagreed on certain legal and civil rights issues, I have never doubted the sincerity or heartfelt nature of his positions. I am deeply concerned, however, that he cannot be the effective check on the Executive Branch that our nation currently needs.

In just the short time since President Donald Trump took office, our Nation has faced upheaval and challenges to the way our government typically runs. The President’s unprecedented refusal to divest himself of his business holdings, or fully understand the legal and constitutional conflicts that are unique in our Nation’s history. His use of social media to antagonize American businesses has already caused needless volatility in our economy, and threatens our nation’s financial stability. Most recently, he has unilaterally enacted a ban on travel to the United States from several Muslim-majority countries—creating chaos in airports, separating families, and tarnishing our Nation’s image around the world. It is of great concern to me that Senator Sessions has already stated his unwillingness, if confirmed, to recuse himself from investigations into potentially unlawful activities of the Trump campaign and Trump administration.

Moreover, Senator Sessions and I disagree on how the law should treat immigrants, refugees, the LGTBQ community, women, and racial minorities, among others. These disagreements go to the heart of the Justice Department’s law enforcement and civil rights functions. For instance, in 2013, Senator Sessions voted against a bipartisan effort to reform our Nation’s immigration laws. This effort garnered overwhelming support from both sides of the aisle and would have much more to address the immigration problems facing us today. He also voted against the 2013 reauthorization of the Violence Against Women Act, which provides much-needed support to and protections for some of the most vulnerable people in our communities—and is overseen by the Justice Department that he hopes to administer. Additionally, his statements and votes in opposition to reaffirming the prohibition on torture run counter to our values and basic precepts of international law. And he has voted against every recent effort in this Chamber to establish the most basic, commonsense laws that would help communities stop the threat of gun violence. He also has called into question the Voting Rights Act and praised the Supreme Court’s harmful decision striking down a key section of this law.

These are just some of the clear disagreements I have with the positions Senator Sessions has taken over the years, which cause me to doubt his ability to effectively lead the Justice Department. Our next Attorney General should be a champion for all Americans’ civil rights and civil liberties. The occupant of that office should give Americans confidence in our judiciary, our elections, and the impartial due process that is the hallmark of the rule of law. Therefore, I cannot support Senator Sessions’ nomination to be Attorney General of the United States. Mr. MARKEY. I suggest the absence of a quorum.

THE PRESIDING OFFICER. The clerk will call the roll. Mr. LEE. Mr. President, I ask unanimous consent that the quorum call be rescinded.

THE PRESIDING OFFICER (Mr. TOOMEY). Without objection, it is so ordered.

Mr. LEE. Mr. President, I rise today to speak in support of the nomination of Senator Jeff Sessions to be the next Attorney General of the United States.

I enthusiastically support this nomination, because I know Senator Sessions to be a man of great integrity. He is someone who understands and respects the rule of law. He values it deeply, in fact. He is someone who understands the difference between setting policy and enforcing the law. He understands the difference between making law and enforcing the law. He understands the difference between settling policy and enforcing laws that contain policy, and he is someone who understands and respects the rule of law. He values it deeply, in fact. He is someone who understands that, as a lawyer, the very best way to serve your client often involves offering honest, independent advice—honest independent advice of the sort that might not always occur to the client on the client’s part.

I have listened to the remarks of some of my colleagues, and I have to state that I have served with Senator Sessions for the last 6 years, ever since I first became a Member of this body, and I don’t recognize the caricature that has been painted of him over the last 24 hours. So I want to address head-on several of my colleagues expressing concern about his nomination.

Some of my colleagues have expressed and relied upon what really amounts to policy concerns—policy disagreements between themselves and Senator Sessions—as a reason to oppose his nomination.

As I explained it in our Judiciary Committee markup last week, I have disagreed with Senator Sessions not just 1 or 2 times but on many, many occasions and not just on a few isolated issues that are only tangentially related to his position, but on circumstances and issues that are very important to me and that are at the center of my legislative agenda.

We have disagreed, for example, about sentencing reform. We have disagreed about immigration reform, and several important national security issues implicating constitutional law, and constitutional policy. All of these issues are...
every single day, and it is never the case that we will find any among us, even colleagues, with whom we agree most of the time who are going to agree with us 100 percent of the time. So I urge my colleagues to put aside any policy differences they might have with Senator Sessions when considering his nomination and when deciding how they are going to vote in response to his nomination, because those simply are not relevant to his job and, at a minimum, ought not to be disqualifying factors relevant to his job.

As to independence, some of my colleagues doubt that Senator Sessions will be an independent voice at the Department of Justice. Respectfully, I can say with full confidence that anyone who actually knows Senator Sessions knows that he is fiercely independent-minded. He never shies away from expressing his closely held, sincerely developed views on any issue, even when personal pressure might suggest a different course of action be in order. It is clear that Sessions will apply his independent-mindedness to his job after he is confirmed as Attorney General of the United States.

During his testimony before the Judiciary Committee, he repeatedly outlined the importance of having an independent Attorney General, and he explained how he would fulfill this obligation, how he would become precisely such a person. I observe, Senator Sessions would exercise a degree of independence and not simply be a rubber stamp.

For example, he told us that every Attorney General understands, I think, that if a President wants to accomplish a goal that he or she believes in deeply, you should help them do it in a lawful way but make clear and object if it is an unlawful action." He described that role—being able to tell the President "no," that is—as "the ultimate attorney-client relationship." He testified: "I hope that President Trump has confidence in me so that if I give him advice that something can be done or cannot be done, that he would respect that." Senator Sessions also explained that if the Attorney General were asked "to do something plainly unlawful, he cannot participate in that. He or she would have to resign ultimately before agreeing to execute a policy that the Attorney General believes would be unlawful or unconstitutional." Senator Sessions made this point repeatedly. He made it with great emphasis and in such a way that it is unmistakably clear to me that this is the Attorney General he would aspire to be and that he would in fact become after being confirmed.

Now, some may argue that you cannot necessarily trust his testimony because no Attorney General nominee would declare an intention to be a rubber stamp to the nominated President. Others may argue that Senator Sessions was too involved in the Trump campaign to be impartial. This is one of those points that you either believe or don't believe. You can't reason your way to an answer. You have to know the person.

So I urge my colleagues to reflect on their experiences with Senator Sessions. If I know one thing about him, he is not a "yes" man. If I know one thing about him, it is that of all the people with whom I have served in the Senate, he is one of the very last who I would ever expect in any context to sell out his sincerely held views on the basis of political expediency. Instead, Senator Sessions takes his professional responsibility very seriously. When he was a lawyer, he took seriously his obligations to his client and the law. As a Senator, he has taken seriously his obligations to the people of the State of Alabama. I know he will do the same thing at the U.S. Department of Justice.

He told us that "the Attorney General ultimately owes his loyalty to the integrity of the American people and to the fidelity of the Constitution, and the legislative laws of the country." This demonstrates that Senator Sessions understands, as any good lawyer does, that every lawyer has a client, and you understand how best to represent that client and that client's interest. You have to understand the nature of the attorney-client relationship. You have to know who the client is, you have to know how to interact with that client, and you have to be willing to push back on that client, even when—especially when—it is difficult, because that is the job of the lawyer. The obligations incumbent upon the lawyer provides that the lawyer sometimes has to push back on the client.

At the end of the day, it seems to me that some of my colleagues perhaps just want an Attorney General who will be openly, affirmatively, permanently hostile to the President. What that would mean is, you have to know how to interact with that client, and you have to be willing to push back on that client, even when—especially when—it is difficult, because that is the job of the lawyer. The obligations incumbent upon the lawyer provides that the lawyer sometimes has to push back on the client.

So I support Senator Sessions' nomination. I do so wholeheartedly. I do so because I would add, that was supported by an amicus brief from the then U.S. Attorney General.

In fact, it was the lawyers in Brown v. Board of Education—a case, I might add, that was supported by an amicus brief from the then U.S. Attorney General. The PRESIDING OFFICER. The Chair, in accordance with Public Law 94-410, on behalf of the President pro tempore and upon the recommendation of the chairman of the Committee on Finance, appoints the following members of the Finance Committee as congressional advisers on trade policy and negotiations to International conferences, meetings and negotiation sessions relating to trade agreements: the Senator from Utah (Mr. HATCH), the Senator from Arizona (Mr. CRAPPO), the Senator from Idaho (Mr. CRAPPO), the Senator from Oregon (Mr. WYDEN), and the Senator from Michigan (Ms. STABENOW).
way it did in Brown v. Board of Education, I would not be standing here as a Member of the U.S. Senate.

So then, as a direct beneficiary of landmark rulings by the U.S. judicial system and the American judicial system, I am aware of the lasting and profound impact our courts can have on the everyday lives of Americans. It is with a deep sense of respect and admiration for the role of our justice system that I rise to oppose the nomination of Senator Sessions to be the next Attorney General of the United States.

The mission of the Department of Justice is clear: "To enforce the law and defend the interests of the United States according to the law; to ensure public safety against threats, foreign and domestic; to provide Federal leadership in preventing and controlling crime; to seek just punishment for those guilty of unlawful behavior; and to ensure fair and impartial administration of justice for all Americans." It is those words—"justice for all"—that best articulate the spirit behind our judicial system.

I am a career prosecutor. In fact, I started my work as a young deputy district attorney in Alameda County District Attorney's Office. That office was once led by U.S. Supreme Court Chief Justice Earl Warren. Every time I filed a case, it would never read with the name of the victim versus the name of the defendant. It always read "the people" versus the defendant because in our democracy, in our great judicial system, we have rightly said a harm against any one of us is a harm against all of us, especially because we know that harm is most often directed at some of the most vulnerable and voiceless among us. So we rightly have declared that as a civil society, we will not require them to fight alone. We will stand with them. Justice for all.

That raises my question of whether this nominee can fulfill the role and responsibility of this job. Let's be clear. This is not a debate about a President's nominee. It is not simply a debate about a President's nominee. This is a debate about the fundamental ideals of our country—ideals that date back to the founding of our country and those great words we spoke in 1776: "We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness."

All men are created equal, with unalienable rights. In other words, President Lincoln was fulfilling the promise first made in the Declaration of Independence, a promise that made clear the basis for legal equality derives not through a right that is given but from natural rights—rights that have been endowed upon us by our Creator; rights inherent and should not be taken away or given up.

So let us recognize that civil rights are not given through the enactment of a law or the publication of a court decision. Rather, our inherent civil rights are fulfilled when we guarantee them through the implementation and enforcement of the law.

Well-meaning people indeed can argue that because the Constitution ensures our fundamental rights, but it is crucial that we do not allow ourselves to be drawn into a suggestion that enforcing civil rights is favoring one group over another. Protecting civil rights is not about taking care of someone else. It is in our interests. It is in each of our self-interests.

Liberty for each of us depends on liberty for all of us. It is just like the Department of Justice's mission, which articulates in those three words, "justice for all."

This is the Department's charge. It is its mission, and the next Attorney General of the United States must use his powers as a prosecutor to uphold it. This is the role and responsibility of this job. Let's do this, not because people in other lands do it, not because it is economically advantageous, although it is; not because the laws of God and man command it, although that does not because the lands we wish it so. We must do it for the single and fundamental reason that it is the right thing to do.

The right thing to do. That is what makes us special as a country. That is what makes us great. That is what makes us great—our values and our ideas. It is the belief that no matter who you are, whether young or old, rich or poor, gay or straight; whether you have been the victim of gun violence or opioid addiction, whether you are one of the 46 million African-Americans who do this, not because it is economically advantageous, although it is; not because the laws of God and man command it, although it is; not because the lands we wish it so. We must do it for the single and fundamental reason that it is the right thing to do.

It is what led Attorney General Herbert Brownell, when there was rampant voter discrimination and intimidation here in the United States, to create in the United States Department of Justice the Civil Rights Division, whose mission is to "uphold the civil and constitutional rights of all Americans, particularly some of the most vulnerable members of our society." It is what led Attorney General William Rogers to formally demand the integration of an elementary school at the Redstone missile center in Alabama when the children of Black service members were being denied entry.

It is that commitment that led Bobby Kennedy to send 500 U.S. marines to Oxford, MS, to escort a young Black man, James Meredith, to enroll at Ole Miss. It is what led U.S. Attorney General Elliott Richardson to rescind the botched bidding of a corrupt President during Watergate.

It is what led my friend, Attorney General Eric Holder, to sue the State
of Arizona over SB 1070, a law that led to the unjust racial profiling of immigrants and to say that the U.S. Government would no longer defend a law that prevented LGBT Americans from expressing their love for one another. It is what led Attorney General Sally Yates to stand up this month, to stand up and refuse to defend a Muslim ban.

More than most Cabinet positions, the U.S. Attorney General enforces the principles that are the founding of our country, but I have seen no evidence in his record or testimony that Senator Sessions will approach this office in furtherance of these noble ideals. The gains our country has made are not permanent, and it is incumbent on the Attorney General of the United States to fight for the civil rights of all people.

No one said it better than Coretta Scott King:

"Freedom is never really won. You earn it and you have to protect it against corruption."

If Senator Sessions won’t, then it is incumbent upon the rest of us to persist.

I urge my colleagues to vote no.

Mr. President, I yield the floor.

I suggest that the presence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. NELSON. Mr. President, I rise today to speak about the nomination of Senator Sessions to be the next Attorney General. I believe one of the most important jobs of a U.S. Attorney General is to protect the people’s right to vote.

In the tumultuous days of the early 1960s, in a hot afternoon, I watched on a grainy black and white TV as Dr. King delivered his memorable ‘‘I Have a Dream’’ speech on the steps of the Lincoln Memorial.

His soaring, spiritually laced speech challenged us to commit our lives to ensuring that the promises of American democracy were available, not just for the privileged few but for ‘‘all of God’s children, black men and white men, Jews and Gentiles, Protestants and Catholics.’’

‘‘Now is the time,’’ Dr. King urged, ‘‘to make real the promises of democracy.’’ He stressed that a central promise made to the citizens in a democracy is the right to vote and to have that vote counted. He said, ‘‘We cannot be satisfied as long as a Negro in Mississippi cannot vote and a Negro in New York believes he has nothing for which to vote.’’

Half a century has passed, and our country has changed with the times, but one thing has not changed. The right to vote for ‘‘all God’s children’’ in America is still under assault. Unbelievably, we are not so very far from the problems of 1963. Despite the passage of time and landmark civil and voting rights legislation, five decades later there is still considerable voter suppression in this country.

In fact, several States have recently enacted laws that essentially roll back voting hours on nights and on weekends, eliminating same-day registration, and basically making it harder for people to vote. Standing in between a citizen and the voting booth is a direct contradiction to the vision of equality put forth by our founding Fathers. In 1776, they declared that all men were created equal, but many in our country had to wait another 94 years before the 15th Amendment to the Constitution granted citizens the right to vote—though not all citizens. Ratified in 1870, the amendment states: ‘‘The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.’’

The Congress shall have power to enforce this article by appropriate legislation.’’

It still took another 50 years before women in America were allowed to vote. After her arrest for casting a ballot in the presidential election of 1872, Susan B. Anthony delivered a number of speeches in Upstate New York on women’s suffrage. In those speeches, she noted that the right of all citizens to vote in elections is key to a functioning democracy.

Specifically, one line from her speech stands out. ‘‘And it is a downright mockery to talk to women of their enjoyment of the blessings of liberty while they are denied the use of the only means of securing them by providing the democratic-republican government—the ballot.’’

After the passage of the 19th Amendment granting women the ballot, it took another 45 years before our Nation enacted the Voting Rights Act of 1965 intended to guarantee every U.S. citizen the right to vote. Does this principle really hold true in practice?

The continued voter suppression of which I speak may not be as blatant as it once was with Jim Crow laws and poll taxes and literacy tests and the like, but it is still very much with us.

In recent years, it is obvious that hurdles have once again been placed between the ballot and the young and minority voters. A devastating blow was dealt by the U.S. Supreme Court when it gutted the Voting Rights Act in 2013. Our Nation’s highest Court struck down a central provision of the law that was used to guarantee fair elections in this country since the mid-1960s, and that includes the guarantee of elections in my State of Florida since that time.

Congress passed the Voting Rights Act of 1965 to protect our right to vote. It required States with a history of voter suppression to get Federal approval before changing their voting laws. And for nearly five decades, the States had to prove to the Department of Justice why a change was necessary and demonstrate how that change would not harm voters.

In a 5-to-4 decision, the Court declared that part of the law was outdated. It essentially gutted a key part of the law void until a bitterly partisan and gridlocked Congress can come up with a new formula for determining which States and localities need advance approval to amend their voting laws. The Court's decision was based on a ‘‘new formula’’ in the law designed to deny protection to the Voting Rights Act of 1965 as applied to the State of Florida.

It is what led Attorney General Sally Yates to stand up this month, to stand up and refuse to defend a Muslim ban.

More than most Cabinet positions, the U.S. Attorney General enforces the principles that are the founding of our country, but I have seen no evidence in his record or testimony that Senator Sessions will approach this office in furtherance of these noble ideals. The gains our country has made are not permanent, and it is incumbent on the Attorney General of the United States to fight for the civil rights of all people.

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State officials countered that registered voters would still have the same number of hours and that they could still vote early, only in 8 days instead of 2 weeks. Well, it didn’t work out that way. Florida also made voting harder for the people who had recently moved to another county and had an address change, such as college students, after it subjected voter registration groups to penalties and fines for mistakes—voter registration, mind you, penalties, and fines if you didn’t turn in within a certain number of hours.

They were so burdensome that the League of Women Voters challenged the provision in Federal court and they won but not before Jill Ciccarelli, a Florida teacher, had helped her students preregister to vote and ended up facing legal troubles as the result of her well-intentioned public service. A schoolteacher, teaching a government class, getting her kids preregistered, so when the deadline came, they could vote, and she got in trouble with the State of Florida. The New Smyrna Beach High School civics teacher unwittingly ran afoul of the State’s new convoluted election law. Ciccarelli, it turned out, hadn’t registered with the State before beginning the drive and didn’t submit forms to the elections office within that short number of hours. “You’re talking about a high-energy teacher who cares about her kids, cares about her students, and cares about her country,” is how the New Smyrna High School principal, Jim Tager, described the situation.

Thankfully, the Voting Rights Act allowed the Federal Government to go before a panel of Washington, DC, judges who found that Florida’s 2011 re-election of early voting—which I have just chronicled—here is what the court said, “would make it materially more difficult for some minority voters to cast a ballot.” As a result, Florida had to restore 96 hours of early voting.

Even with these added protections, the next election in 2012 was a fiasco. Lines outside the polling places were prohibitively long, with some people waiting up to 8 hours to cast their vote. I am not kidding the Senate. There were lines in Dade County, Miami Dade County, 7 and 8 hours. By the way, some of those lines, there wasn’t a nearby bathroom. Faced with calls to roll in the toilets, the Supervisor of Elections in the Department of State, made some extremely difficult, not easier, for Floridians to vote. For example, as part of the same 2011 law, the state imposed rules on organizations that helped register individuals who were, in the words of a federal court, “harsh,” “impractical,” “burdensome,” and “unworkable.”

Mr. President, I ask unanimous consent to have printed in the Record the letter from the U.S. Attorney General to the Governor of Florida, dated July 21, 2014. There being no objection, the matter was ordered to be printed in the Record, as follows:

Hon. RICK SCOTT, Governor of Florida, The Capitol, Tallahassee, FL.

DEAR GOVERNOR SCOTT: In recent years, I have heard from public officials and citizens of Florida expressing their deep concern that certain changes to Florida election law and procedures have restricted voter participation and limited access to the franchise. Because the right to vote is one of our nation’s most sacred rights, I strongly urge you to reconsider these laws and permit it harder for citizens to register and to vote so that all eligible Floridians can easily and without burden exercise their right to vote.

Florida has created extraordinary risks and willingly confronted hatred and violence—including in your home state—where all Americans would have the chance to participate in the work of their government. The right to vote is not only the cornerstone of our government—it is the lifeblood of our democracy. Whatever the precise contours of federal law, we each have a civic and moral duty to protect, and to expand access to, this right.

For this reason, I am deeply disturbed that during your tenure your state has repeatedly added barriers to voting and restricted access to the polls. For example, changes in 2011 significantly narrowed the early voting window that had previously enabled thousands of Floridians to cast ballots. As the Third Circuit in United States, 885 F. Supp. 2d 299 (D.D.C. 2012), observed, the law threatened a "dramatic redefining of the franchise" that was disproportionately used by African-Americans that would have made it "materially more difficult for some minority voters to cast a ballot than under the old law," in part because the decreased opportunity for early voting would produce increased lines at the polls during the remaining hours. Id. at 333. Accordingly, the court properly restored early voting hours with respect to the five counties in Florida covered by the Voting Rights Act’s preclearance provision.

