United States of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 115th CONGRESS, FIRST SESSION

Vol. 163 WASHINGTON, WEDNESDAY, FEBRUARY 8, 2017 No. 20—Part III

# House of Representatives

The House was not in session today. Its next meeting will be held on Thursday, February 9, 2017, at 2:30 p.m.

# Senate

WEDNESDAY, FEBRUARY 8, 2017

*(Legislative day of Monday, February 6, 2017)*

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

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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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. She stood and told her truth. To see this body act as it did tonight is disappointing to me, and it is not a violation of the ideals of comity. It is not.

I heard great conversations from people I revere. Senator HATCH spoke tonight. He is a great man. 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.

Nobody is questioning JEFF SESSIONS' love of country. Nobody here is questioning his kindness and collegiality. I experienced that. I have spent 3 years in the Senate. He is far senior to me, and there is no time that we connected on the floor or in the Senate gym in which he didn't show me kindness and respect. Let's put that aside.

He and I even stood together and passed a resolution here in this body to give the Medal of Freedom to marchers across the Edmund Pettus Bridge. One of those marchers was JOHN LEWIS.

Does that mean that if JOHN LEWIS believes strongly that to have JEFF SESSIONS ascend to the most powerful law enforcement office in the land, he should remain silent? Does that mean he should be quiet about that? No. In fact, JOHN LEWIS testified in the hearings in the Judiciary Committee against JEFF SESSIONS. Why? Because that is our tradition.

So I start my remarks tonight, aggrieved by what I saw happen to ELIZABETH WARREN. In fact, it stunned me. I didn't even believe it when I heard that a U.S. Senator would be silenced by another U.S. Senator from reading something that had been in the record for 30 years, as if somehow we are afraid to hear that truth on that paper or in her heart. God bless her for standing up and speaking up and refusing to be silent, and then, in the tradition of the King family, taking the consequences.

I want to state that what she did respects a difference that is worth analyzing for a moment. We have colleagues here with whom we disagree. 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. But it did show that two men could fight and disagree and could still have respect for each other; two men could raise their voices at times and have passionate arguments about what they believed in. This body was designed to bring people of diverse geographies—thank God, eventually diverse racial backgrounds, diverse gender—all together to represent our States and to have it out.

No one Senator has supreme power. This is not the Executive branch. Both sides have to want things. We have to meet a 60-vote threshold on some occasions. That is the type of power we have here.

When someone from here leaves this position and moves to the executive branch and is heading an agency, they have tremendous power. In fact, the Attorney General is one of the most powerful positions in America and actually even in some sense is independent of the Presidency. The idea of the Attorney General is that when the President is wrong, the Attorney General has a role and lets the President know that, taking the appropriate action.

So while JEFF SESSIONS is a valued colleague as a Senator, there is a moral obligation that all of us have enshrined in the Constitution of the advice and consent power to tell our truth because here our power as individuals is made manifest by our ability to develop coalitions. But in the executive branch, especially in the Attorney General's position, that power is residing in the individual, that power is real, that power has dramatic effects on the lives of everyday Americans. So when that is happening, we cannot remain silent.

I am so proud that Senator ELIZABETH WARREN actually did not just read a letter of Coretta Scott King; she honored that Martin Luther King tradition. King said: ''Our lives begin to end the day we begin to be silent about things that matter.'' King also wrote: ''There comes a time when silence is betrayal.''

I can't betray my values or my ideals. This body is in many ways a testimony to the ideals of freedom of speech in America, a body that is exhibiting in many ways to this country why fervent debate is so important in the marketplace of ideas.

To silence a voice, to silence a Senator—that is unconscionable under the pretext that somehow she was impugning the character of another Senator. That is unacceptable, especially in light of so many things that have been said on the Senate floor that weren't checked, weren't called out. But at a time when a Senator is standing strong for what she believes and speaking her truth, there is what is tantamount to a censure.

I came to this body on a very auspicious day. It was Halloween. I was sworn in on Halloween, 2013. It was October, and my election was just days earlier. Six days before I had been elected to the U.S. Senate, my father died.

I confess, on that day I was feeling a sense of pride, standing right over there with the Vice President. I was feeling pride, but I was also hollow in my heart. I was hurting because I knew my dad would have wanted to see me become a Senator. This guy who was born poor in a segregated community in the South, in the mountains of North Carolina, could never have imagined that one day his son would be sworn in as a U.S. Senator.

My dad taught me lessons, as so many of our fathers did. I learned about hard work. I learned about sacrifice. Jane Baldwin said it best: Children are never good at listening to their elders, but they never fail to imitate them. I thank God to this day that I had models to emulate.

But if there is anything my father taught me, it is: Son, you didn't get where you are on your own. That is interesting for me to hear from a guy who, by every other measure, was a self-made man. To watch my dad go at his craft, to watch him work and sacrifice on snow days in New Jersey, when I was a grade school kid, the first sound I would hear would be him shoveling the driveway because he was going to be the first person at work, no matter what. Often I would come home from school or go to my games and my dad wouldn't be there because he was going to make sure to be the last one to leave the office, setting the bar as a manager.

But here was a self-made man, looking at me every step of the way, and letting me know: Son—sometimes it would be boy—you didn't get here on your own. I would walk around my house, staring in the refrigerator, and he would say: Boy, don't you dare walk around this house like you hit a triple. You were born on third base.

Well, yes, I got it after years because my father said: Son, you are where you are because of this Nation, not just the values and ideals. I mean, come on, I want to tell the truth. This is a country that was formed with a level of genius that I can't take away from, a level of ascendant thought in the span of human history that is remarkable, and my father respected that, but he knew that what makes this country real was not just what our Founders did, it is what average Americans did to make real the promise of this democracy. Even when challenges occurred in this country, they didn't think they befell themselves, they somehow fought to make this country more real.

As great as our Founders are and as great as our Constitution is, let's look at 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 at all. African Americans were fractions of 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 1987 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 for 1987 takes particular events and holds them up as the source of all the very best that followed.

He writes:

Patriotic feelings will swell, prompting proud proclamations of the wisdom, foresight and sense of justice shared by the Framers and reflected in a written document 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.

This is Thurgood Marshall:

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 sense of justice exhibited 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,'' they invoke 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 representational purposes as three-fifths each. Women did not gain the right to vote for over 130 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 this criticism. 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 1987.

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; but all of this was made possible 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 to be a humble recognition of upon whose shoulders I stood. The last thing 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 when I was sworn in as the fourth 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 classmate, 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 went on freedom rides for 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 destined to be so but because 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 is a man who 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 politic, and sometimes love breaks traditions.

I chose to testify against a Senator, and I took criticism for it—probably deservedly so—but I did so 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 politic 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 judiciary 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 minority. A clear majority of Americans said 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 some leaders reject decades 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 enforced.

Those who are committed to equal justice in our society wonder whether Senator Sessions' call for law and order will mean today what it meant in Alabama when I was 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, not very far from where Senator Sessions was raised. There was no way to escape or deny the choke hold of discrimination and racial hatred that surrounded us. I saw the signs that said ''White Waiting, Colored Waiting.'' I saw the signs that said, ''White Men, Colored Men;'' ''White Women, Colored Women.'' I tasted the bitter fruits, the bitter fruits of 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 White water fountain, who looked at 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 unholy price we had to pay for dignity 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, AL, 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 bloodied, some of us unconscious, some of us had 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 all came to this great land in different ships, but we are all in the same boat now.''

It doesn't 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 people that need help, for people that 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 out for all of us and 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, the record of the Judiciary Committee. He brushed 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, this champion, chose not to be silent. 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, because this Nation has 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 didn't just say the words ''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 here now to 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, believe in the ideals of love thy 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. It doesn't detract from the collegiality of this institution for her to speak her mind, especially when those are issues that 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 in-person voting 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 spouting. I am actually referring to actual judicial inquiries of the Federal Government. In the State of North Carolina, as soon as the Shelby decision came and before the ink 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. This isn't made up. 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, Democrats, 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 activities around voting rights to investigate these issues are intrusive. 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 these 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 hard to get millions of Americans to vote, period, sometimes, but somehow this fiction is the highest priority when it comes to voting of this Attorney General.

