

I will close with one observation. Last week, I heard the Democratic leader compare the confirmation timelines for Mr. Mayorkas versus Gen. John Kelly—an ethically compromised partisan lawyer versus a retired four-star general whom the Senate confirmed 88 to 11. The contrast could not be sharper. For one thing, I would say Secretary Kelly understood that our customers, first and foremost, are always the American people. It is, frankly, remarkable that someone with his record is even up for a Cabinet appointment.

I will be voting against this confirmation and urge our colleagues to do the same.

#### BURMA

Mr. McCONNELL. Now, on another matter, the United States and democratic countries around the world are anxiously watching events in Burma. I have had an interest in Burma for many years, since I chaired the Appropriations Subcommittee for State and Foreign Operations.

Just last November, here on the floor, I cautiously celebrated Burma's recent elections. I warned that its military remained a toxic influence and an obstacle to democratic progress.

Sure enough, the world was horrified over the weekend when Burma's military rounded up the country's civilian political leadership, including Aung San Suu Kyi and civil society leaders. The military was afraid the popular support of the new government would yield the constitutional economic reforms they long opposed. So they tried to simply claim control for themselves.

I spoke with President Biden and Secretary Blinken yesterday about the situation in Burma. The new administration deserves credit for approaching the situation in a way that is bipartisan and coordinated with Congress.

The world is watching. I hope and expect the United States will quickly make the obvious legal determination that this is a military coup and impose significant costs on the military for its attack on democracy. We already have sanctions in place against key military officials in that country, and Congress has already given the executive branch the authorities it actually needs to swiftly apply even more sanctions to the military and its infiltration into Burma's economy.

But we will also need the help of our friends and allies to effectively pressure the junta. It is time for freedom-loving nations to stand up for democracy and impose their own meaningful costs on the military junta.

The Chinese Communist Party's state news organ dismissively called the events in Burma a "major cabinet reshuffle." A "cabinet reshuffle"? That is a joke and the free world knows it. This is a military coup and an attack on democracy—plain and simple.

There are two paths before Burma. It can continue to grow into a modern,

democratic country connected to the global economy or remain a corrupt, impoverished authoritarian backwater in the shadow of the People's Republic of China.

The people of Burma have said which they prefer. They have spoken at the ballot box. The threat of force must not be allowed to silence their choice.

#### RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. PADILLA). Under the previous order, the leadership time is reserved.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

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

The legislative clerk read the nomination of Peter Paul Montgomery Buttigieg, of Indiana, to be Secretary of Transportation.

#### ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the time until 12 noon will be equally divided between the two leaders or their designees.

The Democratic whip.

#### NOMINATIONS

Mr. DURBIN. Mr. President, I rise this morning, of course, to support the nominations of Pete Buttigieg to be Secretary of Transportation and Alejandro Mayorkas to head the Department of Homeland Security. They are both exceptional choices by the administration to fill critical positions.

This afternoon when we vote on Mr. Mayorkas, it will be the completion of three of the four national security elements of the Cabinet for President Biden, having previously voted for the Secretary of State and Secretary of Defense.

The post remaining, of course, after today's actions—if they are favorable, and I believe they will be—is the office of Attorney General, and I would like to address that directly.

First, let me say this. When you feel that you are the target of terrorists—a personal target of terrorists—you will never forget the moment. It has only happened twice in my life. On 9/11/2001, as a U.S. Senator, I was in a meeting in a room just several feet away from the Senate Chamber when the attack on the World Trade Center took place and the attack on the Pentagon. Those were terrorists at work, killing innocent people.

There was one more plane in the air. We didn't know where it was headed. It

was early in the morning on that day that we were told to evacuate the Capitol Building, the first time I had ever faced that as a Member of Congress.

We quickly ran out the doors and down the stairs and stood on the lawn outside of the Capitol, wondering what was next, for fear that this building—this symbol of America and its greatness—was the next target of an attack. It could have been.

We are not sure. We never will be. But thanks to the heroic efforts of passengers on an airplane—they attacked the attackers, went after the terrorists, personally, and brought that plane down in Pennsylvania at the cost of their own lives—in a way, many of us were spared of being targets of terrorism that day.