Indeed, Florida’s decision to reduce early voting opportunities in the 2011 legislation was widely recognized as a disaster. A report released by the Orlando Sentinel in January 2013 found that at least 201,000 Florida voters did not cast ballots on Election Day 2012 because they were discouraged by long lines at polling places. I am pleased that last year you signed legislation that restored early voting days. However, I have grave concerns that there remains a troubling pattern in your state of measures that make it more difficult, not easier, for Floridians to vote. For example, as part of the same 2011 law, the state imposed rules on organizations that helped register individuals that were, in the words of a federal court, “harsh,” “impractical,” “burdensome,” and “unworkable.”

League of Women Voters of Fla., v. Browning, 983 F. Supp. 2d 1155 (N.D. FL. 2012). Most recently, the federal courts have concluded that in 2012, Florida violated the National Voter Registration Act of 1993 (NVRA) by conducting a systematic program to purge voters from its voter registration rolls as a result of a 90-day quiet investiga-

of Florida law. The justifications for denying citizens’ voting rights for life, especially after they have completed their sentence and made amends, are unpersuasive. On the contrary, recent research suggests that former offenders whose voting rights are restored are significantly less likely to return to the criminal justice system. For example, a study recently conducted by the Pew Research Center found that, while the overall three-year recidivism rate stood at roughly 35 percent, the rate among those who were re-enfranchised after they’d served their time was just a third of that.

And there are a number of other troubling examples of recent changes. In 2013, Florida Secretary of State Ken Detzner issued a directive to county officials who supervise elections stating that they should refrain from advising voters of the return of absentee ballots at any place other than supervisors’ offices. Many have expressed concern that this directive will significantly reduce the number of places to return an absentee ballot and will have a negative impact on citizens whose jobs, access to transportation, or addresses make it difficult to return ballots to supervisors’ office which, especially in large counties, may be miles away.

This year, Gainesville, in an attempt to avoid what it characterized as the 2012 election, sought approval to use the University of Florida’s student union as an early voting site. Secretary of State Detzner denied this request, arguing that it is more difficult for a University of Florida student who has to travel to alternative early voting locations miles off campus—to participate in this election.

In April, it was reported that the Miami-Dade County Elections Department had a policy, according to an email from an Assistant County Attorney, “not to permit access to restrooms at polling sites on election days.” As you know, in 2012, Miami-Dade County had some of the longest lines and waiting times to vote in the United States. Some voters reported waiting as much as six hours. Many of the people stuck in lines need to use bathroom facilities in order to remain in line and be allowed to vote.

Whether or not these changes would ultimately be found to violate specific federal laws, they represent a troubling series of efforts to limit citizens’ ability to exercise the franchise. And I write to you today to make clear that the Department of Justice is carefully monitoring elections and the country—including throughout Florida—for voting changes that may hamper the voting rights we are charged with protecting. Whenever we receive any facts and the evidence will not hesitate to use all tools and legal authorities at our disposal to fight against racial discrimination, to stand against disenfranchisement and safeguard the right of every eligible American to cast a ballot.

Sincerely,

Eric H. Holder, Jr.,
Attorney General.

Mr. NELSON. The Attorney General cited problematic actions of the Governor’s chief elections official, including purging from the voter rolls suspected noncitizens—a move that even- tually was blocked after outright opposition from county election supervisors.

So in light of this evidence and follow- ing a widespread public outcry, what do we do now? As we say, it may not be a elections battle, and all the other blockades to voting, as we have seen in the past, particularly by all of the marches and so forth during the 1970s civil rights era. It might not be as obvious, but there are all these subtle attempts. So what do we do?

I submit that though the problem is complex, the answer is relatively simple. As Americans who cherish the right to vote, we must turn to those schemers and say: There is a promise of democracy and a duty to break. We have an obligation to keep this promise of democracy for our children.

Congress may be dysfunctional, but we must continue to push lawmakers to pass legislation that affirms the Supreme Court’s 1965 Voting Rights Act and the 1975 extension. As you know, in 2014 recommendation of a bipartisan Presidential Commission on Election Administration, Florida’s Chief Elections Officer, Secretary of State Detzner, said a year ago: “The vote is the most powerful instrument ever devised by man for breaking down injustice and destroying the terrible walls which imprison men because they are different from other men.”

Also remember what Dr. King said:

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the cases, the person on the other side of that debate is as well motivated and as genuine as you are. You can be wrong and not be evil. You can be wrong and not be badly motivated.

You know, elections do have consequences. Every person we are talking with on this floor in this debate was elected to the Senate.

I think Senator Sessions will be confirmed Attorney General, so sometime later this week, one of our number will have been appointed to this job. But these are people who come to this process as the Constitution determines, and they serve here as representatives of both the State they represent and the Constitution and what it stands for.

In the case of Senator Sessions, we have a colleague who has been here for 20 years. Anybody who has been here less than that served every day of their time in the Senate with Senator Sessions. People who have been here longer than that have served all 20 years. Senator Sessions does know how you can do that and not see the quality he brings to that job every day.

And I have not always voted the same. In fact, there is probably no Member of Congress who has voted the same. But he comes with a background of integrity.

He started as an Eagle Scout. I think he was a Distinguished Eagle Scout. I am not sure why I know the difference between an Eagle Scout and a Distinguished Eagle Scout; I thought all Eagle Scouts were distinguished. But starting even then, JEFF SESSIONS has been a Distinguished Eagle Scout. I thought all Eagle Scouts were distinguished. But he comes with a background of integrity.

He has four decades of public service. In 1975, he became an assistant U.S. attorney in the Southern District in Alabama. Half a dozen years after that, he became the U.S. attorney in that district. He held that job for 12 years until he became the attorney general of Alabama. People trusted him to take that responsibility. In 1997, as I said, he came to the Senate.

He has been a senior member of the Judiciary Committee for some time. He has worked across party lines, and he has done that in fights for justice and against the victims of crime and, frankly, on more than one occasion, fights to be sure that those accused of crimes also had their day in court. And he has fought that fight every day in court, it was Senator Sessions who was instrumental in leading the fight for the Fair Sentencing Act.

Senator Sessions was very involved in the Paul Coverdell act for forensic sciences to be sure that the evidence that was in court would be unassailable to every extent possible. He has been vigorous in wanting to be sure those accused of crimes had justice, as well as those who were the victims of crime.

When I came to the Senate, Senator Cochran was a Democrat from Delaware and a good friend of mine. I am thinking about him in this week that his father passed away. When we came to the Senate 6 years ago, we formed the Law Enforcement Caucus. Senator Sessions was a great supporter of that effort.

When we were able to reauthorize in the last Congress the Victims of Child Abuse Act—this is a law that provides Federal assistance to locations in virtually every State—22 in the State of Missouri—where kids who have been the victims of crime or a witness to crime have a place to go and get the information out of their lives that needs to be gotten and that they can get on to the next thing that happens, a law that protects our most vulnerable children and is designed to hold the perpetrators of crimes on those children or crimes those children witness—allows that to be dealt with in the right way. Senator Sessions was a great advocate for that.

He has been endorsed by the major law enforcement associations of the country, as well as many of his colleagues. The law enforcement associations that say JEFF SESSIONS would be a good Attorney General are the Fraternal Order of Police, the National Sheriffs’ Association, the Federal Law Enforcement Officers Association, the Major Counties Sheriffs Association, the Major Counties District Attorneys association, and the list goes on.

Then you get to the victims of crime groups who have endorsed Senator Sessions. Five former U.S. Attorney Generals and one former FBI Director are on that list. They are saying that JEFF SESSIONS would be a good Attorney General in the case of five of them—to hold the jobs they held, and they know more about that job than any of us do; Michael Mukasey, Alberto Gonzales, John Ashcroft, Bill Barr, Ed Meese III. All, along with FBI Director Louis Freeh, have endorsed JEFF SESSIONS for this job.

There has been some discussions of his relationship with African Americans. We have African-American endorsements from his State but also from the former Secretary of State, Condoleezza Rice; our colleague Tim Scott, who will be here later this afternoon, and I intend to be here for his remarks; and Larry Thompson, the former Deputy Attorney General. These are people who know JEFF SESSIONS and know what he has to offer to that job.

It is a job of great responsibility. Senator Sessions will be as Senators have an opportunity to confirm someone to that job or any other job that we know as well as Senator Sessions. We know his family. We know his recent addition of twin grandchildren to his family just a little over a year ago. We know how much he cares about them. We know the moments that he has reached out to each of us as we have had challenges or things we needed help with. I think he will do a great job as Attorney General. I believe that will happen later today. I think the country and the Attorney General’s office will be in good hands late today when JEFF SESSIONS undoubtedly, I am confident, becomes the Attorney General.

I look forward to that vote later today and then getting on to the next nominee, Dr. Price, whom I served with in the House. Any discussion that there have not been ideas that were alternatives to the Affordable Care Act—people just have not been paying attention to Dr. Tom Price all the time he has been in the Congress or as budget director and haven’t paid attention to him practicing medicine has not been an other great nominee at a time when we really need to set a new course.

We are going to see that happen in both the Attorney General’s office and at HHS, and I look forward to what we do as those move forward.

I also look forward to what may not be the official maiden speech but what I think will be the first speech on the floor for our new colleague, John Kennedy. I yield the floor.

The PRESIDING OFFICER, the Senator from Louisiana.

Mr. KENNEDY. Mr. President, I rise to support the nomination of JEFF SESSIONS to be the next Attorney General of the United States of America, and I would like to explain why.

It seems to me that most Americans don’t care about the politics on Capitol Hill. They don’t particularly care about the politics in the Senate, and they don’t particularly care about the politics in Washington, DC. Most Americans are too busy earning a living. These are the Americans who get up every day, they go to work, they work hard, they obey the law, they try to do the right thing by their kids, and they try to save a little money for retirement.

Most Americans I think are fair-minded, and most Americans are commonsensical. They understand that we are not electing to be President, the President can’t do the job alone. He gets help, and he starts with appointing members of his Cabinet. Of course, the Senate has to provide advice and consent and confirm those appointees.

Most Americans understand that a President—whoever the President—is not going to pick his enemies to do that. He is not going to pick somebody he doesn’t trust. He is not going to pick someone to advise him if he is not quite sure whether he is going to pick someone he is on friendly terms with. He is going to pick somebody who is competent. He is going to pick somebody who is experienced. That is what President Trump has done. That is what President Obama did. That is what Secretary Hillary Clinton would have done, had she been elected President.

Now, President Trump has nominated Senator JEFF SESSIONS. I recognize that not all Americans and not all Members of the Senate agree with his political positions. Some folks don’t agree with his political party. Some folks don’t like him because they don’t like the person who appointed him. I
get that. Some folks may not even like the part of the country he is from. That is OK. This is America. In America, you can believe anything you want to believe, and as long as you don’t hurt anybody, you can say it.

But there is no reason to think that no reasonable person, if they look at Senator Jefferson Sessions’ record, can argue that he is not qualified, if by qualified you mean that he has any potential to be a great Attorney General.

The senator who has served as a State attorney general. This is a man who was a U.S. attorney not for 1 year or 5 years or 6 years. For 12 years he served as a U.S. attorney. This is a gentleman who has been a U.S. Senator for 20 years, three terms, and three times the good people of Alabama have sent Jefferson Sessions to this body.

Most people here know him. They have had lunch with him. They have met his family. They have worked with him on bills. They have worked against him as well. They know him, and they know he is qualified.

There has been a lot of discussion about whether Senator Sessions will respect the rule of law. He will. He understands the difference between making policy and executing policy. I have no doubt whatsoever that Senator Sessions, as the next Attorney General, will be more than willing to enforce laws that he might not necessarily agree with.

There has been some discussion about Senator Sessions and the Bill of Rights. Senator Sessions understands the importance of personal liberty. I listened very attentively in the Judiciary Committee. He was asked a lot of questions about our Constitution. It is clear to me that Senator Sessions understands that the Bill of Rights is not for the high school quarterback. The Bill of Rights is not for the prom queen. The Bill of Rights is there to protect the man or woman in America who might want to do things a little differently. He understands that very, very clearly.

At some point, we all have to stop regretting yesterday, and we have to start creating tomorrow, and that is the point we are at.

I unconditionally support Senator Sessions to be the next Attorney General of the United States of America.

I yield the floor.

Mr. SCOTT. Mr. President, before I get into my speech regarding Senator Sessions, I wanted to talk a little bit about what occurred last night.

First, there is no doubt in my mind that the letter written by Coretta Scott King should be read by each and every Member of this Chamber. Regardless of whether you disagree with her conclusions, her standing in the history of our Nation means her voice should be heard. What I took issue with last night and the true violation of rule XIX in my eyes were the remarks shared last night originally stated by Senator Kennedy—not Coretta Scott King—Senator Kennedy.

Whether you like it or not, this body has rules, and we all should govern ourselves according to the rules.

There was no doubt that last night’s emotions were very high, and I am not necessarily happy with where that has left us today. The Senate needs to function. We need to have a comity in this body in order to work for the American people. This should not be about Republicans and Democrats. It is not about us; it is about the American people.

If we remember that point as we move forward, our Nation will be able to heal where we hurt. We will be able to disagree without being disagreeable. This should be the norm, not a unique experience in public discourse.

Before I decided to give this speech, I had the privilege last night around midnight of having to sit in the Chair and presiding. My good friend Cory Booker was making an eloquent presentation about where we are on issues of race in this Nation. He was talking about the South, and he was talking about the pain, the suffering, and the misery.

Today, as I want to share my thoughts on Senator Sessions and how I have come to this conclusion, I thought it was important for me to not try to persuade people but to simply inform, because this issue is not simply the issue about our next Attorney General. This is really an issue about all of us, not just all of us as members of the American family. This is an issue that digs deep into the core of our souls, deep into the core of our Nation, deep into who we can be, who we should be, and how we will get there.

So my objective here, as I speak, will not be to somehow persuade the other side that your decision is wrong. I don’t think that is my responsibility. I don’t think that I was ever to persuade those who believe that Jeff Sessions will not be a good U.S. Attorney General that they are wrong. I simply want to share information. I want to share facts. I want to share, as Paul Harvey used to say, “the rest of the story,” because if you read the news reports, you walk away with a clear picture based on facts but not necessarily a clear picture based on truth. There has been a distortion in many arenas in the echo chambers about who he is and why I support him.

My good friend Cory Booker last night spoke about a true American hero, John Lewis. John Lewis is an American hero. I know that this may sound a little corny. I know that I am not even to persuade those who believe that Jeff Sessions will not be a good U.S. Attorney General that they are wrong. I simply want to share information. I want to share facts. I want to share, as Paul Harvey used to say, “the rest of the story,” because if you read the news reports, you walk away with a clear picture based on facts but not necessarily a clear picture based on truth. There has been a distortion in many arenas in the echo chambers about who he is and why I support him.

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It is an important day and an important issue, and the U.S. Attorney General is perhaps one of the most important decisions I will make about the Cabinet of President Trump. I will tell you that, for me, this has been a challenging journey, one that I have not taken lightly because, as I said earlier, I am going to be Black when I leave this body, and so when I think about some of the comments and some of the challenges for Jeff Sessions around the 1986 process, the trial of the KKK and the trial of the Turner family, an African-American couple—they were defendants he brought to court—I have heard it, and I wanted to know more about what it is we are talking about, not by reading it in the paper but by calling folks in Alabama, understanding with new eyes who Jeff Sessions is—not the guy I serve with but the guy who will have the most powerful position in law enforcement. I wanted to know firsthand who he was before he was nominated and how he would respond in a room filled with African-American leaders.

And my best friend in Congress, Trey Gowdy, for a very long time throughout South Carolina have held meetings of African-American pastors and leaders coming together with law enforcement to try to bridge the gap that obviously exists between law enforcement and African-American leaders. So I brought Jeff Sessions down to see from a distance how he interacts with these African-American pastors, hear the tough questions on Walter Scott and other issues so I can have an opinion and an idea of how the Justice Department under his leadership would act.

I take this responsibility seriously, and I wonder if my friends in the Chamber have had a chance to see what others think—not the political echo chamber, not the organization, but run-of-the-mill people.

So I had that experience, and I will tell you that without any question, the conclusion that I have drawn is pretty clear. I am glad that I dug into the issue. I am glad I took the time to know Jeff Sessions the best I can from what I have read from 1986, what I saw in my own home city of Charleston, with a provocative history on race.

We are at a defining moment in our country, not because of the Attorney General, not because of the debate we are going through in this body, but because our country is being pulled apart from both ends. This is not healthy for our country. Too often, too many particularly on the right are found guilty until proven innocent on issues of race, issues of fairness. I say that because, as I think about some of the comments that have come into my office over the last several weeks, I am used to being attacked. If you sign up to be a Black conservative, the chances are very high you will be attacked. It comes with the territory and therefore I have had it for 20 years, two decades. But my friends and my staff are not used to the level of animus that comes in from the liberal left who suggest that I somehow am not helpful to the cause of liberal America and therefore I am not helpful to Black America because they see those as one and the same.

I brought some of the pages of chats that I have from folks, the comments I get from Twitter about my support of Jeff Sessions:

Tracy V. Johnson sent in “Sen. uncle Tim Scott.”

“Everyone from SC who happens to be a left winger knows that Tim Scott is an uncle Tom. (‘S’ is documented. ‘S’ is not for Scott; it is for fertilizer.

SGault says: “A White man in a black body: Tim Scott backs Jeff Sessions for attorney general.”

Until 3 weeks ago the only African-American chief of staff in the U.S. Senate out of 100 was the chief of staff for a Republican. The second African-American chief of staff in the U.S. Senate is the chief of staff of a Republican. Yet they say of my chief of staff that she is “high yella,” an implication that she is just not Black enough.

I go on to read from folks who wanted to share their opinions about my endorsing Jeff Sessions: You are a disgrace to the Black race.”

Anthony R Burnam @BurnamR says: “You an Uncle Tom Scott aren’t you? Sessions. How does a black man turn on his own.”

Anthony B. from @PoliticalAnt says: “Sen. Tim Scott is not an Uncle Tom. He doesn’t have a shred of honor. He’s a House Negro, like the one in Jango.”

He also writes—I guess Anthony Burnam has been active on my Twitter feed—that I am “a complete horror . . . a black man [who is] a racist.” “Against black people” “Big Uncle Tom [piece of fertilizer]. You are a disgrace to your race.”

I left out all the ones that use the “N” word. I just felt that would not be appropriate. You see, what I am surprised by, just a smidgeon, is that the liberal left that speaks and desires for all of us to be tolerant does not want to be tolerant of anyone who disagrees with where they are coming from. So the definition of “tolerance” isn’t that all Americans experience a high level of tolerance; it is all Americans who agree with them experience this so-called tolerance.

I am not saying this because it bothers me because, frankly, I have experienced two decades of this. You don’t necessarily get used to it, but you don’t find yourself as offended by it at all.

I just wish that my friends who call themselves liberals would want tolerance for all Americans, including conservative Americans. I just wish that my liberal friends who are self-described liberal would want to be innocent and not guilty until proven innocent.

So back to my findings on Jeff Sessions. I brought Jeff Sessions to Charleston. And you can read about it in the Post and Courier, the local newspaper. The pastor said that Jeff Sessions was warm and friendly, engaging and competent.

Now, I will say that the response from the NAACP and the NAN, the National Action Network, about the meeting that I had with the African-American pastors—that it was outrageous that I would invite African-American pastors to meet with this guy and they didn’t have an invitation, votes in favor of the 30-year extension. I didn’t talk anyone who was coming because I wanted folks to come into the room and make their own decisions and come to their own conclusions. They decided not to come. Maybe it was because a conservative America. I don’t know why. But I wanted everyone to have a chance, and they did. It was interesting.

Here are some other interesting facts that I have not seen often in the press, which I think is a very important point.

All of us who engage in conversations around this Nation about race and justice, to only have part of the story is just as unfortunate as what we should get used to that I haven’t gotten used to. But the reality is, 50 years ago, in 1966, Senator Sessions campaigned against George Wallace’s wife for Governor. As a Senator, Jeff Sessions voted in favor of the 30-year extension of the Civil Rights Act. He was one of only 17 Republicans to support the first Black Attorney General, Eric Holder. He spearheaded the effort to award the Congressional Gold Medal to Rosa Parks, an Alabama native and civil rights icon.

As Cory Booker, my good friend from New Jersey, said last night as I presided, he and Jeff Sessions worked wonderfully well together in awarding the Congressional Gold Medal to the foot soldiers of the civil rights movement in Selma, AL.

Here is another part of the story that just hasn’t seemed to break through the threshold of our media on Jeff Sessions’ support within the Black community. As I started making phone calls to leaders in Alabama who were Black and Democrats, I was very surprised at what I started hearing. Jeff Sessions with an Alabama native, Condoleezza Rice, who is not a Democrat but who is an Alabama native. She said: Sessions has worked hard to heal the wounds in Alabama brought on by the “prejudice and injustice against the descendants of slaves.”