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. 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 LGBT 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 significant 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 24 percent—about one in five—of lesbian and gay people experience 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 passing cyclist saw what he thought was a scarecrow lashed to a wooden buck 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. At the time these murders were committed, 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 covered racial violence against 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, and national origin without having to show that the defendant was engaged in a federally protected activity. The Shepard-Byrd Act also empowers the department to prosecute crimes committed because of a person's 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. Hate crimes against gays, lesbians, bisexuals, and transgender are tragically common in this country. Discrimination, hate, and violence is 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, 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 a time where 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 countries 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 from prison 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 this. 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 entering into 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. Then over 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. Most of us hearing gun fire would drop down; these men and women stood up. Most of us hearing gun fire might run in the other direction; these men ran toward that problem.

As the mayor of a city working directly with police officers, I could give countless examples and great testimony as to the strength and courage of

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 to ask that we make sure, through 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. We all know about 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 from 2012 to 2014, Blacks accounted for 85 percent of vehicle stops, 90 percent of citations, and 93 percent of arrests. This is in spite of the fact that Blacks made up only 67 percent of the total population. The information came to light because of the Justice Department's investigation.

In Baltimore, the Department of Justice found that the Baltimore Police Department targeted policing of certain Baltimore neighborhoods with minimal oversight or accountability, disproportionately harming Black residents; the Baltimore Police Department stops African-American drivers at disproportionate rates. African Americans accounted for 82 percent of all vehicle stops compared to 60 percent of the driving age population in the city and only 27 percent of the driving age population in the greater metropolitan area. Racial disparities in the Baltimore Police Department's arrests are more pronounced for highly discretionary offenses. Blacks accounted for 91 percent of the people charged solely with failure to obey or ''trustpass.'' Blacks were 89 percent of the 1,353 people charged for making a false statement to an officer; 84 percent of the people were arrested for disorderly conduct.

These challenges with policing are complex. Even communities very conscious of and sensitive to these issues struggle with the equal application of justice. I don't just say this; I experienced it.

When I was mayor of Newark, we were making a very conscious effort to improve, yet we still found difficulties. When the Department of Justice came to our city, they were able to do data gathering that we did not do. Perhaps we didn't have the resources, didn't understand the urgency. But when the Department of Justice came in and pulled that data, put a lot of resources into analyzing it, they found about 80 percent of the Newark Police Department stops and arrests involved Blacks, while the population is 53.9 percent Black. Black residents of Newark were at least 2.5 times more likely to be subjected to a pedestrian stop.

The data that was pulled by the Department of Justice helped us to step up our work with the ACLU and others and begin to address these issues. The Department of Justice's investigations, accountability, working with local law enforcement departments have helped make changes in Newark and Ferguson and will help make change in Baltimore and all around our country.

But Senator SESSIONS has aggressively criticized the use of these kinds of consent decrees, this kind of intervention. This is a critical tool that the Justice Department is now using to curtail patterns and practices of discrimination within police departments. But Senator SESSIONS calls them an end run around the democratic process.

During his confirmation hearings, Senator SESSIONS said: ''I think there is a concern that good police officers and good departments can be sued by the Department of Justice when you just have some individuals within the department doing things wrong.'' That is problematic to me because it is a failure to understand the larger challenges we have with policing 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, at the Federal Government, the Justice Department, working with localities, can actually help departments begin to address the reality in this country that we have a justice system that does not have equal application of law enforcement. This is a real problem in this country. And when I say it is a real problem, again, this is not a partisan issue.

FBI Director James Comey, one of our highest law enforcement officers, to my knowledge, is a Republican. This 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. This is 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.
>
> Every American should feel free to express an informed opinion—to protest peacefully, to convey frustration and even anger in a constructive way. That is what makes our democracy great. Those conversations—as bumpy and as uncomfortable as they can be—help us understand different perspectives, and better serve our communities. Of course, these are only conversations in the true sense of that word if we are willing not only talk, but to listen, too.

Director Comey continues in his speech:

> I worry that this incredibly important and incredibly difficult conversation about race and policing has become focused entirely on the nature and character of law enforcement officers, when it should also be about something much harder to discuss. Debating the nature of policing is very important, but I worry that it has become an excuse, at times, to avoid doing something harder.
>
> Much research points to the widespread existence of unconscious bias. Many people in our white-majority culture have unconscious racial biases and react differently to a white face than a black face.
>
> We simply must find ways to see each other more clearly. And part of that has to involve collecting and sharing better information about encounters between police and citizens, especially violent encounters.
>
> The first step to understanding what is really going on in our communities and in our country is to gather more data related to those we arrest, those we confront for breaking the law and jeopardizing public safety, and those who confront us. ''Data'' seems a dry and boring word but, without it, we cannot understand our world and make it better.
>
> How can we address concerns about ''use of force,'' how can we address concerns about officer-involved shootings if we do not have a reliable grasp on the demographics and circumstances of these incidents? We simply must improve the way we collect and analyze data to see the true nature of what's happening in the all of our communities.
>
> The FBI tracks and publishes the number of ''justifiable homicides'' reported by police departments, but again, reporting by police departments is voluntary and not all departments participate. That means we cannot fully track the number of incidents in which force is used by police, or against police, including nonfatal encounters, which are not reported at all.
>
> Without complete and accurate data, we are left with ''ideological thunderbolts.'' And that helps to spark unrest and distrust, and does not help us to get better.
>
> Because we must get better, I intend for the FBI to be a leader in urging departments around this country to give us the facts we need for an informed discussion, the facts all of us need, to help us to make sound policy and sound decisions with that information.

This is the FBI Director talking about the urgency of collecting data and what the Justice Department has been doing for departments where people are making a case for bias in policing. I know this because it happened in Newark. The Justice Department comes in and collects data, analyzes the data, and comes to objective conclusions that are not, as Director Comey says, ''ideological thunderbolts.'' And what they seem to be finding where they do these investigations is: Do you know what? Yes, a lot of

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, better police-community relations, 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 out of date. They 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 have no confidence that the issue of policing will be a priority if he is leading 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 national law enforcement organizations—we believe that protecting public safety is a vital goal. Our experience has shown us that the country can reduce crime while also reducing unnecessary arrests, prosecutions, and incarceration. 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 respect the truth and direction of 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 since about 1980 on 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 disproportionate 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 an 800-percent increase on the Federal level—500 percent overall in our Nation in throwing people in jail. This is disproportionately overwhelmingly nonviolent people.

This drug war, incontrovertibly, has been persecuted 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 those nonviolent drug crimes. But the truth is, if you use just race, socioeconomic status, you look at these issues, you see the poorest Americans disproportionately filling our jails and prisons. But what is worse than that, disproportionately you see addicted Americans not getting treatment, getting jail time; mentally ill people not getting health care, getting jail time.

All of this is running up the bill to a point in American history—at around the time I went to law school to the time I became mayor of Newark, we were building a new prison—about one every 12 days. The rest of the world was building better bridges, faster trains, better infrastructure than us. Our infrastructure has been crumbling, but, hey, as we are battling it out for infrastructure bills in this body—or hopefully will be—the reality is that we have been building out infrastructure like crazy, putting the rest of the Earth to shame when it comes to building one type of infrastructure: prisons—overwhelmingly, disproportionately warehousing poor people, addicted people, mentally ill people, and people of color.

What is beautiful about this issue amidst all of the negativity that I am expressing is that there is a bipartisan coalition of Americans that range from Grover Norquist, to Newt Gingrich, 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 me who are Democrats and Independents, Christian Evangelicals who know what the Bible says about people in prison. All of these coalitions, from libertarians, to Christian Evangelicals, even some vegetarians—we all are coming to a national consensus on criminal justice reform.

In this body, you have PATRICK LEAHY and DICK DURBIN partnering with the chairman of the Judiciary Committee, CHUCK GRASSLEY; MIKE LEE; the Senator from Texas, Senator CORNYN—all came together to put together a bill that was talked about by these law enforcement officers, a bill that would help us to bring justice to our criminal justice system, a bill that would help us reduce the level of incarceration but empower people to be more successful.

What is astonishing about this is this was not a bill showing leadership; it was showing followership because similar bills are being passed in States all across our country, from Georgia to Texas. Guess what they are finding out. When they lower their prison populations, they lower crime as well.