When we reflect on those 3,000 innocent Americans who lost their lives in New York, Pennsylvania, and at the Pentagon, I will never forget the feeling that I was spared that act of terrorism and the hope that no one in America would ever have that fear again.

Fast forward to January 6, 2021, fewer than 4 weeks ago, here in the U.S. Capitol. Again, I felt I was the target of terrorists. That was the day when an insurrectionist mob stormed the Capitol, broke through the doors, beat down the windows, and came marching toward the Senate Chamber. I will never forget that moment, and I don't think anyone who was here at the time could possibly forget it.

It was 2:15 in the afternoon when the Vice President of the United States was removed from the chair that you are sitting in, Mr. President. He was whisked off the platform to a safe room so he could be spared from anything that might come from this mob.

The rest of us were told to sit at our desk. We would make a safe Chamber—one safe room in the Capitol. We lined the walls with staffers to protect them against this insurrectionist mob, and we waited, but only for a few minutes.

The order was reversed quickly: Leave the Chamber. What had happened, we came to learn, was that the same mob of terrorists continued to advance through the Capitol, despite the valiant efforts of the Capitol Police and other law enforcement.

It was during that period of time when this mob of terrorists was attacking this building, the United States Capitol, when Officer Brian Sicknick of the Capitol Police lost his life.

We honor him tomorrow by bringing his remains to the Capitol for him to lie in repose, a place of honor, for all of us to thank him and his family and to thank all of the men and women who risk their lives—and, certainly, one who gave his life—in the service of our Nation.

These men and women who stand in silent service every single day are often overlooked by visitors, but they are literally risking their lives. In the time I have served in the House and the

Senate, this is at least the third occasion when members of the Capitol Police have given their lives to protect me, and Brian Sicknick will not be forgotten.

For those who want to take this insurrectionist mob and the incitement of this mob as just another political protest, I ask them to reflect for a moment, please, on the graphic video evidence of what happened on that day, as people who were part of this mob took baseball bats, sticks, everything they could get their hands on, and beat up against those law enforcement agents. It was a sad moment.

Yesterday's New York Times spelled out what led up to it: a big lie that the former President of the United States actually won the November 3 election.

He did not. The votes were counted and he lost, but he has never been able to accept that reality, and what he has done in the meantime is to foment a revolt against our government at the grassroots level across America.

That is the reason why a new Attorney General brought to the position of leadership as quickly as possible is so important. I regret that, once again, I need to come to the floor to call on the Senate Republicans to stop blocking Merrick Garland from receiving a hearing before the Senate Judiciary Committee.

We all remember the way Merrick Garland, a judge in the Circuit Court of the DC Circuit, was treated by Senate Republicans in 2016 when he was nominated by President Obama to the Supreme Court. I am not going to recount the entire history today, but I will tell you, it was not a proud moment for the U.S. Senate when Senate leaders on the other side of the aisle announced they would not give him a hearing. They literally would not even meet with him to give him the dignity of such an opportunity to discuss his nomination for the Supreme Court.

But I do want to talk about the urgency of putting President Biden's national security team in place, including Merrick Garland, the President's nominee for Attorney General. Our country faces, as we learned on January 6, challenges of great importance at this moment in our history.

As we faced that mob assault on the Capitol Building for the first time since the War of 1812, our Capitol was breached by attackers, domestic terrorists. Domestic terrorists were part of a coordinated, comprehensive effort to stop the Government of the United States. That situation needs to be carefully reviewed and examined by the Department of Justice and the Attorney General as quickly as possible.

There is no person better qualified to lead this investigation, to bring these perpetrators to justice, and to prevent future domestic terror attacks than Merrick Garland. When he previously served at the Justice Department, Judge Garland oversaw the investigation and prosecution of the largest domestic terrorism attack in recent his-

tory—the Oklahoma City bombing. His qualifications and experience are well suited for the moment we face.

As our Nation's top law enforcement officer, the Attorney General is a key part of the President's national security team. The Attorney General oversees our Nation's law enforcement response to threats both foreign and domestic.