Willie Huntley, an African-American assistant U.S. attorney under Jeff
SESSIONS, now an attorney in Mobile, AL, has known JEFF SESSIONS for more than 30 years and said in an interview that he has never encountered racial insensitivity from SESSIONS in the three decades they have known each other.

Alabama Senate Democratic leader Quinton Ross said of JEFF SESSIONS: “We have talked about things from civil rights to race relations, and I think anyone—once you gain a position like that, actually partnership has to go to the person who represents the United States and all the people.... I feel confident [JEFF SESSIONS] will be an attorney general that will look at it from all perspectives to just do what’s right for the citizens of the United States.”

That is from an African-American Democratic leader in the Alabama State Senate, Quinton Ross.

From former Obama administration Surgeon General Regina Benjamin: “I think he’ll be fine. I consider him a friend, and the reason why is: he is a person who listens to the attorney general. My hope is that he’ll do what is best for the American people.”

Former Deputy Attorney General Larry Thompson says this. Larry is 71 years old, so we are not talking about folks who grew up in my New South that I talked about earlier. Still we are working through it, but, boy, we have changed. This is a 71-year-old who says of JEFF SESSIONS: “He doesn’t have a racist bone in his body. He said: ‘I have been an American for 71 years. I think I know a racist when I see one. JEFF is far from being a racist. He’s a good person, a decent person.”

Gerald Reynolds, former chairman of the U.S. Commission on Civil Rights: “During my discussions with Senator Sessions and his staff, it was clear that the senator has a strong interest in ensuring our nation’s antidiscrimination laws are vigorously enforced. Senator Sessions is a man of great character, integrity, with a commitment to fairness and equal justice under the law.”

Just a few more.

Fred Gray. Fred Gray is an iconic figure in civil rights, for those of us who may not be familiar with him. Fred Gray is an African-American civil rights attorney. He represented the Reverend Dr. Martin Luther King, Jr. He represented Rosa Parks. He represented the Tuskegee men who were exploited in the syphilis experiment by the government. This is what he said in this letter from 2016:

What would be more noteworthy for the State of Alabama than having an Alabamian follow in the footsteps of the late Mr. Justice Hugo Black? Previously I have expressed appreciation for your acts herein stated. I look forward to working with you in any future capacity in which the Lord permits you to serve.

That is a quote from a letter that he wrote to JEFF SESSIONS.

We are talking about a hero of the civil rights era. We are talking about the lawyer for Martin Luther King, Jr., Rosa Parks, and the Tuskegee men. We are not talking about someone who doesn’t understand and appreciate the weight and the importance of civil rights in this Nation.

William Perry, who was hired as the first African-American Republican chief counsel to the Senate Judiciary Committee by JEFF SESSIONS. He said:

Jeff Sessions is a man who cared for me, who listened to the issues. That won’t change when he is the Attorney General of the United States. And I expect that there will be times, as it is with every person, that I legitimately disagree and I will be required by my conscience to speak out. I look forward to those constructive debates, if necessary. However, despite our political differences, the Senator and I share certain Alabama and American values, including love of our State, its people, and our country.

I have known Senator Sessions for many years, beginning with the voter fraud case in Perry County in which my parents were defendants. I have nothing but respect for the Senator. I respect him for the work he did for Senator Sessions, I believe it is important for me to speak out with regard to Senator Sessions personally. First, let me be clear. Senator Sessions and I respectfully disagree on some issues. That won’t change when he is the Attorney General of the United States. And I expect that there will be times, as it is with every person, that I legitimately disagree and I will be required by my conscience to speak out. I look forward to those constructive debates, if necessary. However, despite our political differences, the Senator and I share certain Alabama and American values, including love of our State, its people, and our country.

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Jeff Sessions has worked also on civil rights cases, including the KKK murder case of Henry Hays in 1981. Jeff Sessions worked with the Department of Justice attorneys, the FBI, county investigators, and the county district attorney to solve the murder of a 19-year-old African American, Michael Donald. Sessions and the U.S. Attorney’s Office prosecuted “Tiger” Knowles as an accomplice, obtaining a guilty plea and a life sentence in Federal court. After hard investigative work, Sessions shifted the case of the KKK murderer Henry Hays to the State court where he received the death penalty, which was not available at that time at the Federal level. USA v. Bennie Jack Hays is another successful case against the KKK that Jeff Sessions participated in.

In Conecuh County in 1983, Jeff Sessions joined in bringing the first lawsuit in the history of the Department of Justice to stop the suppression of African-American voting rights. In United States v. Conecuh County, the Civil Rights Division, working with Jeff Sessions, sued white Conecuh County election officials, including the chair of the local Republican Party.

Finally, Dallas County. In 1978, the Department of Justice used Dallas County, AL, to persuade the voters to adopt a single election system and go to a single-member district so that African Americans would have a better chance to be elected. Jeff Sessions supported it, the ACLU supported it, as did the DOJ’s Civil Rights Division. They were successful.

Finally, on the criminal justice issue that I support, according to Senator Dick Durbin, who said during the confirmation hearing that Jeff Sessions supported thousands of years of Black men’s lives because of his push to reduce the disparity between crack and powder cocaine from 100 to 1, to where it is today. Jeff Sessions even fought against the Bush administration to bring that disparity down.

In conclusion, as I reflect on the brave men and women who have shaped this country, who have fought for my freedom, for me to participate fully in this Republic—the greatest experiment of self-governing the world has ever known—we have an obligation to judge a man not by the color of his skin nor by the State of his birth, but by the story his life tells and by the content of his character.

Jeff Sessions has earned my support, and I will hold him accountable if and when we disagree moving forward.

Thank you, Mr. President.

Mr. BENNET. Mr. President, I see the majority leader of the Senate. I will suspend until he has finished.

Mr. MCCONNELL. Mr. President, I just wanted to congratulate the Senator from South Carolina for a very, very meaningful and effective presentation on behalf of our colleague, Senator Jeff Sessions.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BENNET. Mr. President, I too wish to congratulate my colleague from South Carolina on his remarks. We don’t share the same view on this, but he is an important voice in the Senate, and I am glad that he is a colleague on the Education Committee in the Senate.

As a matter of fact, the other day I said that I wish the President had the sense to appoint him Education Secretary. The kids whom I used to work for in the Denver Public Schools would have been very, very well served by him.

The President, of course, is entitled to choose his team, and that is partly
It still hasn’t passed the House. It has never even gotten a vote on the floor of the House of Representatives.

Senator Sessions claimed during that debate that our bill would have “dramatically increased incidence of criminal alien violence, officially legalizing dangerous offenders, while handcuffing immigration officers from doing their jobs.”

He claimed it would have legalized “thousands of dangerous criminals” while making it more difficult for our officers to identify public safety and national security threats.

Senator Sessions claimed our bill would lead to a “huge increase in immigration,” invite a flood of immigrants into our Nation who would steal jobs from “struggling American workers.”

These claims are demonstrably untrue. If our bill had become law, we would have secured our borders, we would have protected our workers, we would have better protected American workers, and we would have strengthened our economy.

Contrary to his characterization of what was in that bill, the 2013 bill provided far greater security than President Trump’s.

The first two words in the title of that bill were “border security.” That has been completely ignored by the critics. It has been completely ignored by people who want to make an issue out of this immigration bill.

But the reality is it provided billions of dollars toward new technologies to monitor the border. It called for the building of a 700-mile fence. By the way, none of the rest of it would come to pass until we took care of the border.

Nearly 20,000 new Border Patrol agents—four times more than ordered by President Trump and double the current number—and not paid for by raising taxes, but paid for by fees that people were paying as they came, and fifth graders also stood up if they were from that country. There were kids from China; there were kids from Mexico standing up in this fifth grade class; incredibly, three kids from Libya whose parents are at the embassy in some capacity in Fort Collins.

As always in these naturalization ceremonies, people had tears in their eyes because as one of them once said to me at another time in Colorado, his daughter had become a citizen of the United States because he knew his children would be citizens of the United States of America.Everybody in the room knew that. The important for these fifth graders’ perspective on American government, on democracy, and on the history of this Republic I think probably may not be quite exactly right because they, thank goodness, have been unattenuated by special interests, unashamed by campaign money and partisan fighting, and power struggles that have nothing to do with the American people or their priorities.

Their view of what the essence of service is really what it is all about. It is really what we are supposed to be doing here: a commitment to a republic and democracy, a commitment to the rule of law, a commitment to the separation of powers. The stuff they are reading in their little Constitution just like this one is what this place is supposed to be about. It is supposed to be what we are doing here. It is the reason why I am objecting to this nomination.

More than that, I feel compelled to talk a little bit about President

TRUMP ADMINISTRATION AND THE JUDICIARY

AND FREE PRESS

February 8, 2017
Donald Trump’s attacks on the judiciary and free press over the last several weeks since he has been sworn into office, since he has taken the oath of office to be President of the United States. He has repeatedly undermined the credibility of Federal judges doing their constitutional duty to uphold the rule of law simply because he disagrees with them.

The Vice President said the other day: There is a tradition in America of one branch of government criticizing another branch of government. There is no tradition, that I am aware of, of a President meddling in an ongoing case in an article III court.

Just today, he called our courts “political.” That is about the most damaging thing you could say about our independent judiciary. He said that last night’s Federal appellate hearing was “disgraceful.” A decision hasn’t even been rendered in the case, and he is saying it is “disgraceful.”

Earlier this week, he accused what he called “fake news” of the word, “ignoring” terrorist attacks in the name of some unnamed hidden agenda. I wish to say, I sat through the last speech at some length, and I want to make sure I get it on the record; so make sure I get it on the record; so there the Chair. I beg the indulgence of my colleagues for a few more minutes.

Mr. President, I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Denver Post, Feb. 6, 2017]

With Latest Bashing, Lying Trump Gets Sinister Indeed

(Original Denver Post Editorial Board)

Donald Trump’s weekend bashing of a federal judge, and Monday’s attack of news organizations for supposedly sharing a hidden agenda with terrorists, goes way too far, and would have been crazy if it weren’t also rather frightening.

Where to begin? Let’s hope that President Trump wasn’t aware of an imminent terror plot in order to down his refuge and travel ban. For if he was, his approach to the threat has backfired so horrendously it could be some time before his administration is able to reinstate it. No, hopefully, a more thought-out version. Now that Judge James Robart rendered the travel and refugee order unenforceable, it is likely that the matter won’t be resolved until it makes it to the United States Supreme Court, where its chances could meet the futility of deadlock.

We hope Trump sees the error in his strategy. The legacy of the United States, working to achieve on-the-ground results within our massive federal government takes skill, and some buy-in from those charged with making it so.

Trump’s order had none of that. Officials in all the relevant agencies knew too little about it until it went into effect. No wonder lawsuits against that one of them persuaded a judge to block the order.

Sadly, Trump doesn’t appear to have gotten the message. Just as he did on the campaign trail, he consulted a judge by claiming his Mexican heritage disqualified him to rule in a case involving Trump University. Trump attacked Judge Robart. “Just cannot believe a judge would put our country in such peril,” the president posted on Twitter on Sunday. “If something happens blame him and court system. People pouring in. Bad!”

Had the president stuck to defending his executive power, he would have been on solid ground. He has been heard to argue that, in making a ruling based on his review of the law, Robart deserves to be held accountable for any lawless action perpetrated by terrorists long sworn to harm Americans.

Then, on Monday, Trump told members of the military that the United States has been intentionally covering up terror attacks, saying that “in many cases the very, very dishonest press doesn’t want to report the truth.” They have their reasons, and you understand that.

To back his assertion, Trump pointed to the exhaustively reported terror attacks in Paris and Nice.

American journalists have been killed reporting on terrorists. They’ve been beheaded. It would be impossible to calculate how many lives have been saved in the overall war-on-terror beat. To suggest that some kind of shared bias exists throughout American newsrooms is strong that it compels journalists to hide truth and thereby endanger the public is as dangerous as it is demonstrably untrue.

So, once again, Lying Trump takes the stage. When he can’t make the grade, he blames others. Doing so is a common enough human reaction to personal weakness, but to falsely suggest—based on the known evidence—that members of the judiciary and the press are somehow on the side of enemies of the state points to either a cracked mind, or something worse.

Americans shouldn’t buy what our president is selling. The truth is Trump botched what could have been a reasonable attempt to make the country safer. His mistakes gave our enemies a huge morale and recruiting boost. And his bashing of others is as unseemly as it is dishonest.

Mr. BENNET. The Denver Post editorialized yesterday, stating the obvious horrible truth here:

American journalists have been killed reporting on terrorists. They’ve been beheaded. . . To suggest that some kind of shared bias exists throughout newsrooms so strong that it compels journalists to hide truth and thereby endanger the public is as dangerous as it is demonstrably untrue.

That is right. It is dangerous. It is dangerous for the leader of the free world to be saying that journalists are crooks; that the facts they are publishing in newspapers and online are untrue when they are true. It is dangerous when we are engaged in an exercise that goes back about 240 years to the founding of this country to refute things that are absolutely true as false and to claim that the reason they are being raised is because people lack integrity; that journalism is all about false news.

That, Mr. President, is the core of it. I put out a list of, I think it was in the seventies, of terrorist attacks they claim had never been reported, and newspaper after newspaper after newspaper had to run hits on it that the White House described as unreported and they have links to the stories in their own newspapers and other newspapers that had reported on terrorists. As the Denver Post noted, and it is worth remembering this, there are journalists who have lost their lives trying to cover this story to have us better understand what is happening in the Middle East, what the threat of terror looks like, the world who are counting on us to pull ourselves together and start making this place work.
I will finish by saying that I think in this world of social media, it is also critically important for us to remember the importance of edited content and the work that journalists do. There is not a class of school kids whom I don’t impart least that thought on, as they think about the research they are doing for their papers and the work we need to do as Senators.

I thank my colleagues for their indulgence. Thank you for allowing me to speak on this floor. It is a great privilege to be here, but it is a privilege we need to exercise in a way that actually reflects the values of this country and the expectations that the American people have for us to address their priorities.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

RUSIA

Mr. RUBIO. Mr. President, first, I do appreciate the words of my colleague from Florida. Thank you for them, and that topic deserves more discussion on the floor of the Senate.

One of the things that always gives me extraordinary pride to be an American and to be a Member of the Senate is that I sit here today and listened to my colleague from South Carolina, Senator Scott—that neither my ancestors nor his were participants in terms of structuring this Republic. Yet this Republic is so grand that if there is room for people like me and him and so many others participating—including here, as one of only 100 Americans who are entrusted with the responsibility of representing our States and also upholding our Constitution in this body.

The Senator from Colorado is also right in talking about the role of the Senate not just in terms of passing laws but in conducting oversight irrespective of who occupies the White House. It is a difficult thing to do these days because everything in American politics is covered through the lens of politics and of elections. Almost immediately, whatever I say here on the floor today will be analyzed through the lens of our elections, both past and elections future. What is he trying to achieve or what are any of us trying to achieve politically? There is a place for that. I think we are not foolish enough to believe there is no politics in politics, anyway.

There is also something that is incredibly important, and that is the Constitution that every single one of us is sworn to uphold. It is a pledge that I again took recently on these very steps a few feet away from where I stand here not a few weeks ago. Part of that is, in fact, to oversee the foreign policy conduct of the United States. As many of us are aware, there has been recent discussion in some circles, including in my party, about a desire to reignite a better relationship with Vladimir Putin and with Russia. By the way, I share that goal. I think it would be good for the world if the United States and Russia had a better relationship and, in particular, with the Russian people, with whom we have no quarrel. I also think we have a responsibility to understand what the obstacles are to better relations.

It is in that spirit that I come to the floor of the Senate today because I had a lot of people ask me over the last week, over the last few months: Why is it that you have such views about our relationships with Russia on the way forward?

I want to take a moment to discuss that in the broader context, with everything else that is happening here now. Even as we work through these nominations, the world continues to turn, and events around the world continue to have an impact on us here.

Let me begin by saying this. I don’t think this is a fact that can be disputed. Vladimir Putin today has amassed more power in Moscow and Russia than any leader in Russia in about 68 years. It is used to maintain that power through a pretty straightforward deal that he had with both elites and the broader society.

Here is the deal he used to have with them. The deal was this: I will help you or they—those elites—make a lot of money and become very wealthy. And I will help society at-large by helping to grow our economy. In return, however, I need complete power and complete control of the government. In return for capital, which he had up until just a few years ago when a combination of falling oil prices and economic decline forced them into a different direction. The new model that Vladimir Putin is now pursuing in Russia is one in which he is basically trying to gin up and rally public support, and he is largely doing it through a foreign policy which is aggressive and which is designed to create an impression among the Russian people that they are re- stored to great power status—a status equal or on par with that of the United States.

The first thing we have to understand is that much of what Vladimir Putin does is not in pursuit of an ideology, like the Soviet Union did. It is about domestic politics in Russia and about needing the Russian people to believe that he and his strength are essential to what Russia has. So much of it is about that.

What are the prongs of the strategy? The first is that he has sought to make their military modern and strong, and you see evidence of that in the fact that while Russia is going through crippling budget cuts as a result of a downturn in the global economy, oil prices falling, and sanctions against the Putin government, they are increasing defense spending. They are modernizing. They are adding capabilities. They are, for the first time, actually serious about defending the Russian Federation, an organization of activists who call for open elections, a free press, and civil rights reforms in Russia.

This is an interesting thing to talk about because there has been a lot of discussion on this floor a moment ago about the press and a lot of discussion about elections, of course, over the last year and longer. There has been a lot of discussion about civil rights. Think about this. This is what the Open Russia Foundation works for and on behalf of in Russia.

In America, when you believe that civil rights are being violated at this moment in our history or you think the election system is working in the way it should or you are defending the press, as my colleagues have done here today in the right of a free press, you have a bad blog post written about you, someone may run against you for office, someone will start nasty things about you from the other side, maybe somebody will stand up on the floor and criticize you for this or that.

Let me tell you what happens when you do that in Russia. They poison you. Kara-Murza is believed to have been poisoned in February 2017; after he experienced organ failure, and he is currently in the hospital—just this month. This comes 2 years after another suspected poisoning that nearly killed him in May 2015.

I want to take a moment to urge the administration to do everything in their power to ensure that he is receiving the medical care he needs and to do that in a manner which will be the latest apparent attempt against him.

If this was an isolated case, you would say: Well, maybe something else happened. There is an incredible number of critics of Vladimir Putin that wind up poisoned, dead, shot in the head in their hotel room, found in the street, and other things.

In other instances, just today we have this article from the Wall Street Journal about someone who was thinking about running against Vladimir Putin, Aleksey Navalny, thinking about running for President.

So what happens in America when somebody thinks you are going to run for President? They do an opposition research file. They plant negative stories about you. They start bad-mouthing you on cable news. That is unpleasant, no doubt. He was found guilty by a kangaroo court of corruption, which, of course, according to Russian law, finds him and blocks him from running in next year’s Presidential election.

Again, if this were an isolated case, you would say: Maybe this guy did...
something wrong. The problem is, just about anyone who is either thinking about running for office or challenging Putin winds up poisoned, dead, in jail, or charged and convicted of a crime.

The second thing he has done is just completely crack down on all internal dissent. There is no free press in Russia. I would venture to guess that if I controlled 80 to 90 percent of the press reported about me, I would probably have approval ratings in the eighties and nineties as well. That is a pretty good deal for the leader but not for the people.

The third thing that is part of this effort is that they are basically doing everything they can—Vladimir Putin—to undermine the international order that is built on democracy and respect for human rights. I think the example of that is in various places.

Look at what has happened in Syria. Vladimir Putin gets involved in Syria, not because he cares about humanitarian issues, in fact. Russian forces have conducted airstrikes in civilian areas. We have seen the images. It is undeniable that it happened. It is by every definition of the word a war crime to target civilians with military weapons.

That is what has happened in Syria. But for Vladimir Putin, it has been successful because his engagement basically changes the conflict. He now has positioned himself in the eyes of the world and many people around the world as a power broker in the Middle East—in fact, as an alternative to the United States in that region.

This is part of his strategy. It wasn’t about Syria as much as it was about his goal of being able to go to the Russian people and say that we matter again on the global stage. In Ukraine, there was talk about moving toward the European Union in terms of economic relations, there was talk about joining NATO. Then he invaded Crimea, and he kept it. He has funded separatists forces in eastern Ukraine. There is no more talk of unifying the separatists forces in eastern Ukraine.

The third thing I think we have to do is that we are basically changing the conflict. It wasn’t about Syria as much as it was about his goal of being able to go to the Russian people and say that we matter again on the global stage. In Ukraine, there is no more talk of unifying the separatists forces in eastern Ukraine.

Then we have all heard the discussions about the elections in the United States and the efforts of other governments to not just hack computers, it is not about hacking alone. It is about the strategic placing of information, gathered through cyber intrusion, for the purposes of undermining political candidates and, therefore, influencing the election.