These mandatory minimums in our country have perverted our criminal justice system. In fact, most people still think that criminal justice is about courts and judges and juries, but that is not the case. Since we have seen this War on Drugs, this race to put more and more mandatory minimums, what has actually happened is, now most criminal convictions happen through plea bargain—about 98 percent are done through plea bargain—not trials any more.

There was a great book about why innocent people plead guilty. That is because you suddenly have a nonviolent drug 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 to or we are going to take you in for 5 years or more.

Well, our law tried to do the obvious: Lower these mandator minimums. Stop wasting taxpayer money by putting nonviolent criminals in jail for extraordinarily long times.

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.

So this bipartisan coalition came together and put together legislation that reflects what is happening in the States. That would have brought more justice to our criminal justice system, but it was fought against and criticized by JEFF SESSIONS.

But even beyond that, the Justice Department, acting on its own, has been lowering mandatory minimums, has been giving instructions to prosecutors on nonviolent drug offenses not to use mandatory minimums.

So with all of this, from policing, to sentencing, to rehabilitation, to access to drug treatment, all of this reform that is going on—not in a partisan way at all—one of the few people standing against this bipartisan work, not just criticizing the legislation but criticizing the Justice Department for their work, has been JEFF SESSIONS.

Why is this an issue that, just like voting rights, LGBT, freedom from fear, freedom from violence, women's rights—why is this issue important? Why is it an issue that should be seen as so fundamental to our country? What we are seeing is the issue of mass incarceration affect our Nation in ways that most people don't fully understand.

It affects voting rights. One in five Black folks in Florida has lost their right to vote because of felony disenfranchisement overwhelmingly involving drug crimes, often doing things that people in Washington, in elected offices, have admitted to doing. That affects voting rights.

It affects poverty. One study came out that said we would have about 20 percent less poverty in America if we had incarceration rates that were similar to other nations. Why would we have 20 percent less poverty if we didn't have one-fifth of the global prison population? Well, because when you make that mistake for doing something that George Bush or Barack Obama admitted to doing, when you create that felony crime, what happens is you come out of prison and you can't get a Pell grant. You come out of prison and you can't get a job. You come out of prison and you can't get food stamps. You have door after door closed to you.

So these issues, taken together, are more than just about incarceration. It is about public safety. It is about empowering communities. It is about equal justice under the law.

The most powerful law enforcement office in the land sets priorities and has to drive forward the ideals of our country.

We are a nation that is great not just because, as I said earlier in my remarks, of our founding document, which, as Thurgood Marshall wrote, took a civil war and amendments, took an expansive vision of who is included in the ideal of ''we the people,'' but it is the spirit of America that has pushed forward, where people in positions of power as well as grassroots folks embody that great American spirit.

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 was a time when a whole bunch of naturalized citizens were 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 adoption; the rest have 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 had the courage to break from the past and brave the dangers and the loneliness of a strange land. What was the object that nerved 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 court can even do much to help it.

While it lies there, it needs no constitution, no law, no court to save it.

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 not 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 weighs their interest alongside its own 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 has never been, 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 some 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 and of America so prosperous, and safe, and contented, we shall have failed to grasp its meaning, and shall have been truant to its promise, except as we strive to make it a signal, a beacon, a standard to 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 emboldened in our country. We still have work to do. We still have challenges. We still have unfinished business. We have a position of 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 in fear of 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 strident 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 that franchise. We still have a nation 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 speak her 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 WARREN did earlier tonight was not over the line. And here we are worrying about decorum and 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 want to be as tough on a Senator 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. While debating JEFF SESSIONS as the next Attorney General, ELIZABETH WARREN crossed an invisible line, and a rule almost never used was invoked.

The rule was not invoked when somebody called another Member a cancer. 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

point. Lots of people—almost everybody in the world—everybody in this country does not have the luxury of worrying about decorum. What a luxury we have to debate if a stray comment crossed some theoretical line.

This place, this place of privilege, this place, the dome next door built by slaves, this place, where there were hardly any women or people of color or gay people out of the closet until very recently, yet we spent hours worrying about whether ELIZABETH hurt JEFF's feelings or broke a sense of decorum. What a luxury it is to worry about that.

In the meantime, Muslim families in America are terrified. In the meantime, DACA kids are worrying about whether they have to go into hiding. In the meantime, LGBT youth are bullied in school. In the meantime, anti-Semitic attacks are on the rise across the country.

And we are here worrying about whether it is impolite to quote in full the statement of the widow of Dr. Martin Luther King, Jr.

Look, I am for this body. I am old-school. I like the rules. I spend a lot of time talking with the Parliamentarian at this desk so I can better understand it. But this body and its rules have to be in service to the country. The country is not in service to the rules and the body of the Senate.

Before I go on, I just want to thank the stenographers who are such a critical aspect of the Senate and have been running marathon sessions—literally marathon sessions. We rotate through. There are at least 30 of us doing about 30 hours of debate, but there are only seven of you, and your wrists are sore, your legs are sore. This is incredibly challenging. Yet without you, we have no Senate RECORD.

So thank you for your service and your contributions to the world's greatest deliberative body.

In his final speech as Attorney General, Eric Holder gave us a warning and one that remains relevant in the Senate today. He said:

> Beware those who would take us back to a past that has really never existed or that was imbued with a forgotten inequity. Our destiny as Americans is always ahead of us.

Today our country faces a stark choice. Do we want to pursue an imaginary past or do we want to continue to follow the path toward progress? Do we continue in our struggle to form a more perfect union, to secure the blessings of liberty? It is hard to believe, but these are the dramatic choices before us as we consider the Cabinet nominations of this administration. And that choice is perhaps most clear in the nomination of our colleague Senator JEFF SESSIONS for Attorney General.

The Attorney General is the highest law enforcement official in the country. He or she is the defender of American values, of human rights, and of civil rights, and this person needs to have an unbreakable commitment to fight for what is right and to lead that pursuit in making America more free and more just. That is the kind of approach we need because that is what the job demands.

The Attorney General leads the No. 1 watchdog for civil rights in our country. It is the Department charged with protecting voting rights and prosecuting human trafficking and hate crimes. They determine and defend the constitutionality of U.S. policies. Our next AG will face critical challenges that will test our justice system and our values. We need a leader committed to protecting the rights of every American regardless of race, religion, gender, national origin, or sexual orientation.

While I do like him as a colleague, Senator SESSIONS is the wrong person to serve as our Nation's Attorney General. In my judgment, his policies, priorities, and overall philosophy fall short of the standard our country has for the leader of the Justice Department. Throughout Senator SESSIONS' career, he has been on the wrong side of history. If you look at the key issues that this Attorney General will work on, it is clear that Senator SESSIONS' views fall outside the mainstream of America.

That is certainly true when it comes to criminal justice. Look at Senator SESSIONS' opposition to the Sentencing Reform and Corrections Act. This bill was a big deal. It would have reduced mandatory minimum sentencing for low-level, nonviolent crimes, while keeping tougher penalties for serious or violent crimes; it would strengthen drug addiction, rehabilitation and mental health treatments, and improve our efforts to help people who were leaving prison to settle into their communities and get back on track. Everybody liked it. Senator GRASSLEY introduced it with cosponsors from both sides of the aisle. The bill had support from the House Speaker, the International Association of Chiefs of Police, the Major Counties Sheriffs' Association, the National District Attorneys Association, the Leadership Conference on Civil and Human Rights, among many others. Even the Koch brothers liked this piece of legislation. That is because it tackled problems we all agreed needed to be solved.

No one wants to see excessively punitive sentences that expand the Federal prison population, which has grown by 734 percent between the year 1980 and 2015. No one wants to see unnecessary barriers that make it harder for formerly incarcerated people to stay out of jail. No one wants to see taxpayer money spent needlessly.

So we had a thoughtful, bipartisan bill, but we were not able to enact it into law. Senator SESSIONS personally blocked the bill from being considered after it passed the Judiciary Committee last Congress. And he said: ''Federal drug and sentencing laws have already been considerably relaxed.''

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 ACLU reports that sentences 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 the 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 was 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 are maybe even more 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.