My Republican colleagues frequently talked about letting the new President get his national security team in place at the start of his administration. Despite the unresolved nature of the Senate's organizing resolution, other subcommittees have come together on a bipartisan basis to schedule prompt hearings and votes for nominees, including the Secretary of Defense, Director of National Intelligence, Secretary of Homeland Security, and Secretary of State. We need to do the same when it comes to the nomination of Merrick Garland to serve as Attorney General.

Why would we allow partisanship to get in the way of national security?

I have urged my Republican colleagues on the Judiciary Committee—current Chairman GRAHAM and incoming Ranking Member GRASSLEY—to consent to start the hearing for Merrick Garland as soon as possible.

I proposed February 8, next Monday, as a hearing date, in part to accommodate Senator GRAHAM's request to avoid holding a hearing during the impeachment trial. A February 8 hearing date gives the committee sufficient time to review Judge Garland's record. It would follow the same timeline—the very same timeline—that Senator GRAHAM used for Judge Amy Coney Barrett's nomination to the Supreme Court last year.

Remember, the committee has already received the vast majority of Judge Garland's record, including his speeches, interviews, and publications, that less than 5 years ago was presented when he was nominated to the Supreme Court. We have had this material in the committee for years. Senator GRAHAM claims that important paperwork for Judge Garland is still missing. The only thing that has not been filed is Judge Garland's FBI background investigation. As important as it is, the Judiciary Committee has scheduled hearings for previous Attorney General nominees before the FBI background investigations had been submitted. For example, the committee received then-Senator Jeff Sessions' FBI background investigation just 5 days before his hearing, and we are still 6 days away from a proposed hearing date. So what we are asking is not unprecedented or unrealistic.

Senator GRAHAM points out that Attorney General nominees typically have 2-day hearings—1 day to question the nominee and the other day to question outside witnesses. This isn't always the case. For example, the Republicans held a 1-day hearing to consider Alberto Gonzales's nomination to be

Attorney General. Yet, if the goal is to ensure there is sufficient time to question the nominee and to hear from outside witnesses, I am willing to do just that—allow for two rounds of questions of the nominee and an outside witness panel.

I also find it surprising that Senator GRAHAM objects to committee business on the eve of an impeachment trial. Just remember the history. On January 16, 2020—the same day that the previous impeachment trial of this President started—Senator GRAHAM held a committee markup during which the committee considered 11 judicial nominees. There was nothing sacred about the day before or day of an impeachment trial then, when Senator GRAHAM was chairman.

Judge Garland is a consensus pick. As even Senator GRAHAM has acknowledged, the Senate should generally be deferential to a President's Cabinet nominees, and that is particularly true for national security positions. There is an even greater urgency to move swiftly to confirm Judge Garland, given the events of January 6 and the Justice Department's role in investigating and responding to those events and other national security threats.

I hope Republicans will consent now to notice a hearing for February 8. It would show real bipartisanship and fairness. Under our committee rules, we can still notice the hearing with less than 7 days if my Republican colleagues on the Senate Judiciary Committee agree to do so. We need to get the Attorney General confirmed, and there is no justification for any further delay.

#### NOMINATION OF ALEJANDRO NICHOLAS MAYORKAS

Mr. President, while on the subject of confirmation, the Senate has confirmed Mr. Alejandro Mayorkas three different times. When you listen to the Republican Senate leader this morning, you may not catch that fact. He was second in command of the Agency he is nominated by President Biden to lead. Most recently, he served as the DHS Deputy Secretary, the Agency's second in command, and the Chief Operating Officer, handling counterterrorism, cybersecurity, border security, emergency management, and other critical matters. We need Mr. Mayorkas's deep expertise and experience in place at the DHS starting as quickly as possible, maybe even today.

Perhaps Republicans have forgotten about the last 4 years of chaos at the Department of Homeland Security. Here is a reminder: Under President Trump's administration, the DHS experienced an unprecedented leadership vacuum. The DHS lurched from one Secretary or Acting Secretary to the next—six in total—only two of whom were actually confirmed by the Senate. Those are more Agency heads in the last 4 years than in the 13-year history of the Department of Homeland Security before the Trump administration. For over a year, the Agency was led by