There was something deeper here. It was part of a broader effort to discredit our Republic and our democracy, to be able to go back to the Russian people and to the broader world and say that the American political system is corrupt. The American political system is not a true democracy. The American political system is as bad as all these other systems in the world that they criticize. They do not come to this with clean hands.

I often wonder sometimes if we contribute to that argument in the way we behave toward one another in our political discourse in this country. That is something to think about in the long term. I want you to understand that as we engage in these political debates in this country, these things are being viewed around the world. For people who may not have a clear perspective, or if this information is being used negatively—by no means am I saying that we should not have vibrant debate in this country: we should, but I also want people to understand—that often times gives off the perception that, in fact, our Republic is on the verge of collapse.

We are in challenging times. We have some strong disagreements, and often times they become heated. I know for a fact that there isn’t a single Member of this body prepared to walk away from the Constitution and the idea that it protects and are enshrined therein.

By the way, I don’t believe Vladimir Putin is done in this effort. I think you are now going to see him continue to interfere in Yemen. He can use that as leverage against the gulf kingdoms, against the Saudis.

I think you are going to see him continue to engage in Egypt. He will go to the Egyptians and say: The Americans are always hassling you about human rights. Why don’t you just buy your weapons from us? Why don’t you give us a military base? We are never going to give you grief about human rights. We are a much easier and low-maintenance partner.

I would even be surprised to see him start dabbling in Afghanistan with the Taliban, in some capacity anyway, and couch it in terms of fighting ISIS.

We will see. My point is, it is not done. I bring all that up in the context of this suggestion among some, and I think it is important to talk about it because I don’t think we should dismiss viewpoints. There are some, including in the administration, who believe that maybe we can do a deal with Vladimir Putin where he helps us fight against ISIS in Syria and Iraq. The argument to you is that we don’t really need to do that. That is going to happen on its own. Say what you want, as soon as ISIS is destroyed in Syria and Iraq or in both, the Iranians are going to immediately not just push to drive the Americans out of the region but drive the Russians out as well.

The Iranians are not interested in replacing American influence in the region with Russian influence. They want to be the hegemonic power in the region. As to this argument that we somehow can peel them apart, my friends, that is going to happen all on its own. If we abandon there tomorrow, the Iranians would immediately turn to driving the Russians out because they want to be the hegemonic power. They have long desired to be the hegemonic power in the region. That is going to put them in conflict with the Russians sooner rather than later at some point there, at least to some level.

The third thing I think we have to understand is that there is absolutely no pressure, no political rationale why Vladimir Putin needs a better relationship with the United States at this time. At least not now. He is not going to lose an election, because if you run against him, you go to jail. He controls the press. He controls the political discourse in the country. So one of the reasons we should always be advocates for democracy because democratic leaders act much more responsibly because they have to answer to their people, but in essence that is not what you have in Russia. There is really no reason or rationale why he would be pressured to have a better relationship with us.

Do the Russian people want a better relationship with America? I have no doubt about that, but I want you to understand that everything they learn about our relationship with them is largely derived through the Russian press. If you never had the pleasure of watching, for example, the RT Network on television, and you are interested in comedy and satire, I encourage you to watch it or watch it from time to time so you can see an alternative representation of events that would startle you, and perhaps make you laugh.
This is unfortunately the sort of media information that filters to the Russian people that Vladimir Putin and the Kremlin completely control.

Here is the fourth and perhaps most important reason I think this endeavor is unwise and perhaps even counterproductive. The price you would have to pay is simply too high in return for the alleged benefit that would come about.

No. 1, the Russian Federation under Vladimir Putin has basically violated every agreement they have made now and in the past. They are violating the cease-fire. They violated all sorts of arrangements with regard to arms reductions, and they will continue to do that in any deal anyone cuts with him.

The second one is one of the first things he is going to ask for is the lifting of all sanctions for both Ukraine and interference in our elections, in return for no changes to the status in Ukraine and no promise of not undertaking efforts like what happened here in the future.

The third thing they are going to demand is recognition of a Russian sphere of influence in Eastern Europe, especially in places that are now countries and parts of the former Soviet Union. In essence, a United States acceptance officially or otherwise that there are countries in the world who are not allowed to enter into economic or military engagements with the United States. Russia already has this.

You think about that. They are basically going to ask us to play some game of geopolitical chess, where we basically turn over the sovereignty and sphere of influence in Eastern Europe, and no promise of not undertaking efforts like what happened here in the future. This is a requirement. It is one of the costs upon us.

He would also require the United States to support pulling back NATO troops and equipment and personnel and operations from Nations in Europe, which would be devastating to the NATO alliance, which one of his other goals is to render NATO feckless and irrelevant.

I just don’t think that is a price worth paying in exchange for alleged cooperation against ISIS—that he claims to be conducting in Syria and so forth. I hope that will continue, and the links with the United States and the Russian people grew strong and those links remain.

In my home State of Florida, there is a significant number of Russian people, and we desire for Russia to be powerful and influential in the world. We want Russia to be prosperous. This country does not view this as a zero-sum gain. In order for America to be less important, Russia must be less influential.

Our quarrel is not with Russia but a leader who does view it as a zero-sum gain, a leader who believes the only way Russia can be more important is for America to be less important—a leader who has chosen to try to undermine an international order based on democracy and free enterprise and human rights that has kept the world out of a third world war, and I think it is important for us to do that.

I think that is important and why we need at least to be prepared in this body, if necessary, to move forward with legislation that doesn’t just codify existing sanctions but that prevents the lifting of those sanctions, unless the conditions in those sanctions are met. This is our job. It is true that Presidents and administrations have an obligation, a duty, and a right to set the foreign policy of the United States. There is no doubt about it. I think that is true, no matter who is the President.

But it would be a mistake, and in my opinion, a dereliction of duty for the Senate and the Congress to not recognize that we, too, have a duty to shape the foreign policy of the United States and the power to declare war in the budgets that we pass, in the laws and conditions that we put in place, and in the agreements that we make when necessary, even in the process of nominating individuals to serve in the United States Government and the executive branch.

We not only have the power, we have the obligation; the obligation to shape and direct the foreign policy of this Nation, and if we don’t, then we are not living up to the oath we took when we entered this body, and that it is not a political thing. This is not about embarrassing anyone. This is not about partisan issues. It should never be. In fact, one of the traditions that has existed in this Nation for a long time is that foreign policy, when it came to issues that impacted the security issues of the United States, there was an effort to make sure it was as bipartisan or nonpartisan as possible because when America gets in trouble on national security, there is no way to isolate on a bipartisan basis.

It is my hope, as we debate all these other issues, that we can keep these issues in mind because it is critical to the future of our Nation, critical to our standing in the world, and ultimately vital and critical to the kind of world and Nation we will leave to our children and grandchildren in the years and decades to come.

I, for one, in the midst of all of this debate about a bunch of issues that divide us, will continue to work to ensure that this is one that unites us and allows us to live up to our constitutional obligation to participate fully in shaping and directing the foreign policy of this great Nation.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. Kaine? Mr. President, I rise to oppose the nomination of Senator Jeff Sessions to be Attorney General. I thought very carefully about this matter and about what it means to oppose a colleague. An action is not taken lightly last night, where one of our Members was ordered to stop speaking as she explained her opposition. Comments that
would have been allowed regarding any other Cabinet nominee were ruled unacceptable because this nominee also sits in this body. I voted to overturn that ruling and restore my colleague’s speaking privileges because I was of the opinion that the constitutional duty to advise and consent on nominations should allow for debate.

But whatever my opinions about the ruling, I do have to acknowledge that standing on the floor to speak in opposition to my colleague is not an everyday occurrence. We disagree every day, all of us, even within our own caucuses on matters of policy, but there is something more personal about taking the floor to take a position regarding a sitting Senator who has been nominated for a Senate-confirmable position.

I know Senator Sessions well. We served together on the Armed Services Committee. We attend a weekly Senate prayer breakfast together. We have taken codel trips together. I consider Senator Sessions a friend, and I re-taken codel trips together. I consider Senator Sessions a friend. We attend a weekly Senate prayer breakfast together. We have taken codel trips together. I consider Senator Sessions a friend, and I re-taken codel trips together. I consider Senator Sessions a friend.

I set out not to, in the words of Lincoln, “be firm in the right as God gives us to see what is right.”

So based upon how I see the right and on my convictions, I cannot support my colleague for the position because I do not have confidence in his ability to be a champion for civil rights, to wisely advise the administration on matters involving immigration, and to be resolute as the Nation’s chief law enforcement official that torture is contrary to American values.

This one matters to me a lot. This appointment is very critical. The Attorney General is one of the four Cabinet appointees who are not allowed to be engaged in political activity: Secretary of Treasury, Attorney General, Secretary of State, Secretary of Defense. They are beyond politics and supposed to be above politics. They must have an independent gravitas and even be willing to challenge the President. The mission of the Department of Justice cannot be more important. For 17 years, before I got into State politics, I was a civil rights lawyer. I read a book that my then 5-year-old son gave me. It was a book about a woman named Lorraine. She was a champ, and was living in kind of an Irish Catholic neighborhood in the suburbs of Kansas City—I decided I wanted to devote my life to this.

So I moved to Virginia in 1984 and started practicing civil rights law, and I did it for 17 years. I will always remember—and I bet you will too—my first client, the first case that I had that was really mine. A young woman who walked into my office and told me she was a victim of Americans who were taking cases, but especially civil rights cases like mine. She thought it was because of the color of her skin. I was able to prove that was the case, and so we were able to win, but what I remember about Lorraine was how it made her feel. She was my age. She had just finished school. She was looking for an apartment, her first apartment away from home, just like I had done. While my experience getting a job, finding an apartment, getting out on my own had been a positive, her experience had been a negative, the sense of never going to have that feeling and carry it with her every time she looked for a house for the rest of her life: Am I going to be treated differently because of the color of my skin? What had been a happy occasion for me, as a young man venturing out into the world, had been a sad one and a difficult one for her.

That started 17 years of fighting in State and Federal courthouses for people who had been turned away from housing or hired or otherwise treated poorly, either because of their race or their disability or because of the advocacy about important public policy issues.

The civil rights laws of this country protect the liberty of minorities of all kinds who otherwise could be tyrannized by the majority view in their courts and they sit in their courts and they have that authority. It is a sacred and fundamental. And in this battle, the Attorney General, the guardian of liberty, or in a wise Biblical phrase, the “Watcher on the Wall.” Judges sit in their courts and they wait for cases to come to them, but an Attorney General is charged with going out and finding wrongdoing and making sure it stops. None of the advances that our country has made in the civil rights field has happened without a supportive Department of Justice and Attorney General. And those of us out in the field, lawyers who were taking cases, but especially the clients who simply seek equal justice under law, they have to view the Attorney General as their champion.

In 1983, a married couple in Northeast DC sat down at their kitchen table and they wrote a letter to a lawyer in town. I want to read the letter to you.

Dear sir: I am writing to you concerning a problem we have. 5 years ago my husband and I were married here in the District. We moved to Virginia to live. My husband is white. I am part negro and part Indian. At the time, we did not know that there was a law in Virginia against mixed marriages. Therefore we were jailed and tried in a little town of Bowling Green. We were to leave the State to make our home. The problem is we are anxious to visit our families. The judge said if we enter the State within the next 30 years that we will have to spend 1 year in jail. We know we cannot afford an attorney. We wrote the Attorney General and he suggested that we get in touch with you for advice. Please help us if you can. Hope to hear from you real soon. Yours respectfully, Mary Burwell

That attorney, Bernie Cohen, became a friend of mine. And his partner Phil Hirschcop and Bernie took the case of this married couple all the way to the Supreme Court, and 50 years ago the Supreme Court struck down interracial marriage in this country. This case started with a couple who, having no where else to turn, thought, if we write the Attorney General, surely he will be a champion for us and he will help us redress this terrible wrong. That is a promise to you. The Attorney General must be a champion for us and he will help us redress this terrible wrong. The powerful never have a hard time finding somebody to represent them in court, but the poor or oppressed or those who don’t have anybody else to stand up for them, they need a justice system that will treat them fairly, and they need an Attorney General who will embody that value.

Three areas: civil rights, immigration, and torture.

In the area of civil rights, Senator Sessions record here as a Senator has been troubling to me. In the past, when he was considered for a judicial position, he declared that the voting rights laws were "intrusive." He welcomed the “good news” when the Supreme Court in the last few years struck down, in the Shelby County case, parts of the Voting Rights Act. He has not engaged in efforts that many of us have tried to engage in to improve and fix the law. He is an important issue to know about an Attorney General whose Department is supposed to be the chief enforcer of the Nation’s voting rights laws. Voting rights are under attack all over this country. The Attorney General must be a champion of those laws.

Senator Sessions has opposed protections for LGBT citizens in this body. He voted against the elimination of don’t ask, don’t tell, which would have allowed gay and lesbian military to serve. He voted against the passage of the Matthew Shepard hate crimes bill. He has publicly stated numerous times his opposition to marriage equality. As far as I know, he has never stated otherwise that he has changed those opinions.

The Senator spoke on the Senate floor about the Individuals with Disabilities Education Act in 2000. He said that this beneficial law was “a bad factor in accelerating the decline in civil-

ity and discipline in classrooms all over this country.” This is very troubling to me as someone who believes that act is one of the Nation’s pre-eminent civil rights laws.
There are other examples, but I won’t belabor the point. The Loving family wrote to Attorney General Robert Kennedy to help them battle injustice because they believed he would protect their important interests. "The house at stake is not mine," he wrote, "but I am not confident that people hard-pressed in this country, who feel marginalized, will see the office as a potential ally and champion under Senator Sessions. This is particularly the case when we have seen the record in the past of civil rights violations and who makes prejudicial comments about people based on their gender, their religion, their immigrant status, or their disability.

Second, immigration. Our immigration policies are critical. We need to fix our laws. In my time in the Senate, Senator Sessions has been the most vocal Senator in opposition to what I believe to be critically important civil rights values at stake. I am not confident he would protect their important interests. His floor comments and his obvious personal passion around this issue are clear, but I think his policies are simply wrong.

Immigration does not hurt our economy; it helps. Jeffery Jefferson recognized this in the Declaration of Independence. In his Bill of Particulars against King George, he said: We do not want to live under your tyranny. You won’t let us have a good immigration system. Jefferson recognized it, and all through the years, the inflow of talent, the blood of innovation and talent and new ideas from immigrants, has been part of what has made our country great. There is such a consensus in favor of immigration reform from the labor unions and the chambers of commerce. The CBO says that it will increase our net worth and GDP.

Immigration does not hurt our workers, as Senator Sessions often claims it does. A reform would help our workers by eliminating the ability of people to live and work in the shadows and be paid substandard wages that undercut it does. A reform would help our workers by eliminating the ability of people to live and work in the shadows and be paid substandard wages that undercut.

I oppose Senator Sessions, who is a friend, who is someone I respect for this position, because his record raises doubts about whether he can be a champion for those who need this office most, and it also raises doubts about whether he can curb unlawful overage by this Executive. I yield the floor.

The PRESIDING OFFICER (Mr. TILLS). The Senator from Pennsylvania.

Mr. TOOMEY. Mr. President, I rise today to speak against the nomination of Senator Jeff Sessions to be the next Attorney General of the United States. I do that as someone who has known him personally quite well for 6 years now. I want to do this briefly because we are pressed for time, but I want to make a few points.

First, I think we all recognize the terrific credentials that Senator Sessions brings to this job—his career, his lifetime serving his country, from his time in the U.S. Army Reserve, to his 12 years as a U.S. attorney, to the 2 years he spent as the attorney general of Alabama, all before being elected to the U.S. Senate. But much more importantly, I am so lucky to know this good man, this good and decent man’s commitment to protecting all members of our society and his sense of fairness. Let me give a couple of examples.

Senator Sessions worked with a Democratic colleague, Senator Coons, on legislation to help women and children who were victims of abuse. It was Senator Sessions who joined me in our successful effort to provide hundreds of millions of dollars of additional funds each year to victims of child abuse and sexual assault and domestic violence.

Senator Sessions’ sense of fairness is also illustrated in his approach to law enforcement. It is probably widely known what he has done of every major law enforcement group in America, but Senator Sessions has also spent a lot of time and effort making sure people on the other side of law enforcement are treated fairly and humanely.

It was Senator Sessions who led the successful effort to eliminate the disparity in sentences for crack users versus cocaine users, working with Senator Durbin, a Democrat. They succeeded because Senator Sessions understood that the disparity—the much harsher penalty on the use of crack cocaine versus white powdered cocaine—was completely unfair and overwhelmingly adversely affected African Americans. That was not acceptable to Jeff Sessions.

It was Senator Sessions who in 2003 joined with Democratic Senator Ted Kennedy in introducing and helping to successfully enact the Prison Rape Elimination Act because of concern about the appalling abuse experienced by some people in our prisons. That was not acceptable to Jeff Sessions.

Let me just say that—I am going to be very candid. The most objectionable and offensive slander I have heard against Senator Sessions is the notion that somehow he has some kind of racist leanings. That is an outrageous and dishonest charge. I have known this man very well. There is not a racist bone in his body. The KKK has not been endorsed by many, many African-American leaders. This is a man who personally took on the KKK every chance he had when he was serving as the U.S. attorney. In fact, arguably, he was the reason that the law enforcement—In fact, he personally did probably more than anyone else to bankrupt the KKK by design so that he could destroy that organization in Alabama, which is exactly what he succeeded in doing.

Jeff Sessions is a man who has tremendous respect for the law, a reverence for the law, respect for the rule of law. There is absolutely no question...
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in my mind, from my own personal experience with him for these years, that he will enforce the law vigorously and fairly.

Several of my Democratic colleagues have come down here and they have rattled off points and in which they disagreed with Senator Sessions. You know what, there are areas where I disagree with Senator Sessions. I guarantee you, there are lots of areas where I had disagreements with the members of President Obama’s Cabinet. But I never went to them and said: I am going to say: My colleagues, this would be a mistake. This is not the right thing to do, not the principal that he holds, he is going to do something that is a violation of the Constitution, and in that context, we need an Attorney General who will have the courage to tell the President of the United States when he is acting in a dangerous, authoritarian, or unconstitutional way.

I have known Jeff Sessions for a number of years, and personally, I like Jeff Sessions. But I do not believe at this moment in history, when we need people around this President to explain the Constitution to him, that Jeff Sessions will be the Attorney General to do that.

I am deeply concerned about voter suppression in this country. I am deeply concerned that, as a result of the Supreme Court’s gutting of the Voting Rights Act, we have, in State after State after State, Governors and legislatures that are working overtime to make it harder for poor people, people of color, older people, young people to participate in the political process.

Today in the United States, we have, compared to the rest of the world, a low voter turnout. Only about 60 percent of eligible voters in America cast a ballot. Our brothers and sisters are conservative, Republican, Progressive, Independent, Democrat—whatever you are, if you believe in democracy, what you should believe in is bringing more people into the political process, increasing voter turnout, not decreasing as hard as you can to suppress the vote.

I want an Attorney General of the United States of America to tell those Governors, to tell those attorneys general all over this country that as Attorney General of the United States, he will fight them tooth and nail in every way legally possible to stop the suppression of the vote in State after State throughout this country.

We have a distinction in this country of having more people in jail than any other nation on Earth. We have about 2.2 million Americans. We are spending about $80 billion a year locking them up, and the people who are disproportionately in jail are African American, Latino, Native American.

I want an Attorney General who understands that the current criminal justice system is failing, that we have to figure out ways to keep people from getting into jail by investing in education, in jobs, and that incarceration and more jails are not the answers to the crisis we face within criminal justice. I honestly do not believe that Jeff Sessions is that person.

In recent years, we have made significant progress in allowing people—regardless of their sexual orientation—to get married and to have the full rights of American citizenship. I do not believe that Jeff Sessions will be the Attorney General who will be supportive of LGBT rights.

We have some 11 million undocumented people in this country. I believe that most Americans see the solution as comprehensive immigration reform and a path toward citizenship.

Today we have some 700,000 people who are DACA recipients, who have come out of the shadows and trusted the Federal Government to protect them. We need an Attorney General who is sensitive to the needs of DACA recipients, who will pursue humane immigration policies, and advocate for the need of comprehensive immigration reform. I do not believe that Jeff Sessions will be an Attorney General.

So, Mr. President, for all of those reasons and more, I will be voting against Jeff Sessions to become the next Attorney General of the United States.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I also rise this evening to talk about the nomination of our colleague from Alabama, Senator Jeff Sessions, to serve as our next Attorney General.

Like many of our colleagues, I have heard from an incredible number of people in my State regarding this nomination—some in favor, fewer than 100—many against. Almost 1,300 Delawareans have called, emailed, or written to my office, expressing their opposition to Senator Sessions’ nomination.

I would like to share, if I could, just a few excerpts from some of the emails that I have received concerning this nomination.