But 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 respect the decisions of States to determine their own criminal laws. Because of this guidance, Federal prosecutors stopped targeting patients who rely on medical marijuana products for relief. They stopped targeting local dispensaries that are operating squarely within State law. Instead they went after criminal drug traffickers and violent drug crimes. That seems like a

smart prioritization of resources within the Justice Department—not going after people who want to utilize marijuana to alleviate pain but rather going after violent drug crimes. That seems smart, but Senator SESSIONS opposed that.

The respect for federalism reflected in the Justice Department's guidance should be right in line with conservative values. Under the guidance, as long as States are preventing the distribution of marijuana to minors, if they are preventing the growing of marijuana on Federal lands, and if they are stopping State-authorized marijuana activities being used as fronts for other illegal activities, then the Justice Department doesn't interfere.

I would like to quote from Senator SESSIONS' argument against this policy. He said:

> I think one of Obama's great failures that is obvious to me is his lax treatment and comments on marijuana. . . . It reverses 20 years almost of hostilities in drugs that began really when Nancy Reagan started ''Just Say No.''

But here's the thing. There is a bipartisan consensus now that the drug war is a failure. The drug war did not work. The drug war did not decrease the percentage of people utilizing illegal drugs. Every time the government succeeded in shutting down a drug trafficking ring, another would pop up. And a harsh penalty didn't slow addiction rates, it just incarcerated mostly young men. They didn't slow the flow of drugs; instead, they crowded our prisons, hurt taxpayers, and increased drug-related violence in other countries.

Now is the time to shift our strategy and focus on people who struggle with addiction. We also need to respect the decision in many cities and States to decriminalize drug possession. It is up to them as to how to ascribe relief to citizens who could benefit from using medical marijuana.

There is another area where I believe Senator SESSIONS is out of the mainstream, and that is his views on LGBTQ equality. Senator SESSIONS opposed the Employment Nondiscrimination Act, a bill that I was proud to support that would have ended workplace discrimination for LGBTQ people. Right now there are no Federal laws that explicitly protect LGBTQ individuals from discrimination. That is not because we haven't tried. Last Congress, I cosponsored a bill to prohibit this kind of discrimination, but even without a law on the books, the Justice Department has interpreted the Civil Rights Act to include sexual orientation and gender identity. That could change, however, under the next Attorney General.

As head of the Justice Department, Senator SESSIONS could choose to interpret the law differently, and his record gives us every reason to be concerned. Senator SESSIONS also voted against the reauthorization of the Violence Against Women Act. He voted 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 says 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 nondiscrimination clause.

Think about this. If a gay person is a victim of sexual assault, are they not morally and legally entitled to the same humanity, the same protection 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 has 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 the Hate Crimes Prevention Act. 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—a student conference for gay kids that ''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. And he sharply criticized the legal decision that put a rightful end to the criminalization of same-sex relationships.

He supported don't ask, don't tell, saying that it was pretty effective. And he opposed the repeal of that law.

On marriage equality, Senator SESSIONS has vowed to work again and again to amend the Constitution to prohibit same-sex marriage. We went through this in 1998 in the State of Hawaii. How unusual it is to enshrine in the Constitution the removal of a right.

I want you to just think about that—that you want to amend the Constitution, not to provide additional rights, not to clarify something, but to explicitly prohibit Americans from having a certain right.

I don't think there are many families who would agree on Senator SESSIONS' views here. People don't want their sons and daughters to have to hide their sexuality in order to serve their country. They don't want to go back to the days when our Nation failed to recognize the legitimacy of same-sex relationships. And they certainly don't want to see their friends and family lose a job or even go to jail because of whom they love, but that is the record that we are dealing with.

To be clear, these aren't views from the 1970s. These are his views as of last year. These are his current views on these matters.

The Senator has a similarly out-of-step approach on immigration. Mr. SESSIONS was instrumental in defeating the 2007 immigration reform bill, referring to it as ''terrorist assistance.'' He was a strong opponent of a 2013 bipartisan immigration bill, even though the bill had the strongest border security provision ever seen in an immigration bill. It was such a strong security border provision that I hated it. I had to think about whether I was going to vote for this thing because I felt it was too much of a militarization of our southern border. I thought it was a giveaway and a waste of money. But it had a strong border security provision, and it was voted out of the Senate by a wide margin.

If it were up to him, we would also limit legal immigrants coming to our country. During the markup in the Judiciary Committee, Senator SESSIONS offered an amendment to limit legal immigration, which failed 17 to 1. If you are wondering whether it is rhetorical to say his views on immigration are out of the mainstream, the record shows 17 to 1—17 to 1.

In addition, he promotes cutting Federal funding for sanctuary cities. Sanctuary cities is a brand. People aren't sure what that means. Let's be clear what we mean by that. Stripping funding from sanctuary cities is wrong because cities have decided that the strength of their relationship between their police and their citizens is more important for public safety than doing the Federal Government's job of enforcing immigration laws.

Senator SESSIONS, of course, is against the right of children born in the United States to be American citizens. He is against helping the many DREAMers in this country.

Let's have an honest discussion about immigration. We need to start talking about why people come to this country. Some of them come because they want to escape their own awful circumstances and live in freedom and opportunity. It is my grandparents escaping the Ukraine. It is my wife's grandparents leaving China. It is the Schatz; it is the Binders; it is the Kwoks. It is Albert Einstein; it is Madeleine Albright. This is who we are. We are people from all over the world who are united not by our ethnic extraction or our religious affiliation, but tied together by our love for America and our belief in this country as the beacon of hope, the shining city on the hill. The idea that we would shred that legacy in the face of some imaginary public desire for immigration reductions, frankly, is disturbing.

Look at the protests happening every weekend at our country's international

airports. Americans are not out in the streets demanding that we shut off the lamp outside the golden door. They are demanding that we stay true to our history and to our roots.

That is why we saw close to 100 companies file a legal brief earlier this week against the Muslim ban put in place by the President and implemented by a man who has been mentored by Senator SESSIONS. The brief they filed notes an important statistic about our country. More than 200 companies currently listed on the Fortune 500 list are founded by immigrants or the children of immigrants, and this stands in direct contrast to the nominee's views. If immigrants are coming to the United States and starting businesses and hiring people, they aren't taking jobs from Americans. They are creating jobs for Americans, and that has been the story of our country since the very beginning.

Immigration is one of the cornerstones of our country, and the nominee's policy proposals would chip away at that.

The world is watching. History is watching. We have to ask ourselves: What do they see? Do they see Lady Liberty? Or do they see something else, something darker?

Our country is asking similarly ominous questions about the basic, most fundamental right in our society, and that is the right to vote. Our country's history books are filled with stories of the struggle for voting rights, of African-American men risking it all to go to the polls and women in white marching through the streets of Washington, DC, demanding to vote. But that struggle and that progress is in danger with the kinds of policies that are being promoted. It is on all of us to honor that history and make sure that whoever is eligible to vote is able to vote. This is the bedrock of all other rights, because it is what gives us the voice when incumbent leaders and our representatives fail to protect the other rights.

In his testimony to the Senate Judiciary Committee, Mr. SESSIONS said:

> The Department of Justice must never falter in its obligation to protect the civil rights of every American, particularly those who are most vulnerable. A special priority for me in this regard would be aggressive enforcement of our laws to ensure access to the ballot for every eligible American voter, without hindrance or discrimination, and to ensure the integrity of the electoral process.

But his record does not support that view. Senator SESSIONS supports voter ID laws that will disenfranchise many, many voters. He has called the Voting Rights Act ''intrusive,'' and he has praised the Supreme Court ruling that dismantled a key part of the Voting Rights Act. He has already had his nomination rejected by the Senate because of his views on this issue.

This should concern anyone and everyone who cares about our democracy because, at the most basic level, democracy is built on the ability of American citizens to go to the polls.

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. Voter 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 disenfranchisement and 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 North Carolina, 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 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 pay she was denied for years and 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, especially in a factory 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 yet—they are being rolled back as we speak. Even if Senator SESSIONS does not push back 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 Web site FiveThirtyEight 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 he'd worked on in his career. Some committee members were skeptical.
>
> Democratic Sen. Al Franken of Minnesota said Tuesday that Sessions had overstated 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 said it was ''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 sense of 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 policing trump data. I don't think they are comfortable with overlooking our 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: Jeff Sessions.''

I would like to read a few excerpts from the article.

In jagged black strokes, President Trump's signature was scribbled onto a catalogue of executive orders over the 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 also on nearly all of them: Jeff Sessions.

The early days of the Trump presidency have rushed a nationalist agenda long on the fringes of American life into action—and Sessions, 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 globalism,'' 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 1986 nomination 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 tactician turning 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 promoter in Congress of Trump's agenda, and has played a critical role as the clearinghouse for policy and philosophy 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 Sessions had advocated for going 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—

I assume we got that—

and catch his critics unaware—

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 rare lawmakers who shared his impulses.

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 which children brought to the United States 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 making personnel decisions. Once former New York mayor Rudy Giuliani was out of consideration for secretary of state, Trump considered nominating Sessions because he was so 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 Sunday, he denied that he has had ''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 message strategy at the White House.

Sessions also influenced the selection of Peter Navarro, an economist and friend with whom he coauthored an op-ed last fall warning against the ''rabbit hole of globalism,'' 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 a view of America that is insular and not an active member of the global community.''

Inside the White House and within Sessions's alumni network, people have taken to calling the Senator ''Joseph,'' referring to the Old Testament patriarch who was shunned by his family and sold into slavery as a boy, only to rise through unusual circumstances to become right hand to the pharaoh and oversee the lands of Egypt.

In a 20-year Senate career, Sessions has been isolated in his own party, a dynamic crystallized a decade ago when he split with President George W. Bush and the business community over comprehensive immigration changes.

In lonely speeches on the Senate floor, Sessions would chastise ''the masters of the universe.'' He hung on his office wall a picture of He-Man from the popular 1980s comic book series.

As he weighed a presidential run, Trump liked what he saw in Sessions, who was tight with the constituencies Trump was eager to rouse on the right.

''Sessions was always somebody that we had targeted,'' said Sam Nunberg, Trump's political adviser at the time.

In May 2015, Nunberg said, he reached out to Miller, then an adviser to Sessions, to arrange a phone call between Trump and the senator. The two hit it off, with Trump telling Nunberg, ''That guy is tough.''

The next month, Trump declared his candidacy. In August of that year, Sessions joined Trump at a megarally in the senator's home town of Mobile and donned a ''Make America Great Again'' cap. By January 2016, Miller had formally joined the campaign and was traveling daily with the candidate, writing speeches and crafting policies.

That Washington Post article offers a look into the nominee's philosophy. Out of the gate, the President has pushed for all punishment and no mercy. The administration has shown a willingness to trample on rights to satisfy political objectives. This should trouble everybody on both sides of the aisle who cares about Executive overreach.

This week, John Yoo—the driving force of enhanced interrogation under the Bush administration, the torture man, the famous John Yoo from the Office of Legal Counsel, the John Yoo demonized by progressives for sort of being the key thinker behind understanding 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 in place who shares his philosophy on immigrants, 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 her career as a public defender and 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 fair day in court and that your history would not impact your decisionmaking?'' he asked.

''And I raise that particularly because I see your firm is representing Mr. Freddie Gray in that case that's gathered so much attention in Maryland, and there's lots of law enforcement officers throughout the state and they want to know that they don't have someone who has an agenda to bring to the bench—can you assure them that you won't bring that to the bench?''

In December 2010, Sessions took to the Senate floor to rail against judicial nominees who have what he calls ''ACLU DNA'' or the ''ACLU chromosome.'' The ACLU ''seeks to deny the will of the American people,'' he said, ''and has taken positions far to the left of mainstream American and the ideals and values the majority of Americans hold dear.''

In October 2009, Sessions opposed a district court nominee and former ACLU staff attorney by saying, ''I think we're seeing a common DNA run through the Obama nominees, and that's the ACLU chromosome.''

I know 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 our country has long associated 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 the past, relished opposition to these groups.

Before concluding, I just want to say that I understand there may be a distinction between politician-elected official representing a certain State and a certain perspective JEFF SESSIONS, Senator SESSIONS, and Attorney General Sessions. This sometimes does happen as people move from legislative to executive or as they advance in their careers. It is entirely possible, and I sure hope that there will be an evolution, that he understands he may have his views or he may have been vigorously advocating for the views of his constituents, but now he has a different role as the chief law enforcement officer for the United States of America, somebody who is there to uphold equal justice for everyone.

So as critical as I have been of his record, I hope to be proven wrong. There are people on the other side of the aisle and one Democrat on our side of the aisle whom I respect greatly who really love JEFF SESSIONS. I hope everything they believe about him and the way he will conduct himself as Attorney General ends up being true. I just don't see any evidence for that yet, other than the word of my colleagues. That means a lot, but the record is too decisively against all of the things I care for and all of the things I believe are important in an Attorney General.

I know I am not alone in having these concerns. Millions of people have signed petitions, made calls, and posted online in opposition to this nominee.

I have received very thoughtful messages from people in Hawaii about Senator SESSIONS. I wish to quote a few of them.

I'm writing as a thoughtful voter and human being that Mr. Sessions is not the right man for the job of Attorney General. He may be a friend of the president and his inner circle, but he does not represent the values of our democracy.

Given his approval of the ban on immigration, I believe he will help the president radicalize and destabilize this country.

Another person mentioned the former Acting Attorney General, who was fired by the President because she was true to the word she gave Senator SESSIONS in her own confirmation hearing. Sally Yates said what so many people are thinking, which is that this Muslim ban cannot stand.

Here is another letter from Hawaii:

I'm writing to express my most heartfelt disappointment at the direction our country is quickly taking with the Trump administration.

While I accept that those with more conservative views than mine are now in power, I find the actions being taken a gross and crass disregard of our diverse and tolerant national identity.

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 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 the brightest; if your family 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, you have to be opposed to this nomination.

If you care about women's rights; if you believe that women are not to be treated like second-class citizens, 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 should be paid the same for doing the same job, then you have to be opposed.

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 68–541, 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 five year term: Chris Long 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 express my support for JEFF 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 2013. I was serving in the House of Representatives—a first-term Congressman. Senator SESSIONS, of course, was my elder 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 through Congress a massive 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.

I 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—who 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 a 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 fell 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. Perhaps 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 among the people he would oversee 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 he will serve the 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.

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

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

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 American's civil rights, not to restrict them, hobble them, or eliminate them, or to eliminate 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 unconstitutional 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. We have worked hard to change that, but here we are 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 has ''consistently opposed the bread and butter civil rights agenda.'' When the Supreme Court gutted the Voting Rights Act of 2013 with Shelby v. Holder, Senator SESSIONS celebrated the decision saying: If you go to Alabama, Georgia, North Carolina, people are not denied a vote because of the color of their skin.

Well, indeed, part of this—the point is, when the Voting Rights Act was in place, it prevented many activities that would have otherwise denied the vote. We have seen the resurgence of all kinds of measures since the Voting Rights Act was modified by the Supreme Court, which it eliminated key provisions.

We have seen the ''almost surgical precision'' of North Carolina's voter ID law that the Fourth Circuit Court of Appeals struck down because they were created specifically to reduce the vote of African Americans. We are living in times that it just feels like our Nation is a bit under siege.

During the campaign of last year, we had so many divisive attacks as part of the Presidential primaries. Even during the general election, very divisive rhetoric passed from the man who would then become our President, President Trump—attacks on women, attacks on minorities, attacks on African Americans, attacks on Hispanics, attacks on people with disabilities.

Yet, against that, we have a vision of a system of law that treats everyone equally, impartially. We learned when we were children that Lady Liberty wears a blindfold with the scales of justice in her hand. We need an Attorney General who has at their core that vision of impartial justice, justice for every American, justice regardless of skin color, regardless of ethnicity, regardless of geography. That is essential, and we need it now particularly in a powerful way to help address the divisive rhetoric of the last year, which has left many people doubting that their government is willing to fight for them, that they will receive this form of impartial justice.

We have seen what has happened with the strong work of the Justice Department's Civil Rights Division under President Obama. For more than half a century, the Justice Department's Civil Rights Division fought for and enforced laws that uphold the basic rights of all Americans, steadily expanding opportunities.

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 has worked hard to apply, 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 mosques 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 a business in Louisiana of moving mental patients into 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 their stories of harassment and discrimination. So it is very hard not to be aware of 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 someone of a 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.