We will start with Priscilla from the town of Newport in the northern part of our State. She wrote to me about the experience of her family growing up in a segregated society. Here is what she had to say. She said:

I lived through my parents not having the right to vote, not being able to go through the front door of a restaurant or doctor’s office, using the colored fountains and bathrooms, Never again.

Another person, Rhonda from Dewey Beach wrote to me about Senator Sessions’ voting record on voting rights. Here is what she had to say. She said:

Mr. Sessions has called the Voting Rights Act of 1965 a “piece of intrusive legislation.” Under him, the Justice Department would most likely focus less on prosecutions of minority voter suppression and more on root out mythical voter fraud.

Here is one from Wilmington, DE—my hometown now—from a woman named Dawn. She wrote to me about her concerns as a parent of a child with autism. She wrote these words:

I am writing to express my deep concern with Jeff Sessions’ nomination for Attorney General. I am a parent of an autistic son. I am terrified that people with these types of disabilities will be in power to enforce (or not) the laws that protect the rights of my son and so many others.

Mr. President, the common theme throughout these letters, these calls, these emails is their fear that Senator Sessions will not be an Attorney General for all Americans.

I know that many of my colleagues—our colleagues—will soon be voting
their hopes by voting to confirm Senator Sessions to be our next Attorney General, but too many of my constituents, including African Americans, immigrants, women, Muslims, and other vulnerable populations, have called and emailed my office in numbers that I don’t think I have ever seen before to express their fears and to ask me to do something about it as their senior Senator.

I have heard their voices loud and clear, and I feel compelled to add my voice to so many others in opposing this nomination.

Let me just say this as clearly as I can. I do so with no joy, no joy.

Last night, as I was thinking about what I wanted to share on the floor this evening, my mind drifted back to another time and place.

The Presiding Officer may not know this. I grew up in Danville, VA, my sister and I, the last capital of the Confederacy. I got there when I was just about 9 years old and left when I was about to finish high school.

The home that we lived in outside of Danville, VA—if you walked out the front door, about 100 yards down the road, there was a church on the other side, a church, Woodlawn Baptist Church. That was our church, and my mom dragged my sister and me there every Sunday morning, every Sunday night, every Wednesday night, and most Thursday nights.

When my sister and I were in high school, we stood on the doorstep of that church Monday through Friday when school was in session, and we would catch a school bus. About 200 yards down the road, on Westover Drive, there was another school bus stop, where African-American kids got on their school bus, 200 yards away. We would drive in our school bus 10 miles to our school, Roswell High School, and the kids at the other school bus stop would get in their bus, and they would drive past our school another 10 miles to get to their school.

On weekends, my dad worked a lot. He was in the Navy Reserve as a chief petty officer. He was gone a lot on the weekends. My mom worked in downtown Danville in the five-and-dime store. My sister and I would catch a bus, and we would ride downtown to go have lunch with my mom on many Saturdays when we were 9, 10, 11, 12 years old.

I couldn’t help but notice when we got on the bus that if you were White, you got to sit up front, and if you were Black, you sat in back. We would go to a blue plate diner with my mom at lunchtime. There was one section where, if you were White, you got to eat there, and another section where, if you were Black, colored, you would eat there. To go to the restrooms, it was colored only, White only.

After lunch, my sister and I would go to Rialto Theatre in Danville, and my mom would give us each a quarter. And we would go to the restrooms. To go to the restrooms, it was segregated. If you were Black, colored, you would eat there, and another section where, if you were White, you got to sit up front, and if you were White, you got to eat there, and another section where, if you were Black, colored, you would eat there. To go to the restrooms, it was colored only, White only.

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I just want to say that JEFF SESSIONS is unlikely to need, especially in this administration, the independent check our country is likely to need, especially in this administration.

Ultimately, however, the votes are where they are, and it appears that our friend, our colleague, Senator Sessions, will be our country’s next chief law enforcement officer and chief attorney. Over these past days and weeks, I thought about whether our future may somehow be tied to the best, as I have said. I know others have too. I also thought about the millions of Americans who fear that he may have views about different races and minorities that could seep into the Justice Department, resulting in unequal applications of our country’s laws.

If I carefully considered my friend’s nomination to serve our country in such a critical role, I found that while we agree on many issues, including that our faith is an important guide not only in our personal lives but in the applications of our country’s laws, that our views on too many important issues diverged.

Many of us worry that JEFF SESSIONS will not be the independent check on this administration that we need, and many of us worry that he will not hold our Justice Department to the principles that everyone, no matter their age, income, sex, or color, deserves equal protection under the law. My colleagues and I have these concerns with a number of Cabinet nominees. I voted for more of them than I voted against.

Having said that, we need individuals to serve in these key posts who are willing to speak truth to power. Ironically, that is what got Acting Attorney General Sally Yates in trouble. She did it a few days ago when she was fired for refusing to defend the Muslim ban because she thought it might not be lawful.

Throughout the campaign, Senator Sessions supported a religious-based test for immigrants, and I fear that Senator Sessions is unlikely to stand up to Donald Trump and tell him that he has to move on this point. I do not think an abscessed tooth.

As I looked at the lessons from my childhood, and I learned lessons from my own church today. And I want to tell you that as a kid growing up in Danville, VA, I can understand how other kids in my community were racist or bigoted. I can understand how it happened in Alabama or North Carolina, where our Presiding Officer is from.

But somewhere along the line, somebody got ahold of me and said: You know all these lessons from my church today. And I want to tell you that as a kid growing up in Danville, VA, I can understand how other kids in my community were racist or bigoted. I can understand how it happened in Alabama or North Carolina, where our Presiding Officer is from.

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the South who served, as you may re-
call, in the U.S. House of Representa-
tives in Texas for a number of years and
later suddenly became President under
tragic circumstances, as we all recall,
in November of 1963. LBJ didn't just
oppose civil rights while in the House of
Representatives and the Senate, he often bragged about it. But he
went through a public transforma-
tion that would lead him to pass the
first civil rights bill since recon-
struction as Senate majority leader in
1965. "In the law," LBJ said, "the laws of
our Nation's landmark civil rights
laws—the Civil Rights Act of 1964, the
Voting Rights Act of 1965, the Ele-
mentary and Secondary Act, the Fair Hous-
ing Act, and countless others.
LBJ's transformation didn't happen
overnight, though. The truth is that
his views on civil rights and racial jus-
tice might have been there all along.
Here is what Robert Caro wrote about
LBJ in the most recent installment
of his Lyndon Johnson series:
Although the cliche says that power al-
ways corrupts, what is seldom said, but what is
equally true, is that power always reveals.
When a man is climbing, trying to persuade
others to give him power, concealment is
necessary: to hide traits that might make
others reluctant to give him power, to hide
also what he wants to do with that power. If
men disregard the traits or realize the
aims, they might refuse to give him what he
wants. But as a man obtains more power,
camouflage is less necessary. The curtain be-
gins to rise: The revealing begins.
So it was, in Caro's view—and I think
he is probably right—so it was with
Lyndon Johnson.
Mr. President, that reminds me of
another quote tonight. This is one from
Lyndon Johnson:
"Power begins to rise. The revealing begins.
I yield the floor.
"I yield the floor.
The PRESIDING OFFICER. The Sen-
ator from Alabama.
Mr. GRASSLEY. Mr. President, there has
been a lot of discussion about Sen-
ator Sessions' nomination on this floor
in the last 24 hours. Before we vote, I
want to offer a couple of observations
about the unfairness in some of the
statements.
First, I was hoping to limit my re-
marks to all of the reasons why I be-
lieve Senator Sessions will make an
outstanding Attorney General, but in-
stead I feel very compelled to talk a few
words about some of the attacks that
have been leveled against Senator Ses-
sons here on the floor, where he has
served the people of Alabama faithfully
for 20 years.
A number of Senators have come to
the floor to talk about Senator Ses-
sons' hearing in 1986 when he was
nominated to be a Federal judge. Now,
it happens that I was in the Senate in
1986, at that time by 6 years. I was on
the Judiciary Committee and I serviced by
the law faithfully, without regard to
critical issues that should decide our
vote on this nomination. Most of that
was centered around the fact that he is
a man devoted to the law, and he is de-
voted as chief law enforcement offi-
cer of our country to enforce the law,
even if he didn't vote for it and even if
he disagreed with it.
We know from the questioning that
Senator Sessions will be independent
when he said he has to serve not only the people of Ala-
abama, not only the people of the South
or the Southeastern part of our coun-
try, he has to serve all citizens of all
colors, all races, all creeds. In this
body, it is often important that we
vote with our hopes rather than our
fears, and unfortunately, tonight I am
not yet prepared to vote my hopes. But
the words of a reporter writing about
President Johnson a few years ago give
me some hope as we look forward, and
maybe they will give hope to the rest of
us. I quote what that reporter wrote
about Lyndon Johnson:
"Johnson likely understood better than most,
that there is no magic formula through
which people create themselves from
prejudice, no finish line that when
crossed, awards a person's soul with a shin-
ning medal of purity in matters of race. All
we can ever hope to do is to shine in word
and deed that must be honored but
from which we will all occasionally fall
short.
And I would just add, and do so.
I hope these words I have just quoted resonate with our friend and colleague,
Senator Jeff Sessions. If they do, both
he and our country will be better for it.
With that, I yield the floor.
"Jeff Sessions is confirmed, it is my
side of history.
"I yield the floor.
Senator Sessions answered our ques-
tions in the Judiciary Committee for 10
years. He handled the debate fairly, he
handles the debate fairly, he handles the
debate respectfully, and he handles the
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debate honorably.
Mr. SHELBY. Mr. President, I rise in support of the nomination of my colleague and friend JEFF SESSIONS to be the Attorney General of the United States. Why? We have had this debate. It has gone on for a long time, and we have heard from a lot of witnesses, constituents, and opponents of JEFF SESSIONS. Who would know JEFF SESSIONS better maybe than I would? I have worked with JEFF SESSIONS since he came to the Senate 20 years ago. Between us we have been here for 50 years, 30 years for me, and 20 years for him. Our staffs worked day and night on issues that have affected our State and affected the Nation.

I really got to know JEFF SESSIONS when he was the Attorney General of Alabama. He had been the U.S. attorney. He was pretty well known, but I didn't know him. We didn't really know each other until he became the Attorney General.

I urged him to run for the U.S. Senate. I thought he could win, but I thought not just that he could win but that he could bring something to this body. I thought he would be a good colleague, he would be a good Senator for the State of Alabama and for the United States of America, and he has been.

When you deal with people day after day—remember, we all know each other as colleagues here. There are just 100 of us. It sounds like a lot of people, but it isn't. When we interact on committees, when we deal with each other, when our families are thrown together, we talk, we debate, we maybe even fight a little bit at times over issues. We get to really know somebody.

I knew JEFF SESSIONS pretty well. I believe he is competent as a lawyer, he was a good lawyer, he was a good prosecutor, and he served our State as Attorney General. He has been active on the Judiciary Committee where he has chaired subcommittees. He has been active on the Budget Committee. He has been active on the Armed Services Committee. He has been active right here in the Senate—our Senate—on the Environment and Public Works Committee, and he is well respected.

What kind of Attorney General do we want? We want somebody who is competent, somebody with integrity—inegrity above everything. That is what counts in this job. This is a very, very important job. These are big shoes. JEFF SESSIONS can fill those shoes, and I am happy and proud to be here and to vote for him tonight. I wish my colleagues on the other side of the aisle would join us.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. MCCONNELL. Mr. President, I ask to proceed on leader time.

The PRESIDING OFFICER. Without objection.

Mr. MCCONNELL. Mr. President, I would like to say a word about the nominee we are about to confirm. We have long known our colleague from Alabama as Senator SESSIONS—and soon Attorney General Sessions—but it wasn't always this way. There was a time when the distinguished Senator from Alabama was known simply as "Buddy." Buddy—the product of a small town called Hybart, the son of a country store owner, the inheritor of modest beginnings.

Jeff Sessions’ parents grew up in the Depression. They taught their son the value of a dollar and the importance of hard work. If our colleague wasn't always a great football player, you were likely to find him at his dad's store lending a hand to customers. As anyone from a small town can attest, that little store served as far more than just a place to buy goods. It was also a local gathering place, a place where people were liable to share their hopes and concerns, and their dreams too.

This is where JEFF SESSIONS developed his core values. It is where he developed a passion for the everyday struggles of working people. It is where he learned the importance of listening first, of standing up for what matters, of putting others' needs before one's own. It made him a better person.

He made him a pretty good politician too.

Senator Sessions is the kind of guy who, with just one conversation, can make you feel as if you have known him your entire life. He is usually the first to remove constituent letters and the last to leave. He has also made it a priority to travel annually to every county in Alabama—all 67 of them.

His staff will tell you it is these trips home when Senator Sessions is really in his element. Driving across Alabama, from sunup to sundown, milkshake in hand, or maybe a Blizzard from Dairy Queen, Heath bar flavor, thank you very much, that is Senator Sessions.

Now, it is not hard to see why Alabamians keep sending him back to Washington. Last time out he scooped up a modest 97 percent of the vote.

Part of Senator Sessions’ secret to success is simple enough; he is just a likable guy.

Our colleague is one of the most humble and most considerate people you will ever meet. He is a true Southern gentleman. He is pretty funny too. His staff would certainly agree. They still remember the time he accidentally ran his suit coat through the paper shredder. They saved the evidence too. Let's hope that one makes it into his archives.

Sessions’ alums call this man a mentor. They remember ever grateful for his focus on their own development. I know they are going to miss grabbing a burger and fries with him at Johnny Rockets.

They are really going to miss his wife Mary as well. We will around here too. Now, in Sessions’ world, Mary Sessions is something of a legend. She has been our colleague’s strongest supporter, no matter the task before him. She has been a source of encouragement and a friend to all of Team Sessions. I doubt they will ever forget Mary’s friendship or her famous cream cheese pound cake.

The thing that will not soon forget either is Senator Sessions’ intense focus on the office’s letter-writing operation. Sometimes that meant working weekends with the boss to get the constituent correspondence just right.

There is no doubt that Sessions is very, very particular about his writing, whether it is constituent letters or legal memoranda, and there is a good reason for that. Words, as this lawyer is known to say, have meaning. It is a philosophy that has animated Senator Sessions’ longtime love affair with the law.

He believes in equal application of the law to each of us, regardless of how we worship where we come from. It is a genuine passion for him. It is an area of deep importance and principle.

Senator Sessions will stand up for what he believes is right, even when it is not always the easy thing.

Now, this is a guy who fought for Republican principles long before—long before—Alabama became a red State. He stood up to the George Wallace dynasty as a young man. He stared down the forces of hate as a U.S. senator and Attorney General.

He has continued to fight for the equal application of the law as well, not to mention a growing economy, a streamlined government, and a strong defense.

Of course, as anyone who knows him will tell you, Senator Sessions is a lawyer’s lawyer. He is willing to hear the other side of an argument. He is willing to make the other side of the argument as well. He is also willing to be persuaded.

He has worked across the aisle with Democrats like the late Senator Ted Kennedy and the assistant Democratic leader on issues like prison reform and sentencing reform. He has praised him as someone who is "straightforward and fair" and "wonderful to work with."

The politics of the moment may have changed, but the truth of statements like these endures. Deep down, each of us knows these things remain just as true about Senator Sessions today as they did when our Democratic colleagues praised him.

Fair in action, bound to the Constitution, a defender of civil rights, this is the man we have come to know in the Senate. It is the same man we can expect to see as Attorney General.

Senator Sessions may be leaving the Senate, but there is plenty this Eagle Scout will be taking with him. That includes the motto he has lived by—"Be Prepared"—which is so engrained in our friend that it is even engraved into the back of the granite nameplate on his desk. It is a simple phrase with a simple message, and it seems particularly fitting for our friend today.

He has a big job ahead of him. I think he is up to the task. He is tough, but he
CLOTURE MOTION

Mr. McConnell, Mr. President, I ask unanimous consent that the mandatory quorum call be waived.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The bill clerk reads as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close the debate on the nomination of Thomas Price, of Georgia, to be Secretary of Health and Human Services.


The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Will the Senate agree to the nomination of Thomas Price, of Georgia, to be Secretary of Health and Human Services?

Mr. Cornyn. The following Senator is necessarily absent: The Senator from Alabama.

The yeas and nays are necessary.

The yeas and nays are necessary under the rule.

The question is, Will the Senate agree to the nomination of Thomas Price, of Georgia, to be Secretary of Health and Human Services?

Mr. Cornyn. The following Senator is necessarily absent: The Senator from Alabama.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 51, nays 48, as follows:

[Rollcall Vote No. 60 Ex.]

YEAS—51

Alexander Fischer Markowski
Barrasso Flake Paul
Blumenthal Gardner Perdue
Boozman Graham Porterman
Burr Grassley Risch
Capito Hatcher Roberts
Cassidy Hoeven Rubio
Cochrane Inhofe Sasse
Collins Isakson Scott
Corker Johnson Shelby
Cornyn Kennedy Shelby
Cotton Lankford Sullivan
Crapo Lee Thune
Cruz Manchin Tillis
Daines McCain Toomey
Ernst Moran Young
Fischer Markowski

NAYS—48

Baldwin Gillibrand Nelson
Bennet Harris Peters
Blumenthal Hassan Reed
Booker Heitkamp Sanders
Brown Hirono Schatz
Cantwell Hirono Schumer
Cardin Kaine Shaheen
Campbell King Stabenow
Casey Klobuchar Tester
Cortez Masto Manchin Tester
Donnelly McCaskill Van Hollen
Duckworth Menendez Warner
Durbin Merkley Warren
Feinstein Murphy Whitehouse
Franken Murray Wyden

The motion was confirmed.

(Applause, Senators rising.)

Mr. McConnell. Mr. President, I move to reconsider the vote on the nomination.

The PRESIDING OFFICER. The question is on the motion to reconsider.

Mr. McConnell. I move to table the motion to reconsider.

The PRESIDING OFFICER. The question is on agreeing to the motion to table.

The motion was agreed to.
for us to promote public safety, to try to do the right thing for America.

Sometimes people think of them in terms of taking away our freedoms. That is not so. They are out there every day putting their lives on the line to advance our freedoms, to protect our liberties, to protect public safety, to stop terrorism that threatens our government.

So I feel strongly about that. I had the honor to serve on some of the finest assistant United States attorneys in America. Our goal—well, before I became an assistant, I was told that Mobile had the best U.S. attorney’s office in America.

So when I came back as U.S. attorney some 6 years later, I told them that was our goal. We were going to have the best United States attorney’s office in America. What a great time we had. We had wonderful people. They worked as a team and went about their cases. We went before great Federal judges. It was a glorious time. It was really a special time.

I will never ever forget that. I was before the committee in 1986, and Senator Kennedy—later my friend—spoke harshly about me. It was on the TV. They would show his statement. He said I should resign my office. So a few minutes later I had a chance to say something. I said: Senator Kennedy, what you said breaks my heart. Nothing I have ever done have I been more proud of than serving as United States Attorney. I still believe that. Nothing I have ever done am I more proud of than the work we did in that little office in Mobile, AL, representing the United States of America.

You go into court, you stand before the judge, and you say: The United States is ready. I represent the United States in a litigant’s role. That is a special honor. I feel it in my bones. I hope and pray I can be worthy of the trust you have given me. I will do my best to do that.

Let me comment a minute on the heated debate we have had here in the Senate on my nomination and others. It was an intense election. There is no doubt about that. There have been strong feelings expressed during the election and throughout this confirmation process. Sometimes we have philosophical disagreements, just sincere disagreements about policy, what is right and what is wrong, what the law says, what it does not say.

I believe words ought to be given their fair and plain meaning. Words are not tools that can be manipulated to make it say what you want it to say. I believe the judge, and you say: The United States of America in a litigation. So he has the best U.S. attorney’s office in America.

Make it say what you want it to say. I don’t believe words have objective meanings. I don’t believe words can be manipulated to say what you want them to say. I believe words have their fair and plain meaning. Words are tools that can be manipulated to say what you want them to say.

We need latitude in our relationships. So let’s agree on what we can agree on, and I suggest that to my colleagues as I leave here, and take action where we can agree on things, but denigrating people whom you disagree with I think is not a healthy trend for our body.

After I had been here for a number of years, I had gotten along pretty well with Senator Kennedy on the Judiciary Committee. He asked me to be the lead sponsor with him on the significant, pretty controversial bill to eliminate prison rape. There were a number of honorable people who opposed it, some friends of mine. He said: I want to do this with you. People asked me: Did you ever have a reconciliation? Did he apologize?

He said: I want to do this bill with you. And I knew what that meant. I appreciated that. I said: I want to do this bill with you. And so we were able to pass that bill together. It was a moment of reconciliation that meant a lot to me. I think he appreciated it too. We later got involved in another major piece of legislation, just the two of us, that would have established a portable savings plan for young workers like the Federal thrift plan.