He 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 departments were investigated is 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.

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 didn't turn 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 an 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—not 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 transgender 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, to fight for those rights.

So it is of some 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 22, 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 provided funding for 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, tortured, and left to die in Laramie, WY, because of his sexuality. In that same year, James Byrd, an African-American man, was tied to a truck by two White supremacists. He was dragged behind it and was decapitated in Jasper, TX. At the time, Wyoming hate crime laws did not recognize 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 prejudice motivation 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 group within our society, 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 purposely targeted a gay nightclub 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 a discriminatory law in the military, 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 morale, 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 here is what happened 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 fact, 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 in 1978.

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 lacks 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 of that work I did in Oregon—when I came here to the Senate, Senator Kennedy was ill. Senator Kennedy would champion this legislation. Senator Kennedy, who had been here—he had been 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 because 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, that we couldn't allow this discrimination to continue without at least working to address it. We might fail on the floor to pass this bill, but we should at least put it before the body, make the case, have the argument, 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—job discrimination for LGBTQ 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 passed it. That 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 notes 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.

The National Crime Victimization Survey—the statistics that I have here from 2006, so quite a while ago—says 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 these kinds of 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 effect every aspect of a child's life, growth, and development. Children who have been exposed to family violence suffer symptoms of post-traumatic stress disorder, such as bed-wetting and nightmares, and were at greater risk than their peers of having allergies, asthma, gastrointestinal 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 of violence.

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 hotline calls every hour.

VAWA, the Violence Against Women Act, has been a powerful tool in fighting these kinds of abuse, these kinds of violence in our community, and it has proven to dramatically reduce domestic violence. Among other things, in 2013 the VAWA reauthorization included measures to ensure that LGBTQ men and women cannot be turned away from domestic violence shelters. It addressed threats of violence against women in transgender communities, who face rates of domestic violence and sexual assault at much higher rates, as I noted before, than those faced by the general population. It provides tools and encourages best practices, which have proven to be effective to prevent domestic violence homicides by training law enforcement, victims service providers, and court personnel to identify and connect high-risk victims with crisis intervention services—all of this in the interest of preventing 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 hope to 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.

And another factor came into play. 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 in 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 now President, when asked whether it was an assault, he said clearly it would be. 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 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 services and protection. It then 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 ban, the Muslim ban, came out as 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 freedom, 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, so this ban and this campaign feed right into that recruiting strategy. It has been pointed out by security expert after security expert after security expert that this makes us less safe.

Sally Yates, the Acting Attorney General, refused to defend this order in court because she believed it was illegal and unconstitutional. That is a principled stance, that despite that the head of the executive branch put something forward, the Attorney General said: No, that is wrong. That is not constitutional.

Well, she was fired shortly thereafter, for taking that stand, by President Trump. But then, two attorneys general from Washington State and Minnesota took the case to court, pointing out that they had substantial harm in their States as a result of this, giving them standing to challenge it—harmed because of professors trapped overseas, harmed from students trapped overseas, harmed from citizens in the States of Washington and Minnesota whose family members were trapped overseas. They put it to a district court judge, James Robart, a judge who was appointed by George W. Bush. The judge put a restraining order on the Executive order. To do that, one has to reach the standard that the case has merit and is likely to prevail.

So a judge, given this issue, the design of this issue, and the facts surrounding these orders, struck them down. And then it went to the Ninth Circuit Court, and the Ninth Circuit didn't find that there was enough information to change the decision of the district judge, but they asked for additional briefs, and they are expected to rule later this week. We will find out of course then how they weigh the issues.

Part of what is being taken into account are the facts on the ground, including was this designed around national security, and part of that debate recognizes that individuals from those seven countries have not come to America and killed Americans.

Now, individuals from other countries have come to America and killed Americans, but not from those seven countries. Then there is the question of whether it was based on religion, and they will be taking into account and looking at the fact that Rudy Giuliani said he was instructed to develop a Muslim ban but to make it look legal. So, clearly, there is evidence that the real intent of this wasn't national security but was religious discrimination.

Then there is the fact that the Executive order itself has a clause that says we will discriminate based on religion, letting in Christians while closing out Muslims. They will consider all of that. We will see what they say.

There is considerable power in the executive branch and the Presidency for making rules related to immigration. There is considerable power to take actions related to national security, but the design of this suggests serious constitutional problems, and two very capable lawyers—one, the acting AG for the United States of America and, second, a district court judge—have found it fails the test.

I would like for us to have a nominee for Attorney General who would have the courage and convictions to stand up to a President when the President goes off track in violating the Constitution, and I am concerned that our nominee wouldn't reach the same courageous point of view that Sally Yates found or James Robart found. Even while noting that the courts are yet to ultimately decide, there are certainly heavy concerns that should be weighed intensely in this consideration, and I am not sure that would happen.

In 2015, Senator SESSIONS, my colleague, our nominee, authored a bill that would automatically cut off Federal funding to sanctuary cities that refused to have their police officers act as agents of our immigration force, as ICE agents. Just today, I had the sheriff of Multnomah County in Oregon come and speak to me. He was formerly the police chief of our largest city—the city of Portland. What he conveyed was that if you have police officers pursue each person they interact with on the basis of immigration, pretty soon people in the community will not work with you to solve crimes, and you actually create enormous public safety risks for the citizens in Multnomah County. Numerous mayors have pointed this out; that if you see your police force as one that is continuously trying to be an immigration agent rather than a police officer and you are pursuing folks with profiling—stopping everyone in the Hispanic community—that pretty soon the Hispanic community folks don't want to talk to you. They will not help you solve the crimes that occur. The community becomes less safe.

So 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 do.

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 babies—grow up in 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.

So 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 have grown up in America and 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 their information would not be used, 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 800,000 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 must 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, essentially 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 Bloomberg News, our nominee was one of the few lawmakers to defend President Trump's effort to propose a complete shutdown of Muslims entering the United States, in this report of November 18, 2016. He told CNN's Dana Bash last June: Well, all I can tell you is, the public data we have had indicated that there are quite a number of countries that have sent a large number of people here who have become terrorists.

During his nomination hearing, our nominee tried to walk back his support for the Muslim ban. He said he would not back a complete and total shutdown of all Muslims entering the United States. So he evolved from a position he took in December of 2015 and was more moderate during the nomination hearing. But still I am concerned about the position he put forward at that debate in December of 2015, when he spoke for 30 minutes and was one of four Senators to refuse to support a resolution saying that the United States should not discriminate based on religion.

This Muslim ban and the vote on the December 2015 resolution leaves Muslim Americans wondering if our nominee would fully defend and advocate for them; whether our nominee, the President's nominee for Attorney General, would fight for equal justice for Muslims after supporting the position that it is OK to discriminate against Muslims entering our country. That concerns me because that is not the position I would like to see represented in the President's nominee for this office.

My office has been receiving an enormous number of phone calls, emails, and letters about a whole host of nominees, and I think it is appropriate to share some of those as well as to note that a group of 1,424 law school professors nationwide sent a letter to Congress urging us to vote no on this nomination, representing 180 law schools in 49 States.

I am not going to share all of the letter because I want to stay within the bounds of the 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 understanding of the law and to teach it to our students, we are convinced that the President's nominee will not fairly enforce our Nation's laws and promote justice and equality in the United States.

That is 1,424 law school professors from 180 law schools looking at the record of the President's nominee.

The Leadership Conference on Civil Rights and Human Rights gives our nominee a zero-percent score. The Human Rights Campaign, which fights for justice for the LGBT community, 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 nominee 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 tonight, my colleague from Massachusetts was sharing testimony 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 at that point in time 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 just summarizing that her letter laid them out, and 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 a 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 weighed by all of us here this morning, in this debate, over whether a nominee has the judicial heart of Lady Liberty to judge everyone without discrimination, to fight equally for everyone without discrimination. The answer years ago by this Chamber was no.

After I have weighed the 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 speaking in opposition 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 of the issues 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 have moved forward on so many important 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 hearken 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; that 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 relitigating 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 the same things 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 that raised such a ruckus 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 keep my 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 unduly 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, it is all 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 have in an Attorney General who had been a greater 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 nominee used his power to 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 constitutional amendment 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 those, but embodies the fact that these individuals are facing discrimination and must continually—continually—have someone to fight for their civil liberties.

The nominee sponsored legislation to roll back, as I said, 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 is leadership. We want leadership to 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 can tell you as a Washingtonian 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 84-percent voter turnout in a Presidential year, and incredibly high turnout even in a midterm election.

We know that giving our citizens the right to vote, and making progress on everyone having the right to vote, including the use of provisional ballots, 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 catch fraud and corruption in the voting system in the State of Washington because it is based on your signature. Have we 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 electoral system.

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 our time, we need people 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 for all of us 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 protecting abortion 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 said earlier that I feel as though we are relitigating 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, require 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 gender-based pay disparity 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 do view it 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 every resource necessary 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 attendance 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 nontribal members who commit 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, which is 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 use, and now we have concerns, 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 the future and how he plans to treat individuals, but I know my colleague from Hawaii was 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 the next 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 great 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 Canada, he cooked up another identity, 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 agent 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 their country, as Mr. Ressam did travel, as I said, from Algiers to France, cooking up a new identity, and then 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 finding 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, from the Somali 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'll be revoked 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 question 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 the floor, going in detail 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 as long as they don't go 'too far.' 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've 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 becomes the Attorney General that he 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—including Congress 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 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 are up to the 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, due to conflicts of interest. 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 your party, there is no win in becoming a 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. Please do 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 reasons for 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 voting rights and will promote DOJ actions 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 write to ask 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 drug sentencing 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 and with half our population being minorities this appointment seems like a huge huge step in the wrong direction.''

LR from Seattle, WA, writes: ''I am writing to ask you to do everything you can to stop the nomination 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 travesty.''

MY from Edmonds, WA, writes: ''I am writing to urge you to continue due diligence on the appointment of Jeff Sessions as attorney general. I do not believe the political commercial I just saw trying to paint him in a wonderful 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, truth and inclusiveness. Sadly, those qualities are rapidly disappearing, faster than o thought possible, under the Trump administration. ALL of our citizens are entitled to equality under the law. All of our citizens are entitled to live freely regardless of their race, religion, lack of religion, 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 that people are concerned 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 was ordered to be printed in the RECORD, as follows:

NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE,
*Washington, DC, February 7, 2017.*

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, I strongly urge you to 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, Sen. Sessions has demonstrated a clear disregard, disrespect, and disdain for the rights and needs of all American people. Senator Sessions possesses 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 Congress, just 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 our priorities for us to not 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 the lives, of our constituents, 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 palatable 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 Lindsey Graham suggested that 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 up here on January 9, 2017, to hear Senator Sessions' testimony, a trip he took with busloads of NAACP Members who also opposed the confirmation. This was a day after he was arrested for sitting in on 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 have a demonstrated 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, gender, age, religion, 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 President for Policy and Advocacy.*

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THE LEADERSHIP CONFERENCE ON CIVIL AND HUMAN RIGHTS,
*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, a coalition of more than 200 national organizations committed to promote and protect the civil and human rights of all persons in the United States, and the 144 undersigned organizations, we are writing 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 democracy, 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 to be seen by the public—every member of the public, from every community—as a fair arbiter of justice. Unfortunately, there is little in Senator Sessions' record that demonstrates 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. District 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 Committee was presented with compelling evidence that then-U.S. Attorney Sessions had a deeply troubling record as an opponent 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 speaking favorably about the Ku Klux Klan, as well as his prosecution of three African-American voting rights activists on dozens of charges that were promptly rejected by a jury.

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 part, because of the previous 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 registration and turnout, Senator Sessions has voiced strong support for restrictive voter ID laws that have had the effect of disenfranchising many otherwise eligible voters, called the Voting Rights Act ''intrusive'' 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.

Association with White Nationalist and Hate Groups regarding Immigration Policy: Senator Sessions has been a fierce opponent of comprehensive immigration reform, referring 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 three 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, two organizations designated as anti-Muslim hate groups by the Southern Poverty Law Center.

Hate Crimes and LGBT Rights: Senator Sessions opposed 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. The next Attorney General must recognize that hate crimes exist, and vigorously investigate them.

In addition, on LGBT rights, Senator Sessions supported a constitutional amendment to ban same-sex marriage. He also opposed the repeal of ''Don't Ask Don't Tell.''

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, Senator Sessions opposed the Lilly Ledbetter Fair Pay Act of 2009, enabling women to file ongoing pay discrimination claims, and has voted multiple times against consideration of the Paycheck Fairness 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 voted against S. 2578 to fix the Hobby Lobby decision by prohibiting employers from denying coverage of any health care service, such as contraception, required under federal law. Senator Sessions also opposed the reauthorization of the Violence Against Women Act in 2013, and when then-candidate Donald Trump was revealed in a 2005 video to have made comments bragging about physically forcing himself on women, Senator Sessions declined to condemn the remarks, even questioning whether 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. Recently, 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 disparities and restore fairness to the justice system through the use of his constitutionally granted executive clemency power. He criticized the Department of Justice's Smart on Crime Initiative, which has focused on prosecuting fewer but ''more serious'' drug cases and over the last three years, has contributed to a 20 percent 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 reform following these investigations ''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 protections for streams that provide drinking water for 113 million Americans. In 2012, he supported a resolution that would roll back protections from toxic mercury. America needs and deserves an Attorney General who will take into account the health and safety of all communities. Senator Sessions is not qualified in this regard and cannot be counted on to protect our air, water, and climate.

Rights of People with Disabilities: Senator Sessions opposed efforts to implement Alabama's obligation to provide community-based services to individuals with disabilities who were needlessly institutionalized. In addition, he called the Individuals with Disabilities Education Act's requirements to include children with disabilities in mainstream education ''the single most irritating problem for teachers throughout America today'' and ''a big factor in accelerating the decline in civility and discipline in classrooms all over America.'' This opposition to integration and inclusion is extremely concerning given the active role that the Justice Department plays in enforcing the Americans with Disabilities Act to enable people with disabilities to live independent lives, be full participants in their communities, and to be educated in neighborhood schools and regular classrooms. Senator Sessions also opposed ratification of the Convention on the Rights of Persons with Disabilities.

These aspects of Senator Sessions' record are among those that led The Leadership Conference to believe that he should not be confirmed as our next Attorney General. At the very least, these issues must be fully aired and deliberated before each Senator makes a final decision with respect to his nomination—otherwise, the Senate's constitutional duty to provide ''advice and consent'' would be reduced to a mere farce.

Given Senator Sessions' record and public statements, the burden should be on him to prove to the Judiciary Committee, the Senate, and the American people—especially to communities of color and immigrant communities—that he can be trusted with the tremendous power of the U.S. Justice Department to enforce our nation's civil rights and immigration laws with integrity, fairness, and a sense of justice.

The burden on Senator Sessions is not to prove that he is not a ''racist.'' For the record, The Leadership Conference has never made such an allegation, as we do not claim to know what has been in his heart when he has taken the actions and made the statements we have described above. Nevertheless, we believe those actions and statements are themselves disqualifying.

This is notwithstanding our recognition that Senator Sessions' record does include some positive actions. For example, the Southern Poverty Law Center, while expressing opposition to his confirmation, acknowledged that he was helpful in the Center's successful effort to sue and bankrupt 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, they do not change our conclusion that Senator Sessions' overall record is too troubling for him to be confirmed as 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 the wrong 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 Wade Henderson, President and CEO, or Nancy Zirkin, Executive Vice President.

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AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES,

*Washington, DC, February 7, 2017.*

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 sense of justice needed 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 opposed 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.

Recently, Sen. 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 hearing has not alleviated our grave 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.*

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NATIONAL NURSES UNITED,
*Washington, DC, February 7, 2017.*

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 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 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 confirming him as the chief law enforcement officer 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 U.S. Attorney 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 many publically verified racially 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 him, citing ''reasonable doubts'' over whether he could be ''fair and impartial.''

Senator Sessions has oft 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 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 didn't deter Mr. Sessions. Later, as Attorney General of Alabama, he initiated another voter fraud investigation involving absentee ballots cast by black voters that, again, resulted in findings of no wrong doing. During that same timeframe, he was criticized for declining to investigate church burnings, and he ''joked'' that he thought Ku Klux Klan members were ''OK, until [he] learned that they smoked marijuana.''