About that time, the financial crisis hit, and then he became ill and it never came to fruition. But reconciliation is important. We ought to do that in this body. We ought to try to fight for our values and not give an inch. You don’t have to back down if you believe you are right, and you should not back down.

But there are ways that we can get along personally. I would say that would be my prayer for this body; that in the future maybe the intensity of the last few weeks would die down and maybe somehow we would get along better.

So, colleagues, I can’t express how appreciative I am for those of you who stood by me during this difficult time. I could start calling all their names, but it would not be appropriate. I want to say again, I appreciate the President and his confidence in me, and by your vote tonight, I have been given a real challenge. I will do my best to be worthy of it. I look forward to working with each of you during that time and maybe make sure that we have a good open door at the Department of Justice.

My wife has picked up pretty quickly that we have a chef, and we can actually invite people for lunch or breakfast there. Maybe we can do that.

Finaly, let me thank my family because without their support, I could not be here. It is great. My children have been so engaged in this. They were young when my 1986 adventure occurred. Now they are grown. Your support and affirmation have meant much to me.

LETTER OF RESIGNATION

Mr. SESSIONS, Mr. President, I present to the body my letter of resignation, which I ask unanimous consent be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, February 8, 2017.

The Hon. ROBERT BENTLEY,
Governor of the State of Alabama,
Montgomery, AL.

Dear Governor Bentley: I hereby give notice that I will retire from the Office of United States Senator for the State of Alabama. Therefore, I tender my resignation at 11:55 pm Eastern Standard Time on February 8, 2017.

Very truly yours,

Jeff Sessions,
U.S. Senator.

Mr. SESSIONS. Thank you all.

(Applause, Senators rising.)

LEGISLATIVE SESSION

CONGRESSIONAL RECORD — SENATE

February 8, 2017

MORNING BUSINESS

Mr. CORNYN. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

Mr. LEAHY. Mr. President, since 1989, Vermont has accepted more than 8,000 refugees from around the world. Most recently, two families from wartorn Syria were placed in Rutland.

Vermonters understand the meaning of community, of supporting one another through tough times and celebrating together in seasons of joy. Over the last three decades, the meaning of community has expanded to include numerous nationalities as Vermonters have welcomed new neighbors from countries including Somalia, Sudan, and Bhutan, among others. Over the last 25 years, Vermont’s growing diversity has infused vitality and a diversity of culture into our rural State as locals open their arms—and their hearts—to new cultures and ways of life. New Vermonters hail from the world over...
and are greeted in the Green Mountains by support groups and refugee associations. Some organizations aid new arrivals by offering workforce development and translation services, while others host furniture and clothing drives. Many refugees are able to find jobs in the bustling tourism industry, as they work to save for future endeavors.

These support networks expand as the same individuals who once relied on refugee organizations begin to offer guidance for their successors. This means years of saving before opening restaurants or stores with food and products that feature their home countries. Others focus on engaging recently arrived refugees in their communities. Vermont's cultural vibrancy increases.

At the end of the day, however, these refugees have become part of the fabric of our state. Vermont has become a home, if not their first home. In an article featured in POLITICO in November 2016, one refugee, Ramadan Bahic, a Bosnian Muslim who fled their Serb-controlled town during the Bosnian civil war said, "My language is my home." Though Vermont isn't known for its diversity—whites make up 94 percent of its population—it's a place where everyone is welcome. "You can say I'm born here," says Bahic, 56, who's been here for about eight years. "My language is my language, my accent will stay, but if you ask me, I'm a Vermonter."

To Mr. Bahic and to those refugees recently settled in Vermont—or hope to do so in the future—I say welcome home.

I ask unanimous consent that the text of a November 2016 POLITICO article, "My Language is My Language, But I'm a Vermonter," be printed in the RECORD.

"There being no objection, the material ordered to be printed in the Record, as follows:

[From POLITICO, Nov. 17, 2016]

' MY LANGUAGE IS MY LANGUAGE, BUT I'M A VERMONTER'

Vermont has accepted thousands of refugees over the years, boosting the population and the economy. A debate over accepting Syrians put the state to the test.

(By Erick Trickey)

BURLINGTON—Eight years ago, Som Timsina's family left a refugee camp in Nepal and became one of the first Bhutanese families to seek sanctuary in Vermont. Timsina drove the Holiday Inn's shuttle on night shifts for three years as he saved to open his own Asian grocery. Five years later, Central Market has become a gathering place for the state's growing population of ethnic Nepali from Bhutan, and Timsina has been a staple in Burlington's high rents—at least $1,500 a month for a three-bedroom apartment. That's one reason Rutland appealed to VRRP.

Refugees are a way to add youth and vigor to the large-
"I saw that as an opportunity," Louras says, "not just to do the right thing—to open our doors to a people who are fleeing for their lives—but also to do the right thing for the community. Rutland says Syrian refugees could give Rutland a population boost and more cultural and ethnic diversity, which in turn could help the town attract and retain employers, Louras announced in April that Rutland would apply to welcome 100 refugees a year, starting with 100 Syrians. A supportive group, Rutland Welcomes, organized almost immediately to petition the State Department saying they weren't ready to go through refugee resettlement. So did opposition. "These are the same people or many of the same who danced in the street celebrating 9/11, those who hate us," read a change.org petition against the resettlement with more than 400 supporters. Another group, Rutland First, also launched fierce criticisms of the refugee resettlement plan and hosted national anti-immigration speakers Philip Baney and James Simpson in September.

Some critics complained that Louras had acted secretly by not informing the city's board of aldermen. "To keep it a big, fat, frickin' secret until it's too late obviously makes it a nonstarter," Notte says. "It's a match made in heaven." RutlandWelcomes.com founder and president Wendy Wilton.

"In Burlington and Winooski, new Americans really take pride in where they live and that there aren't maybe 25 a year would be OK, she says. But she's concerned that they'll take jobs from native Vermonters and that there aren't enough middle-class jobs in town to offset economic mobility. She also has security concerns about admitting Syrians to the U.S., citing intelligence concerns that ISIS could use camp workers to infiltrate the West through refugee flows. "We're more than likely to end up, out of 10,000, 20,000 people, to have some folks here that don't have our best interests at heart," she says.

Louras says he's confident that the federal vetting process is solid. "Individuals who want to do us harm are not going to come through refugee resettlement."

In late September, the State Department approved a new plan for refugees. Louras says 75 Syrians from either the Zaatari refugee camp in Jordan or camps in Lebanon, plus 25 Iraqis, should arrive in December or January.

Notte says he's confident that most Rutland residents support the refugees' arrival. He says meetings of Rutland Welcomes attract more than 50 people, Rutland's city council was unanimous in its support for the settlement effort. The refugees' supporters have organized a furniture donation drive and begun holding free weekly Arabic lessons at the Unitarian Universalist Church.

"Vermont is desperately in need of young working people," Notte says. "It's a match made in heaven."

REMEMBERING DERMOT GALLAGHER

Mr. LEAHY. Mr. President, I have come to this Chamber to pay tribute to Dermot Gallagher, an Irish diplomat and civil servant who I was deeply saddened to hear passed away on January 15, 2017, after a lifetime dedicated to public service. Dermot Gallagher was a friend of the United States. His career overseas was bookended by tours here, having first been posted at the Irish consulate in San Francisco in 1971 before serving at the United Nations in New York, the Irish Embassy in London, with the European Commission in Brussels, as Irish Ambassador to Nigeria, and ultimately returning to the U.S. as the Irish Ambassador in Washington. He is perhaps best known for his role in the Northern Ireland peace process. For decades, Dermot was involved in efforts to bring about peace and reconciliation. He was involved in the Sunningdale negotiations in 1973, implementation of the Anglo-Irish Agreement in the late 1980s, and ultimately the negotiations and implementation of the Good Friday Agreement, when he used his "emollient style of negotiation and diplomacy," as former junior minister and former Senator Martin Mansergh aptly described, to make significant contributions. Dermot was also my friend. Over the course of his 6 years as Ambassador, my wife Marcelle and I came to know Dermot and his wife, Maeve, and I was fortunate to retain his friendship long after he returned to Ireland to advance the cause of peace.

I fondly recall our discussions about the relationship between the U.S., and particularly Vermont, and Ireland over dinner while he was Ambassador, visiting with him over a decade later when he had returned to Ireland and I visited on a trade mission, and the many conversations about our families, our shared heritage, and our passion for U.S.-Ireland relations and the cause of peace.

I shared a personal memory in Ireland nearly 20 years ago, that is worth sharing again because it speaks to who Dermot was as a person. While he was Ambassador, I was discussing my family's Irish ancestry, and I told him I wished my father, Howard Francis Leahy, had still been with us to know my family was planning a trip to Ireland. Dermot said to me, "Pat, don't you think your father knows?" It brought tears to my eyes. He was as personable and genuine as he was a skilled diplomat. Perhaps his legacy has been best conveyed by the reaction of his former colleagues on learning of his passing, who described him as a "gentleman," "distinguished diplomat," and "a brilliant, creative and warm human being." Prime Minister Michael D. Higgins noted his significant contribution to the peace process. Minister for Foreign Affairs Charlie Flanagan lauded his "talented service," marked by "great loyalty and constant commitments." Prime Minister Michael D Higgins noted his significant contribution to the peace process. Minister for Foreign Affairs Charlie Flanagan lauded his "talented service," marked by "great loyalty and constant commitments." Prime Minister Michael D Higgins noted his significant contribution to the peace process. Minister for Foreign Affairs Charlie Flanagan lauded his "talented service," marked by "great loyalty and constant commitments." Prime Minister Michael D Higgins noted his significant contribution to the peace process. Minister for Foreign Affairs Charlie Flanagan lauded his "talented service," marked by "great loyalty and constant commitments." Prime Minister Michael D Higgins noted his significant contribution to the peace process. Minister for Foreign Affairs Charlie Flanagan lauded his "talented service," marked by "great loyalty and constant commitments." Prime Minister Michael D Higgins noted his significant contribution to the peace process. Minister for Foreign Affairs Charlie Flanagan lauded his "talented service," marked by "great loyalty and constant commitments."
Ray then served as a staff sergeant in the U.S. Marine Corps during the Korean conflict. It was there that Father Ray saw the importance of loyalty and strong leadership, leading him to join another brotherhood following his discharge.

As an Edmundite priest for more than six decades, Father Ray had advised and supported countless students at Saint Michael’s. His leadership on campus focuses on setting a good example through actions rather than words. Father Ray’s commitment to social justice and involvement in campus service organizations has fostered peace and justice with in the college community. Though honored with an array of awards, including induction in the college’s athletic hall of fame and the establishment of a scholarship in his name, Father Ray remains humble. His role as an administrator, leader, and friend is rooted in a sense of selflessness and an everlasting commitment to the community around him.

“To my friend Ray, I say, ‘Semper Fi.’”

The St. Michael’s College Magazine recently highlighted Father Ray’s service, and I ask unanimous consent that that featurette be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

**Great Leaders Think of the Common Good**

(By Susan Salter Reynolds)

Father Ray Doherty, SSE, served as a staff sergeant in the United States Marine Corps during the Korean conflict, and has been an Edmundite priest in the campus ministry and on the Board of Trustees at Saint Michael’s for half a century. He is, by all accounts, a much-loved and admired presence on the campus.

“What I look for in leadership is a good example,” Doherty says, paraphrasing St. Francis: “It’s not so much what you say as what you do.” Father Ray can’t help but point out that in this election season these words took on special meaning.

“Great leaders think of the common good,” he says. “They aren’t in it just for themselves. Here at Saint Michael’s, his says, ‘We are blessed with the opportunity to lead by example.’”

Father Ray believes that making people feel safe is an important part of good leadership. He admires the leadership of Pope Francis “He is a man of action,” Father Ray says, recalling a time when Pope Francis embraced a man with a very disfigured face. “He did this, he says, is an example of actions being more important than words.”

Humility is another raw ingredient of leadership, and Father Ray sees this quality on campus as well, including the leadership of President Jack Neuhauser. “He is extremely humble—always stands in the back for group photographs!”

Was the leadership Father Ray saw in the Marines different from the leadership he has experienced in civilian life? “The training was strict,” he says, “but I might never have become a priest if I hadn’t had that opportunity to think about things. There’s a lot of love in military life. Many talk about love for their fellow Marines, about fighting maybe a cause or a country in the moment for the guy next to you. You develop these bonds, this loyalty”
exploitation and improve the justice system’s response to victims in elder abuse and exploitation cases.

S. 203

At the request of Mr. BURR, the name of the Senator from Indiana (Mr. YOUNG) was added as a cosponsor of S. 203, a bill to reaffirm that the Environmental Protection Agency may not regulate vehicles used solely for competition, and for other purposes.

S. 233

At the request of Mr. CARDIN, the names of the Senator from Rhode Island (Mr. HARKIN), the Senator from Rhode Island (Mr.-warren) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 233, a bill to amend title XVIII of the Social Security Act to repeal the Medicare outpatient rehabilitation therapy caps.

At the request of Mr. ISAKSON, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 306, a bill to provide for a biennial budget process and a biennial appropriations process and to enhance oversight and the performance of the Federal Government.

S. 316

At the request of Mr. HATCH, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 316, a bill to amend the Mineral Leasing Act to recognize the authority of States to regulate oil and gas operations and promote American energy security, development, and job creation, and for other purposes.

S. 324

At the request of Mr. HATCH, the name of the Senator from Oklahoma (Mr. COREY) was added as a cosponsor of S. 324, a bill to amend title 38, United States Code, to improve the provision of adult day health care services for veterans.

S. 333

At the request of Mr. LANKFORD, the name of the Senator from Oklahoma (Mr. JOHNSON) was added as a cosponsor of S. 333, a bill to limit donations made pursuant to settlement agreements to which the United States is a party, and for other purposes.

S. 337

At the request of Mrs. GILLIBRAND, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 337, a bill to provide paid family and medical leave benefits to certain individuals, and for other purposes.

S. 338

At the request of Mr. NELSON, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 338, a bill to protect scientific integrity in Federal research and policymaking, and for other purposes.

S. 51

At the request of Mrs. HIRONO, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 51, a resolution recognizing the contributions of Federal employees and pledging to oppose efforts to reduce Federal workforce pay and benefits, eliminate civil service employment protections, undermine collective bargaining, and increase the use of non-Federal contractors for inherently governmental activities.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. MURkowski (for herself, Ms. CANTWELL, and Ms. HIRONO)

S. 346. A bill to provide for the establishment of the National Volcano Early Warning and Monitoring System; to the Committee on Energy and Natural Resources.

Mr. President, I rise today to reintroduce, along with my cosponsors Senators CANTWELL of Washington and Senator MAZIE HIRONO of Hawaii, legislation that will establish a national volcano early warning and monitoring system to monitor, warn, and protect citizens from undue and avoidable harm from volcanic activity. The system will tie the Alaska Volcano Observatory and the Cascadia Volcano Observatory with the other existing U.S. Geological Survey, USGS facilities: the Hawaiian; Long Valley, California; and Yellowstone Volcano Observatories. The bill will unify the monitoring systems of the volcano observatories into a single connected system, establish a national volcano watch office, operational 24 hours a day, 7 days a week, and fund necessary new academic-governmental research.

The United States is home to 169 active volcanoes, of which 55 are considered to be threatening to life and property. Few Americans realize that of the 50 volcanic eruptions that occur annually worldwide, the United States is the third most active country for eruptions, ranking only behind Indonesia and Japan in its number of historically active volcanoes. Since 1990, eight commercial aircraft have lost engine power in flight and dozens more have been damaged after flying into ash clouds caused by volcanic eruptions. Many Americans remember that Mount St. Helens in Washington State explosively erupted on May 18, 1980. The eruption caused 57 fatalities, destroyed 27 bridges and 185 miles of highways at a cost of $1.1 billion. Fewer Americans remember that lesser known volcanoes, such as Mount Redoubt in Alaska, erupted well over 100 times in 2009-2010, causing the cancellation of more than 230 commercial airline flights and putting almost 10,000 airline passengers at risk. If eruption forecasts had not accurately predicted where ash clouds from volcanic eruptions, the negative impacts could have been much worse, or even catastrophic.

The threat to our Nation from volcanic eruptions was dramatically illustrated on December 15, 1989, when a Boeing 747 flying 150 miles northeast of Anchorage, AK encountered an ash cloud that rose from an earlier eruption of Mount Redoubt. The plane lost power in all four engines, falling some 10,000 feet before it could restart two of its engines. The restart saved the lives of the plane’s 231 passengers but caused $80 million in damage to the craft.

This incident points out the dangers to aircraft, especially on the west coast and in Alaska’s air space. The Federal Aviation Administration reports that more than 80,000 large aircraft a year carrying more than 30,000 passengers a day, travel in skies over and potentially downwind of many of Alaska’s volcanoes, mostly on the heavily traveled great-circle routes between Europe, North America, and Asia. The Alaska Volcano Observatory, with only partial Federal funding, today is responsible for monitoring 29 active volcanoes in the Ring of Fire area along the Aleutian Island arc and in Alaska’s air space. The Federal Aviation Administration reports that 230 commercial airline flights and put almost 10,000 airline passengers at risk. If eruption forecasts had not accurately predicted where ash clouds from volcanic eruptions, the negative impacts could have been much worse, or even catastrophic.

Even greater potential problems exist for west coast air travelers. There are five active major volcanoes in the Cascade Range of Washington, Oregon, and Idaho, including Mount Baker, Glacier Peak, Mount Rainier, Mount St. Helens, and Mount Adams. In the past 31 years, there have been more than 50 eruptions and at least 17 episodes of significant unrest at 34 different volcanoes in the United States, according to the USGS.

While Mount St. Helens is well known, Mount Rainier near Seattle could cause far greater loss of life should it erupt again, highlighting the benefit of advance notice. The same is true of the Yellowstone National Park Caldera, should it erupt. The advances in volcanic/earthquake forecasting aided by a national watch office could help to make more accurate and timely predictions of eruptions possible.

This bill will require the Secretary of the Interior to establish the national volcano early warning and monitoring system within the USGS to monitor,
warn, and protect the United States from volcanic eruptions. The system would organize, modernize, standardize, and stabilize the operation of the Nation’s five western volcanic observatories: Alaska, California, Cascades, Hawaii, and Yellowstone observatories. The bill calls for upgrading the existing networks, using geodetic capacities when appropriate, on currently monitored volcanoes and allowing new networks to be installed on some volcanoes. This bill will also permit USGS to help fund observatories to monitor another 20 high-priority volcanoes such as Mount Adams in Washington, North Sister Field in Oregon, Clear Lake in California, and Mount Spurr in Alaska; set up a national volcano watch office that will be operational at all hours; establish a national volcano data center; support research in volcano monitoring science and new technology development; encourage modernization of monitoring activities including “comprehensive application of emerging technologies, such as digital broadband seismometers, real-time continuous Global Positioning System receivers, satellite and airborne radar interferometry, acoustic pressure sensors and spectrometry to measure gas emissions” from lava chambers; authorize cooperative agreements to establish partnerships between the system and institutions of higher education and State agencies to collect data and coordinate volcanic information sharing and funding to pay for new work; and establish an advisory committee to assist with implementation.

This bill was proposed in 2009, 2011, and most recently in 2015. Last year it was the subject of a hearing before the Committee on Energy and Natural Resources. The record of that hearing contains objection to this necessary legislation or the effort it would spur. I hope that this Congress will be the one that puts this bill on the President’s desk and sees it enacted on public safety grounds alone, the need for this bill is compelling.

AUTHORITY FOR COMMITTEES TO MEET

Mr. LEE. Mr. President, I have four requests for committees to meet during today’s session of the Senate. They have the approval of the Majority and Minority leaders.

Pursuant to Rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today’s session of the Senate:

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

The Committee on Commerce, Science, and Transportation is authorized to hold a meeting during the session of the Senate on Wednesday, February 8, 2017, at 10 a.m. in room SDG 50.

The Committee will hold a hearing on “A Look Ahead: Inspector General Recommendations for Improving Federal Agencies.”

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

The Committee on Environment and Public Works is authorized to meet during the session of the Senate on Wednesday, February 8, 2017, at 10 a.m. in room 628 of the Dirksen Senate Office Building to conduct a hearing entitled “Oversight: Modernizing our Nation’s Infrastructure.”

COMMITTEE ON INDIAN AFFAIRS

The Committee on Indian Affairs is authorized to meet during the session of the Senate on Wednesday, February 8, 2017, in room 628 of the Dirksen Senate Office Building at 2:30 p.m. to conduct an oversight hearing on “Emergency Management in Indian Country: Improving FEMA’s Federal-Tribal Relationship with Indian Tribes.”

SUBCOMMITTEE ON READINESS AND MANAGEMENT SUPPORT

The Subcommittee on Readiness and Management Support of the Committee on Armed Services is authorized to meet during the session of the Senate on Wednesday, February 8, 2017, at 2:30 p.m.

ORDER OF PROCEDURE

Mr. CORNYN. Mr. President, I ask unanimous consent that at 2 p.m. tomorrow, the Chair lay before the Senate a certificate of appointment from the State of Alabama.

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

ORDERS FOR THURSDAY, FEBRUARY 9, 2017

Mr. CORNYN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Thursday, February 9; that following the prayer and pledge, the morning hour be deemed expired; that following leader remarks, the Senate proceed to executive session on consideration of the Price nomination postcloture; finally, that all time during morning business, recess, or adjournment of the Senate count postcloture on the Price nomination.

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

ORDER FOR ADJOURNMENT

Mr. CORNYN. If there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order, following the remarks of the Senator from Oregon.

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

The Senator from Oregon.

NOMINATION OF TOM PRICE

Mr. WYDEN. Mr. President, as the Senate begins to consider the Price nomination, I wanted to see if I could put a little perspective on the upcoming debate.

Focusing on bipartisanship has always been important to me. I know many of my colleagues on the Senate Finance Committee, on the Democratic side, share that view, and in 2009, the nominations of Democrats Tom Daschle, Tim Geithner, and Ron Kirk were all handled in a bipartisan way. I came up in the Senate process in each of these cases, and both sides of the committee took the investigation seriously. Unfortunately, that has not been the case in 2017.

While Congressman Price served on the powerful Ways and Means Committee, he traded in health care stocks, pushed policies that helped his portfolio, and got special access to a promising stock deal.

I asked the Congressman directly in his Finance Committee hearing whether he got a special deal. He said that he did not.

I don’t think you could be much clearer than the following passage from a recent report by a Pulitzer prize-winning reporter at the Wall Street Journal. He wrote: “Rep. Tom Price got a privileged offer to buy a biomedical stock at a discount, the company’s officials said, contrary to his congressional testimony this month.”

I want to repeat that because I think it goes right to the heart of why Finance Committee Democrats feel that the effort to do the vetting necessary with respect to Congressman Price is not completed.

A Pulitzer Prize-winning reporter at the Wall Street Journal—I will just read it again—wrote: “Rep. Tom Price got a privileged offer to buy a biomedical stock at a discount, the company’s officials said, contrary to his congressional testimony this month.”

So, as I indicated, my Democratic colleagues and I on the committee said it was important to take more time to look into this issue. As the President, when we said we needed to take more time to look at it, decided to look in a very different way. That is the first reason for concern on my side.

The second is how Congressman Price would manage Health and Human Services, a Department that is really all about people: services for seniors, services for the poor, for the disabled, for children, and for families. These are the powerful threads of our safety net. If the safety net is not there for those who have nowhere else to turn, those poor will suffer greatly.

Now, the debate on Congressman Price’s nomination, in my view, is a referendum on the future of health care in America. In short, it is a debate about whether it makes sense for our country to go back to the dark days when health care worked only for the healthy and the wealthy.

Based on the public record, Medicare is probably Congress should Price doesn’t believe in, and it guarantees services he doesn’t believe seniors should have.
On the Affordable Care Act, he is the architect of repeal and run. He wrote the bill himself. He proposed weakening protections for Americans with preexisting conditions. He would slash Medicaid, shredding the health care safety net for the least fortunate in our country. He would take away health care choices for women across the country.

Look for the common thread, Mr. President and colleagues, among the Price proposals. They take away coverage; they make health care more expensive for individuals or both. That is where Congressman Price stands when it comes to American health care.

Every Senator who casts a vote for Congressman Price has to stand by that agenda. Beyond what this means for the future of American health care, there is the lingering specter of serious legal and ethical issues.

Tonight and in the hours ahead, this debate will go on and we must tackle each of those issues and more. As it gets underway, I am going to begin with Medicare.

My view. Medicare has been a historic achievement in the way policy is made in our country. In any debate like this one, I recall my days when I was the codirector of the Oregon Gray Panthers, when I worked with seniors who couldn’t imagine life without Medicare. But I will tell you, they told me stories about what it was like for their grandparents when there wasn’t Medicare. There were poor farms—literally, poor farms—where older people who had served our country in the Armed Forces very often spent their last days in what amounted to squalor. Then Medicare arrived. For millions of older people, it was a godsend.

So I want to start my discussion with respect to Medicare with a comment that Congressman Price made about Medicare in 2009. It is a quote that speaks volumes about the Price perspective on the Medicare program that is so treasured by millions of older people.

Congressman Price wrote in 2009: “Nothing has had a greater negative effect on the delivery of health care than the federal government’s intrusion into medicine through Medicare.”

I would just say to my friend, the Presiding Officer of the Senate knows how to see that. Seniors in Oregon consider Medicare to be a Godsend, not an intrusion into medicine, as you see from the Price perspective.

Here is the bottom line, colleagues, as we begin here today: Medicare is a promise. Medicare is built on a promise of guaranteed benefits—guaranteed benefits that will be there for you. It is not a voucher. It is not a slip of paper. It is guaranteed benefits that you can count on, and it is a promise that Congress has a duty to uphold. That is a matter of public record—it is a promise that Congressman Price is more than willing to break.

It is a promise that when you turn 65, you will be guaranteed health care benefits regardless of your economic status in life or the status of your health. And the reason Medicare was built with this special guarantee is straightforward: No American knows how they may be wealthy or healthy or unhealthy in the future. For the less fortunate, high inflation or a stock market crash could wipe out what they set aside over a lifetime of work. Seniors could find their benefits exposed to new dangers every time there is a financial downturn.

During the recent campaign, the American people heard a standard Trump pledge: No cuts to Medicare. But when you look at the Price record and the president’s plan, there is a big gap between the two. When you look at Congressman Price’s plan, it is clear that the Trump pledge was on the ropes the minute he was nominated. In fact, Congressman Price said that he wants to voucherize Medicare within the first 6 to 8 months of the administration. Let me repeat that again.

Mr. President, some of these statements that the Congressman has made are so far-fetched that once in a while I am going to have to repeat them so that people really get a sense of why we are so concerned.

Congressman Price said he wants to voucherize Medicare within the first 6 to 8 months of the administration. So what would that mean is that right out of the chute, the Medicare promise, the promise of guaranteed benefits—Congressman Price wants to break the promise. In his budget, the Congressman said he wanted to privatize Medicare and cutting it by nearly $500 billion. And he also championed legislation to allow a practice called balanced billing in Medicare. That means seniors could be forced to cover extra charges above what the program pays for the services they receive in the doctor’s office. Older Americans on fixed incomes would be forced to pay more for their care.

Colleagues, I believe the Congress has a greater duty than to uphold the promise of Medicare. In my view, there is no need to mince words: Privatizing Medicare as Congressman Price has thought to do means an end—an end to the program-guaranteed health benefit. It would break the Medicare promise, the promise of guaranteed benefits and services, and end Medicare as our country knows it.

Now let me turn to the Affordable Care Act. When it comes to the Affordable Care Act, for years now, there has been a steady drumbeat coming from my colleagues on the other side: Repeal and replace. Repeal and replace. I think it has gotten to the point where children sing it almost as a jingle. Repeal and replace. It has been said so many times. A government shutdown all built around that slogan—repeal and replace.

At one point, the President-elect said repeal and replace would happen, in his words, in a 30-hour plan. But before inauguration, he said they would come within the same hour, and he said Congressman Price was writing the replacement plan and it was nearly ready to be unveiled.

But the public heard a different story during Congressman Price’s Finance Committee hearing. At that hearing, our colleague Senator Brown of Ohio asked: The President said he is working with you on a replacement plan for the Affordable Care Act, which is nearly finished, and it will be revealed after your confirmation: is that true?

That was the question posed by Senator Brown to Congressman Price.

The Congressman said: It is true that he said that, yeah—that he said that, yeah. A moment later he added, ‘I have had conversations with the President about health care, yes.’

So if anybody is waiting for the curtain to rise on the Price replacement plan, it sounds like you are going to have to wait a while longer. In fact, the President said this weekend, just this weekend, Americans might have to wait until next year to see the replacement, but the uncertainty about what comes next sure hasn’t slowed down the charge of many toward repeal. In fact, the President issued a day one Executive order instructing the executive branch to roll back the Affordable Care Act in any way possible.

So I thought given these developments, the fact that Congressman Price is the architect of a repeal-and-run bill; that the President immediately on day one tried to set in motion a strategy to gut some of the key protections in the Affordable Care Act, I thought I ought to follow this up with Congressman Price during his nomination hearing in the Finance Committee. So I asked Congressman Price during his finance nomination hearing whether the Congressman would state that nobody would be worse off under the President’s Executive order—not real complicated.

There had been all this talk through the campaign about how now President Trump could do a better job, less money. That was the constant refrain. I decided, given these ominous developments that I just described since the beginning of this year, I thought I would just ask Congressman Price whether anybody would be worse off under the Executive order. He ducked the question.

I remember asking him about whether people would be worse off with respect to coverage, and I remembered he indicated in his confirmation hearing that he would have access to health care. Well, I will tell you, hearing the word ‘access’ rather than ‘coverage’ means that
sophisticated plan that seems to have been designed to replace the Affordable Care Act. 

Another issue in the Price plan that ought to set off any alarm bells, in my view, is what Congressman Price has proposed for those with preexisting health care conditions. This is especially important in my view. When I proposed my own health plan, eight Democrat, eight Republican, I was especially pleased that Senators on both sides of the aisle understood that making sure that insurance companies could not knock the stuffing out of people with preexisting condition any longer was central to reform. Because when you allow discrimination against those with a preexisting condition, what you are essentially saying is health care in America is going to be for the healthy and wealthy. If you are healthy, no problem with a preexisting condition. If you are wealthy, again, no problem.

So right at the heart of the Affordable Care Act is a guarantee that insurance companies cannot discriminate against Americans with preexisting conditions. Frankly, I was very pleased to see that because as I indicated, 16 Senators—8 Democrats and 8 Republicans—on our bill said that was right at the heart of what they wanted in the health care reform. So the ACA—the Affordable Care Act—said, No denying coverage to pregnant women, no denying coverage to cancer patients, no denying coverage to kids with autism. Under the Affordable Care Act, that is the law of the land. It protects every single American. No American under the Affordable Care Act should have to feel, when they go to bed at night, that they are going to get hammered as in the old days because they have a preexisting condition.

Now, Congressman Price, once again turning to the public record—it is all in the public record here. Congressman Price doesn’t believe the American people should have the protection of the kind of real ban against discrimination for a preexisting condition. In fact, he quoted in 2012 saying that it was, in his words, “a terrible idea.” So he, like the law, changed, and his way to change a law that guarantees universal protection is to get rid of the guarantee that you aren’t going to get discriminated against if you have a preexisting condition.

Our colleague, Senator Nelson of Florida, asked Congressman Price about those with preexisting conditions don’t get discriminated against when the Finance Committee held their nomination hearing. Once again, Congressman Price ducked, bobbed, and weaved. Senator Nelson asked if the Congressman thought that the proposal to continue the ban on discriminating against people with a preexisting condition is a terrible idea. Here is what Congressman Price said: “What I have always said about preexisting condition is that if you have a system that pays attention to patients, nobody ought to be priced out of the market for having a bad diagnosis. Nobody.”

Now, that probably is a pretty good sound bite. It is a good sound bite if you are trying to duck a question, but it is not a real answer to what Congressman Price was asked by Senator Nelson. And if you examine Congressman Price’s own proposal, when it comes to people with a preexisting condition from discrimination, you can see why Congressmen Price isn’t very interested in giving a straight answer.

I am going to turn now to one of the Congressman’s bills. It is ironically called “Empowering Patients First.” Instead of a ban on discrimination against those with preexisting conditions, the Price bill opened up loopholes to benefit insurance companies. The Price plan hinged on something called continuous coverage, and Americans are going to probably hear a fair amount about that in the months ahead.

The Price plan said that insurance companies had the right to inspect your recent past when you applied for coverage to the private market. If they found gaps when you went without insurance, they could deny coverage for your preexisting condition for up to a year and a half. That is a $10,000 hike in your premiums by 50 percent. In short, under the Price plan, insurance companies could take your money and skip out on covering the health care that you actually need.

A summary of the Price health provision there: Worse health care, higher costs.

Now let’s think about what this would mean for a cancer patient who suffers a job loss: Up to 18 months without coverage for cancer treatment they need that could be the difference between life and death. Congressman Price’s bill didn’t allow any special exceptions for certain gaps in coverage. No matter why you lost your insurance, and even if it was because you had to lay off, maybe your spouse passed, quitting your job to start a business or go back to school—insurance companies with the Price plan again would be allowed to discriminate. And Congressman Price’s bill didn’t create any safeguards for particular patients with life-threatening illnesses. No matter what kind of preexisting condition you have, you would be at risk of losing access to care. And going by the practices those companies followed before the Affordable Care Act, maybe one million Americans under age 65 may have a preexisting condition.

Now, it is correct that Republicans may not decide to go ahead with Congressman Price’s bill as the final measure for replacement. But make no mistake about it: If confirmed, Congressman Price will be the captain of the Trump administration’s health team. His proposals matter. And his approach is one that is followed by just about every other Republican who has put forward a plan of their own.

Colleagues, I think it would be an enormous mistake for this Senate—for
our country—to turn back the clock and go back to the days when health care was for the healthy and wealthy. I don’t think there ought to be a debate about the need for real, truly strong protection for our people against discrimination for those with a pre-existing condition.

The Affordable Care Act locked it in to black letter law. It set a new standard: Nobody in America is going to be denied insurance due to a preexisting condition. In my view, it would be unconscionable for seniors to look to yesteryear, turn back the clock, and undermine those strong protections for the millions and millions of Americans who suffer from those preexisting health conditions. That, as a matter of public record, is what Congressman PRICE’s proposal would do.

I want to turn now to his ideas with respect to Medicaid. This, in my view, is an especially important program, and a part of it that is usually missed is the role it plays for seniors. Back when I was the director of the Oregon Gray Panthers and I ran the legal aid office for the elderly, I saw in particular what Medicaid meant for seniors who needed nursing home care.

Medicaid pays for two-thirds of the seniors in nursing homes. And I think we ought to think about who these people are because these are people in Colorado, in Oregon, and across the country, who worked hard. They always played by the rules. They put their kids through school. They were part of their communities. They saved, they scrimped, they didn’t go on an extra vacation; maybe they were thinking about buying a boat, but they didn’t do any of that. They didn’t do any of that because they wanted to save and make sure their spouse could have a dignified retirement, that they could put their kids through school, and they did everything right. So they saved and they saved and they saved.

But the fact is, it costs a lot to be a senior in America today. So perhaps they spent down all those savings, and their kids—the kids they love so much—aren’t doing that well economically, so it is hard for the kids to help out with long-term care.

Without Medicaid—and particularly the nursing home benefit—seniors, 65 percent of whom depend on the program for nursing homes, wouldn’t be able to afford a dignified retirement.

So that nursing home benefit that is paid for by Medicaid is also one that Congressman PRICE has proposed slashing. He does that by cutting $2 trillion out of Medicaid over the course of two stages. First, Congressman PRICE repeals the expansion of Medicaid created under the Affordable Care Act. This means that more than 11 million Americans lose their coverage. And it is a plan that even Republican Governors are speaking out against. John Kasich of Ohio—I think he would tell you he is not anybody’s idea of a bleeding heart liberal—said recently: “So if all of a sudden that goes away, what do we tell those 700,000 people? We are closed? Can’t do that.’’

But that is exactly what Congressman PRICE’s plan is going to end up doing. It is going to end up telling those 700,000 Ohioans, along with millions of people in other counties in Oregon and across the land, and that is because he is pushing to take away their coverage and hasn’t offered any real alternative that would preserve their access to care.

So for basic seniors—the ones who worked hard and saved and did everything right—we all know them; perhaps they are the widower down at the end of the block—there is not going to be a way to pay for their health care, and they are not going to be able to have a dignified retirement, in spite of the fact they did everything all their life to plan and save.

Congressman PRICE’s second Medicaid cut turns the program into a block grant and introduces a cap approach that allows the percent of its funding and sets it up to be squeezed even more down the road.

Now, Medicaid goes a lot further in terms of taking on some of the biggest health care challenges in America. I mean you give me a real alternative that is one that I dealt with again and again when I was director of the Gray Panthers. But the fact is that the program is helping communities across the country take on a whole host of health care challenges. The opioid epidemic is one example.

Now, we know that opioid addiction has hit American communities like a wrecking ball. More than a million people struggle with substance abuse, and they would lose access to care if the Price plan to repeal Medicaid expansion goes through. And further cuts to Medicaid would make the problem even worse, and it wouldn’t just be for adults.

Tens of thousands of babies are born with a dependency to drugs each year. It is largely a product of the opioid crisis. My view is that number can only rise under Congressman PRICE’s plan to cut Medicaid, a key source of primary care, prenatal care, and substance abuse treatment for pregnant women.

Medicaid is also the biggest source of funding for community and home-based care for those vulnerable Americans with serious disabilities. It is a huge source of treatments in America, particularly with the Affordable Care Act expansion.

All in all, 74 million Americans rely on Medicaid, and they are certainly not among the most fortunate. Half of them are kids, including millions with special needs. The program covers nearly half of all births and millions of Americans with disabilities.

I want to come back again to the faces of these people because I am not sure, when people hear the word ‘‘Medicaid’’ what they see. I mention that it is so many seniors who, after planning, saving, and scrimping, need the program for nursing home care. It covers people who toil through hard work, even multiple jobs, bringing home just enough to keep them out of poverty.

For many, signing up for the Medicaid Program brought an end to the years when they had to choose between visiting the doctors and putting food on the table, Medicaid is their only safety net. Make no mistake about it: Congressman PRICE’s proposals leave that safety net in tatters. There isn’t any other backstop for those vulnerable Americans. From small, tiny children to seniors who need nursing home care, there is no other backstop if their access to health care through Medicaid goes away.

One of the arguments made by advocates of block grants and caps is that States would have flexibility, and they point to a section of the Affordable Care Act I wrote to support their case. I believe they are talking about what is called section 1332. There is a big difference between what I wrote in the Affordable Care Act and what block grants would do. We had a number of Senators on both sides of the aisle who were interested in this issue. What I wrote is this: With that flexibility, the Affordable Care Act lets States do better by their people. The Price plan to block grant and cap Medicaid costs lets States do worse.

Slashing Medicaid also hits State budgets extraordinarily hard. That is a big reason why Governors across the country have been skeptical—even Republican Governors, like John Kasich and Rick Snyder of Michigan. Today, Medicaid comes with an open-ended kind of feature. Federal funding for the program doesn’t tick down to zero. Nobody gets cut off. If you are working in America and are eligible for Medicaid, you don’t have to worry about being locked out of the doctor’s office if the program goes into the red. Block granting and capping the program changes that. States get a chunk of money each year. There is a big risk that money runs out, especially during times of economic downturn. That is when Medicaid is needed most, at times when working Americans have the most trouble walking the economic tightrope.

This is in addition to the undeniable, routine demands on the program: an aging baby-boomer population that will be in increasing need of nursing home and home-based care, public health emergencies like Zika virus that can come without warning, natural disasters like Hurricane Katrina or the Flint water crisis that devastate communities, new high-priced drugs that can be cures but come with a steep price.

The reality is if a State’s block grant runs out, that raises questions that ought to be alarming to all who care about vulnerable Americans having access to the care they need.

The question is: What happens if seniors lose their nursing home benefits in the middle of the year? Where would they go? Would patients in substance abuse treatment
lose access to care? If a State's Medicaid funding dries up midway through the fiscal year, who would pay for a birth? Would the parents of a newborn child have to bear the entire cost when they are on a modest income, working hard, and a hospital bill could reach tens of thousands of dollars?

When it comes time to pitch this very extreme health care agenda to the American people, Congressman Price is very articulate and sticks closely to well-rehearsed language. That is because the Price agenda would strip tens of millions of Americans of their insurance coverage and force people to pay much higher costs for much lesser care. It isn't going to go over very well when people really understand what is at stake.

One of the priorities Congressman Price talks about most frequently is access—always saying that his vision is Americans are going to have access to care. That is one very hollow theory. Access doesn't mean a lot if you can't afford the cost. So when Americans hear the Price plan that people will have access, rather than coverage, pay attention. Pay attention, because if you have coverage today, you're going to promise you can have access in the future, chances are you are going into the hole and you had better figure out how you are going to pay for it.

The Congressman talks about flexibility for patients. But under Congressman Price's plans that wipe out consumer protections and minimum standards for coverage, it is insurance companies that get the most flexibility.

The Congressman likes to talk about using metrics to measure health care. It is very hard to follow what this metrics approach is all about. When his proposals are challenged using facts and figures, including those that come from our nonpartisan scorekeepers at the Congressional Budget office, he dismisses or he dodges. During his hearing, he just disagreed with the Congressional Budget Office when I asked him about some of his funding cuts that would deprive women of access to preventive care. He objects to even the simplest of measures—how much funding his proposals cut from our health care programs—as calculated by the nonpartisan experts. In my view, you can't run from the metrics when they don't tell you what you want to hear.

Finally, the Congressman and many others say patients should be at the center of care. Now, I want it understood, I don't see how anybody could dispute that idea. Of course patients should be at the center of care. But when I look at the Price proposals, I don't see the patient at the center of health care. I see money and I see special interests at the center of health care.

The Price plan tells vulnerable Americans that their health care will only go as far as their bank accounts are going to take them. The well-to-do may be able to manage just fine under the Price proposals and the costs they push onto patients, but I am absolutely certain that millions of working Americans won't be able to do it.

I am going to wrap up talking about several glaring ethical issues with respect to Congressman Price. I will begin with the Congressman's significant investments in an Australian biomed company. A lot of information about those investments has come into view over the course of months of investigation and reporting. What the facts show is that in 2016, the Congressman was part of an exclusive deal to buy stock at a discounted price—a deal called "private placement." On multiple occasions he was given opportunities to come clean and explain his participation in the special stock sale. He never has. Now, the majority on the Finance Committee has cut off the veto power of the facts or having the Congressman correct the record. So I am going to take a moment tonight to lay out the facts.

It is well known that Congressman Price learned about the company from his colleague, Congressman Chris Collins. But Chris Collins isn't exactly a casual observer of the Australian business pages. He is Innate's—the company's—largest shareholder and a member of its board. Many of the company's other major shareholders are people in Congressman Collins' orbit, family members and chief of staff and others that he is close to. After learning about the company from his colleague, Congressman Price made his first purchase of the company's stock in 2015. He bought 61,000 shares.

Now let's fast forward to August 2016. The Congressman bought another 400,000 shares before he got as part of the facts or having the Congressman correct the record. So I am going to take a moment tonight to lay out the facts. It is well known that Congressman Price learned about the company from his colleague, Congressman Chris Collins. But Chris Collins isn't exactly a casual observer of the Australian business pages. He is Innate's—the company's—largest shareholder and a member of its board. Many of the company's other major shareholders are people in Congressman Collins' orbit, family members and chief of staff and others that he is close to. After learning about the company from his colleague, Congressman Price made his first purchase of the company's stock in 2015. He bought 61,000 shares.

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deal was open to shareholders—was dead wrong. I am going to repeat this quote from the Wall Street Journal. This was part of a report that was authored by a Pulitzer Prize-winning journalist. This is what he wrote in the Wall Street Journal: “Rep. Tom Price got a privileged offer to buy a biomedical stock at a discount, the company’s officials said, contrary to his congressional testimony this month.”

The stock deals I outlined are of very great significance. They aren’t the only ethical issue at hand. Congressman PRICE introduced legislation that would lower the tax bills of three major pharmaceutical companies in which he owns significant amounts of stock. He invested $15,000 in a medical equipment company and then introduced legislation to increase the amount Medicare pays for that type of equipment. Parts of his bill went on to become law.

Then there is his investment in a company called Zimmer Biomet. In 2015, Medicare was preparing a new pricing model that would change the way the program paid for hip and knee replacements. Instead of paying for each individual service, Medicare said it would try to make its payments more efficient by bundling the costs together in one lump sum. The new system, however, had the potential to affect the revenues of Zimmer Biomet.

On March 17, 2016, a few weeks before the government’s model—that is, the CMS model was set to go into effect—Congressman Price bought thousands of dollars’ worth of Zimmer Biomet stock through his brokerage account. On March 23, 2016, less than a week later, he introduced H.R. 4848, the HIP Act, which would have delayed the implementation of CMS regulations for Medicare coverage of joint replacements. He was the lead Republican sponsor of the bill.

Bottom line, Congressman Price introduced legislation that certainly had the potential to add to his personal fortune. Congressman Price has argued that he didn’t purchase this stock and others; his broker was making the deal. But at the very least, he would have known about the deals within days when he filed his periodic transaction reports with the House.

On August 15, 2016, not only did Congressman Price file a report that he had purchased Zimmer Biomet along with dozens of other stocks, he initialed the entry for Zimmer Biomet in order to correct a mistake on the document.

Wrapping up, I want to go back to the fact that when Congressman Price came before the Finance Committee, he didn’t give us the whole story. In effect, I think the Finance Committee regretfully has an ethical double standard now. Look at the nominations of Tom Daschle, Tim Geithner, and Ron Kirk at the outset of the Obama administration. That vetting was vigorous. It was bipartisan. We looked over every stone and peered around every corner. Now, when a glaring issue comes up that undeniably deserves investigation, the party in power is shutting down the vetting process and moving toward confirmation. I think this is sending a dangerous message to nominees in the future.

I will close by way of saying this is a nominee with an extreme agenda. His proposals strip tens of millions of Americans of their health care coverage. His proposals would put Americans with preexisting conditions in danger of losing coverage through the care they need. It would unravel the Medicare promise, the guarantee of secured benefits of vital importance to millions of American seniors. When it comes to ethics, as I have described, Congressman Price falls well short of the standard the American people expect nominees to meet. I will not support his nomination. I urge my colleagues to join me in opposition.

I yield the floor.

ADJOURNMENT UNTIL 10 A.M.
TOMORROW

The PRESIDING OFFICER (Mr. SCOTT). Under the previous order, the Senate stands adjourned until 10 a.m. tomorrow.

Thereupon, the Senate, at 9:05 p.m., adjourned until Thursday, February 9, 2017, at 10 a.m.

NOMINATIONS

Executive nomination received by the Senate:

DEPARTMENT OF HOMELAND SECURITY
ELAINE C. DUKE, OF VIRGINIA, TO BE DEPUTY SECRETARY OF HOMELAND SECURITY, VICE ALEJANDRO NICHOLAS MAYORKAS.

CONFIRMATION

Executive nomination confirmed by the Senate February 8, 2017:

DEPARTMENT OF JUSTICE
JEFF SESSIONS, OF ALABAMA, TO BE ATTORNEY GENERAL.
SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate of February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place and purpose of the meetings, when scheduled and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, February 9, 2017 may be found in the Daily Digest of today’s RECORD.

MEETINGS SCHEDULED FEBRUARY 14

9:30 a.m.  Committee on Armed Services
To receive a closed briefing on long-term defense challenges and strategies.  SVC–217

10 a.m.  Committee on Banking, Housing, and Urban Affairs
To hold hearings to examine the Semi-annual Monetary Policy Report to the Congress.  SD–106

2:30 p.m.  Committee on Armed Services
Subcommittee on Personnel
To hold hearings to examine Department of Defense single servicemember and military family readiness programs.  SR–222

FEBRUARY 15

10 a.m.  Committee on Environment and Public Works
To hold an oversight hearing to examine modernization of the Endangered Species Act.  SD–406

10:30 a.m.  Committee on Appropriations
Subcommittee on Departments of Labor, Health and Human Services, and Education, and Related Agencies
To hold hearings to examine mental health care, focusing on examining treatments and services.  SD–138

2:30 p.m.  Committee on Commerce, Science, and Transportation
Subcommittee on Surface Transportation and Merchant Marine Infrastructure, Safety and Security
To hold hearings to examine stakeholder perspectives on our multimodal transportation system.  SR–253

Committee on Homeland Security and Governmental Affairs
To hold hearings to examine government operations susceptible to waste, fraud, and mismanagement.  SD–342

Special Committee on Aging
To hold hearings to examine stopping senior scams, focusing on developments in financial fraud affecting seniors.  SD–562

This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.
HIGHLIGHTS

Senate confirmed the nomination of Elisabeth Prince DeVos, of Michigan, to be Secretary of Education.

Senate confirmed the nomination of Jeff Sessions, of Alabama, to be Attorney General.

Senate

Chamber Action

Routine Proceedings, pages S685–S974

Measures Introduced: Forty-one bills and nine resolutions were introduced, as follows: S. 306–346, and S. Res. 48–56. Pages S745–46, S867–68, S967

Measures Reported:

S. Res. 48, authorizing expenditures by the Select Committee on Intelligence.

S. Res. 52, authorizing expenditures by the Committee on Finance.

S. Res. 53, authorizing expenditures by the Committee on Armed Services. Pages S745, S869

Appointments:

Commission on Security and Cooperation in Europe (Helsinki): The Chair, on behalf of the Vice President, pursuant to Public Law 94–304, as amended by Public Law 99–7, appointed the following Senator as the Chairman of the Commission on Security and Cooperation in Europe (Helsinki) during the 115th Congress: Senator Wicker. Page S716

Congressional-Executive Commission on the People’s Republic of China: The Chair, on behalf of the President, pursuant to Public Law 106–286, appointed the following Members to serve on the Congressional-Executive Commission on the People’s Republic of China: Senators Rubio (Chairman), Lankford, Cotton, Daines, and Young. Page S716

John F. Kennedy Center for the Performing Arts: The Chair, on behalf of the President of the Senate, pursuant to Public Law 85–874, as amended, re-appointed the following individual to the Board of Trustees of the John F. Kennedy Center for the Performing Arts: Senator Blunt. Page S716

Library of Congress Trust Fund Board: The Chair announced, on behalf of the Majority Leader, pursuant to the provisions of Public Law 68–541, as amended by the appropriate provisions of Public Law 102–246, and in consultation with the Democratic Leader, the re-appointment of the following individuals to serve as members of the Library of Congress Trust Fund Board for a five year term: Chris Long, of New York, and Kathleen Casey, of Virginia. Page S885

United States Semiquincentennial Commission: The Chair announced, on behalf of the Majority Leader, pursuant to the provisions of Public Law 114–196, the appointment of the following individuals to serve as members of the United States Semiquincentennial Commission: Members of the Senate: Senators Cotton and Toomey. Private Citizens: Cathy Gillespie of Virginia, Daniel DiLella of Pennsylvania, Lucas Morel of Virginia, and Tom Walker of Alabama. Page S943

Members of the Finance Committee As Congressional Advisers on Trade Policy and Negotiations: The Chair, in accordance with Public Law 93–618, as amended by Public Law 100–418, on behalf of the President pro tempore and upon the recommendation of the Chairman of the Committee on Finance, appointed the following Members of the Finance Committee as congressional advisers on trade policy and negotiations to international conferences, meetings and negotiation sessions relating to trade agreements: Senators Hatch, Grassley, Crapo, Wyden, and Stabenow. Page S943

Resignation of Senator Jeff Sessions: Senator Jeff Sessions, of Alabama, submitted a letter of resignation from the United States Senate, effective 11:55 p.m., Eastern Standard Time, on February 8, 2017. Page S964
Certificate of Appointment—Agreement: A unanimous-consent agreement was reached providing that at 2 p.m., on Thursday, February 9, 2017, the Chair lay before the Senate a certificate of appointment from the State of Alabama.

Price Nomination—Agreement: Senate resumed consideration of the nomination of Thomas Price, of Georgia, to be Secretary of Health and Human Services.

During consideration of this nomination today, Senate also took the following action:

By 51 yeas to 48 nays (Vote No. 60), Senate agreed to the motion to close further debate on the nomination.

A unanimous-consent agreement was reached providing for further consideration of the nomination at approximately 10 a.m., on Thursday, February 9, 2017, post-cloture; and that all time during Morning Business, recess, or adjournment of the Senate, count post-cloture on the nomination.

Nominations Confirmed: Senate confirmed the following nominations:

By 51 yeas to 50 nays, Vice President voting yea (Vote No. EX. 54), Elisabeth Prince DeVos, of Michigan, to be Secretary of Education.

During consideration of this nomination today, Senate also took the following action:

By 91 yeas to 4 nays (Vote No. 53), Senate agreed to the motion to instruct the Sergeant at Arms to request the attendance of absent Senators.

By 52 yeas to 47 nays, 1 responding present (Vote No. EX. 59), Jeff Sessions, of Alabama, to be Attorney General.

During consideration of this nomination today, Senate also took the following action:

By 52 yeas to 47 nays, 1 responding present (Vote No. EX. 55), Senate agreed to the motion to close further debate on the nomination.

By 88 yeas to 3 nays (Vote No. EX. 56), Senate agreed to the motion to instruct the Sergeant at Arms to request the attendance of absent Senators.

By 49 yeas to 43 nays (Vote No. 57), Senate agreed to the ruling of the chair that the words spoken by Senator Warren violate Rule XIX shall stand as the judgment of the Senate.

By 43 yeas to 50 nays (Vote No. 58), Senate rejected the motion that Senator Warren be permitted to proceed in order.

Nomination Received: Senate received the following nomination:

Elaine C. Duke, of Virginia, to be Deputy Secretary of Homeland Security.

Messages from the House: Pages S866, S967

Executive Communications: Pages S866–67

Executive Reports of Committees: Page S867

Additional Cosponsors: Pages S868, S967–68

Statements on Introduced Bills/Resolutions: Pages S868–69, S968–69

Additional Statements: Pages S744–45

Authorities for Committees to Meet: Pages S751, S872, S969

Privileges of the Floor: Pages S751, S872

Quorum Calls:
Two quorum calls were taken today. (Total—3) Pages S716, S854

Record Votes: Eight record votes were taken today. (Total—60) Pages S716, S824, S855, S963

Adjournment: Senate convened at 12 noon, on Monday, February 6, 2017, and adjourned at 9:05 p.m., on Wednesday, February 8, 2017, until 10 a.m. on Thursday, February 9, 2017. (For Senate’s program, see the remarks of the Acting Majority Leader in today’s Record on page S969.)

Committee Meetings

(Committees not listed did not meet)

BUSINESS MEETING

Committee on Finance: Committee ordered favorably reported the following business items:

An original resolution (S. Res. 52) authorizing expenditures by the Committee; and adopted its rules of procedure for the 115th Congress.

Also, Committee announced the following subcommittee assignments:

Subcommittee on International Trade, Customs, and Global Competitiveness: Senators Cornyn (Chair), Grassley, Roberts, Isakson, Thune, Heller, Casey, Stabenow, Nelson, and McCaskill.

Subcommittee on Taxation and IRS Oversight: Senators Portman (Chair), Crapo, Roberts, Enzi, Cornyn, Thune, Burr, Isakson, Toomey, Scott, Warner, Carper, Cardin, McCaskill, Menendez, Bennet, Casey, and Cantwell.

Subcommittee on Health Care: Senators Toomey (Chair), Grassley, Roberts, Enzi, Thune, Burr, Isakson, Portman, Heller, Cassidy, Stabenow, Menendez, Cantwell, Carper, Cardin, Brown, Warner, and Wyden.

Subcommittee on Energy, Natural Resources, and Infrastructure: Senators Heller (Chair), Grassley, Crapo, Enzi, Cornyn, Burr, Scott, Cassidy, Bennet, Cantwell, Nelson, Menendez, Carper, and Warner.

Subcommittee on Fiscal Responsibility and Economic Growth: Senators Scott (Chair), Hatch, and Wyden.
Subcommittee on Social Security, Pensions, and Family Policy: Senators Cassidy (Chair), Portman, Crapo, Toomey, Brown, and Casey.

Senators Hatch and Wyden are ex officio members of each subcommittee.

(Committees not listed did not meet)
(Calendar Day Tuesday, February 7, 2017)

RECENT YEMEN OPERATION
Committee on Armed Services: Committee received a closed briefing on the recent Yemen operation from Theresa Whelan, performing the duties of Under Secretary of Defense for Policy, and J–3 Lieutenant General John L. Dolan, USAF, Joint Staff Director for Operations, both of the Department of Defense.

CYBER THREATS
Committee on Armed Services: Committee received a closed briefing on cyber threats from Admiral Michael S. Rogers, USN, Commander, Cyber Command, Director, National Security Agency, Chief, Central Security Services, Department of Defense.

BUSINESS MEETING
Committee on Armed Services: Committee ordered favorably reported an original resolution (S. Res. 53) authorizing expenditures by the Committee for the 115th Congress.

THE PLAN TO DEFEAT ISIS
Committee on Foreign Relations: Committee concluded a hearing to examine the plan to defeat ISIS, focusing on key decisions and considerations, after receiving testimony from James F. Jeffrey, Washington Institute for Near East Policy, and Jeremy Bash, Beacon Global Strategies, both of Washington, D.C.

BUSINESS MEETING
Committee on Veterans’ Affairs: Committee ordered favorably reported the nomination of David J. Shulkin, of Pennsylvania, to be Secretary of Veterans Affairs.

INTELLIGENCE
Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to the call.

(Committees not listed did not meet)
(Calendar Day Wednesday, February 8, 2017)

CURRENT READINESS OF U.S. FORCES
Committee on Armed Services: Subcommittee on Readiness and Management Support concluded a hearing to examine the current readiness of United States forces, after receiving testimony from General Daniel B. Allyn, USA, Vice Chief of Staff of the Army, Admiral William F. Moran, USN, Vice Chief of Naval Operations, General Glenn M. Walters, USMC, Assistant Commandant of the Marine Corps, and General Stephen W. Wilson, USAF, Vice Chief of Staff of the Air Force, all of the Department of Defense.

INSPECTOR GENERAL RECOMMENDATIONS
Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine Inspector General recommendations for improving Federal agencies, after receiving testimony from Peggy E. Gustafson, Inspector General, Department of Commerce; John Roth, Inspector General, Department of Homeland Security; Calvin L. Scovel III, Inspector General, Department of Transportation; and Allison C. Lerner, Inspector General, National Science Foundation.

MODERNIZING INFRASTRUCTURE OVERSIGHT
Committee on Environment and Public Works: Committee concluded an oversight hearing to examine modernizing our nation’s infrastructure, after receiving testimony from William T. Panos, Wyoming Department of Transportation, Cheyenne; Anthony Pratt, Delaware Department of Natural Resources and Environmental Control, Dover, on behalf of the American Shore and Beach Preservation Association; Shailen Bhatt, Colorado Department of Transportation, Denver; Michael W. McNulty, Putnam Public Service District, Scott Depot, West Virginia, on behalf of the West Virginia and National Rural Water Associations; and Cindy Bobbitt, Grant County Commissioner, Medford, Oklahoma, on behalf of the National Association of Counties.

BUSINESS MEETING
Committee on Indian Affairs: Committee ordered favorably reported the following business items:

§ S. 39, to extend the Federal recognition to the Little Shell Tribe of Chippewa Indians of Montana;
§ S. 63, to clarify the rights of Indians and Indian tribes on Indian lands under the National Labor Relations Act;
§ S. 91, to amend the Indian Employment, Training and Related Services Demonstration Act of 1992 to facilitate the ability of Indian tribes to integrate the employment, training, and related services from diverse Federal sources;
§ S. 140, to amend the White Mountain Apache Tribe Water Rights Quantification Act of 2010 to clarify the use of amounts in the WMAT Settlement Fund;
§ S. 245, to amend the Indian Tribal Energy Development and Self Determination Act of 2005;
§ S. 249, to provide that the pueblo of Santa Clara may lease for 99 years certain restricted land;
S. 254, to amend the Native American Programs Act of 1974 to provide flexibility and reauthorization to ensure the survival and continuing vitality of Native American languages;
S. 269, to provide for the conveyance of certain property to the Tanana Tribal Council located in Tanana, Alaska, and to the Bristol Bay Area Health Corporation located in Dillingham, Alaska; and
S. 302, to enhance tribal road safety.

FEMA'S FEDERAL-TRIBAL RELATIONSHIP

House of Representatives

Chamber Action

The House was not in session today. The House is scheduled to meet in a Pro Forma session at 2:30 p.m. on Thursday, February 9, 2017.

Committee Meetings

No hearings were held.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR THURSDAY, FEBRUARY 9, 2017

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Armed Services: to hold hearings to examine the situation in Afghanistan, 9:30 a.m., SD–G50.

Committee on Foreign Relations: to hold hearings to examine the United States, the Russian Federation, and the challenges ahead, 10 a.m., SD–419.

Committee on Homeland Security and Governmental Affairs: Subcommittee on Regulatory Affairs and Federal Management, to hold hearings to examine empowering managers, focusing on ideas for a more effective Federal workforce, 10 a.m., SD–342.

Committee on the Judiciary: organizational business meeting to consider committee rules, and S. 178, to prevent elder abuse and exploitation and improve the justice system’s response to victims in elder abuse and exploitation cases, 10 a.m., SD–226.

Select Committee on Intelligence: to hold closed hearings to examine certain intelligence matters, 2 p.m., SH–219.

House

No hearings are scheduled.
Next Meeting of the SENATE
10 a.m., Thursday, February 9

Program for Thursday: Senate will continue consideration of the nomination of Thomas Price, of Georgia, to be Secretary of Health and Human Services, post-cloture.

At 2 p.m., the Chair will lay before the Senate a Certificate of Appointment for the State of Alabama.

Next Meeting of the HOUSE OF REPRESENTATIVES
2:30 p.m., Thursday, February 9

Program for Thursday: House will meet in a Pro Forma session at 2:30 p.m.