Against that background, Senator Sessions aggressively interrogated Justice Sonia Sotomayor, the Court's first nominee of Latino heritage. Further betraying a deep belief in natural division between racial groups, he grilled Justice Sotomayor about whether she could be fair to white Americans, despite her 17-year record as a jurist and having received the American Bar Association's highest rating. And he expressed grave concerns that she would engage in judicial ''empathy'' on the high court, favoring persons of certain races or ethnicities over others. He then voted against her confirmation.

Senator Sessions' prejudices are not only against people of color. As an organization representing a predominately female profession we are compelled to express our outrage that Senator Sessions defended Donald Trump's statements about grabbing women by the genitals, by saying that such conduct would not constitute sexual assault. The fact that he took a different position during his Committee hearing is of no comfort. It only shows that he will say whatever he believes will help land him in the seat of power to determine whether, and against whom, to enforce our laws. His comments last fall dismissing President-elect Trump's despicable treatment of women is consistent with his vote in 2013 against the Violence Against Women Act. 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 and Corrections Act, a bipartisan 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.). The fact that law enforcement leadership throughout the nation supported the reform 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 when he served in that position—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 far lower cost to society, with appropriate healthcare treatment.

Nor should Senator Sessions be trusted to ensure equal access to voting rights. He has publically called 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 offices, many in majority-black areas, shortly after instituting strict voter-ID requirements. We are reminded of the words of Coretta Scott King in her letter opposing Jeff Sessions' nomination to the federal district court in 1986: ''The irony of Mr. Sessions' nomination is that, if confirmed, he will be given a life tenure for doing with a federal prosecution what the local sheriffs accomplished twenty years ago with clubs and cattle prods.''

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. Climate change is a public health issue that cannot be overstated. As nurses we have been seeing for some time increases in the frequency and severity of respiratory diseases such as asthma, bronchitis, and emphysema, 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 cause arrhythmias, 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 temperature.

Current and future generations cannot afford to have a fox minding the hen house on the important issues of civil and criminal 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 job. 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 these individuals 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 health care system. All of 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 efforts, as the minority, to get 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 the protection of Medicare and 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 a very important issue 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 issues in the questioning of nominee Mnuchin. There was some discussion, ''Well, that is not what we meant. That is in the party platform, but that is not what we meant, and that is not what we are going to pursue.'' And certainly the rollback of Dodd-Frank provisions, that were just done in a Congressional Review Act, without very much discussion or fanfare or understanding by the American public, these kinds of actions are the things we seek debate on.

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 not do it at 4:30 in the morning, 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 health clinic just within the last 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 today.

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—at 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 but said that if it did have the force of law, he would certainly 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. Instead 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 in record numbers, who are concerned in record numbers—want 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.

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 our 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 on how 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 citizenry 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 make sure 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 about who bad actors are before they reach the shores of the United States. By working with local 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, and so she and I have worked on that issue.

As I mentioned earlier, Senator COLLINS and I are big advocates for the use of biometrics because you can identify people. As I mentioned, in the Ressam case, if we had identified Ressam the first time he entered France, we would have known who he was when he got to Canada. It would not have taken him going to the U.S. border. We would have found out when he arrived in Canada. But this is the United States using our clout and using our efforts to say to our European counterparts: We have implemented these biometric standards, and we want you to implement them, and we want to work together to make sure people we have great suspicion and concern about are being addressed.

So, yes, we can work across the aisle on these issues. We can find ways to make sure that we are protecting civil liberties and also addressing the most heinous of these crimes and working to find individuals in a cooperative fashion, knowing that we are going to have to do this on an international basis.

So I urge our colleagues on the other side of the aisle to think about what America now needs in moving forward on the protection of civil liberties. I hope that—I am sure it is tempting to want to reach and to do some of these issues in Executive orders.

I mentioned the other issues of government surveillance in the Pacific Northwest that the State of Washington for sure has concerns about. These are our issues.

Infringing on the civil liberties of American citizens is not a pursuit we should be following. We should be working in coordination with law enforcement on verifying that people are who they say they are and pursuing an agenda, working with our international counterparts, to stop people in those countries before they even plot a case like the Ressam case in the State of Washington.

I know my other colleagues will be showing up here shortly, but I just wanted to put an additional note in. If any of our colleagues on the other side of the aisle are up early and just happen to turn on the television, if that is one of the things they do in the morning—we asked our colleagues to give us ample time to debate on the Price and Mnuchin nominations. We can continue to do the all-night thing. We can. I feel for the floor staff and the people who are here all night and the extra strain that it puts on the stenographers who are here and have been working around the clock. But what we want is to have a hearing on the issues we are concerned about. We want to be able to have these issues discussed not necessarily in the middle of the night but during the broad daylight so that we can engage the American people on what these choices are so that our colleagues on both sides of the aisle will hear from their constituents and will hear why these issues are 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. So basically it represents 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. It represents a big aspect of our 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 that use this part of the Affordable Care Act now are driving more efficient health care services into those States—a lot of States that 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? Those individuals end up on Medicaid. If they end up on a Medicaid system that is based on nursing home care, the U.S. Government is going to be paying a lot more money for those services.

Those are all issues that we want to discuss with our colleagues, and we want to have an opportunity to do so during the next several days. We hope you will give us the ability to do that instead of holding all-night sessions—do that during the day—and give us ample time on those nominees and push those to next week so that we can have that discussion now.

Again, I want to thank the floor staff and everybody who has been here these two nights. It is a long haul. It is a long haul to do there. But behind every Member who has spoken on my side of the aisle, I can tell you, there is a passion of our constituents. There are true concerns, both by individuals and I would say businesses, as you can probably see from those who joined the case Washington State brought. You can see that there are issues here of how our economy works and how businesses work as well.

The passion and fervor that drive people to come here and speak on these issues is really one that represents the whole society we in the Northwest represent, the economic issues and the challenges that we face and how we have lived together in the diversity that has emerged and how much that diversity in the Pacific Northwest has grown our economy. That is what people are telling us. People want to know: What is the economic engine of the Pacific Northwest? And one of the things that scientists and researchers come up and say is that it is diversity.

The diversity adds to the creativity, the creativity adds to the inventiveness and the ingenuity, and the ingenuity is what is propelling these various businesses all across the various sectors. I am not just talking about high-tech sectors; I am talking about in agriculture, in aerospace, certainly in tech, but in many other aspects of manufacturing as well. So we want a nominee for Attorney General who is going to recognize that diversity, fight for that diversity, who is going to stand up to the President of the United States when they need to stand up and continue to make the effort that previous Attorney Generals have made in doing the job that it takes to be the top law enforcement officer in the land of the United States.

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

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

Mr. MURPHY. Mr. President, as I began last night at 4 in the morning—

now 5:30—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 to the President's Cabinet.

This is my first time on the floor since Senator WARREN was gaveled 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 the 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 this judge, sending 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 cow 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, it doesn't get any higher 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.

Nothing could be more relevant 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 inappropriate 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 to his conduct.

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 uses the bullying 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 Senator, but how on Earth can this body operate 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 another civil rights hero, JOHN LEWIS, without being similarly gaveled down for his conduct.

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 and how we believe it 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 doesn't mean 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, AL, 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, the Supreme Court was saying 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-ensconced 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 to understand the truth of that. 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 read the correspondence of the 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 that law.

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 may be 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.'' He 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 unique and special. Our values, our rules, our traditions are what make our society succeed where others fail. It is necessary and proper to choose who among the world's 7 billion 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 that 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, but 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 admission to 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 they 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, and I think 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 with 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 possible for even low-level 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 appropriate health care 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 would be better served 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, mainly for violent offenders, 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 has reduced its level of violent crime 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 of 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 conduct and his record in this body, he has been part of an effort to try 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 Federal crime to traffic in illegal guns. 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 a 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 we 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 making 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 later today, 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 to get back to being able 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.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. HASSAN. 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. 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 every American should be 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 has played a critical role as the 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 who would put 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 freedom and the value of every person, 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 passed that legislation, we made clear once again 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 everybody 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 women 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, for whom 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 wanting to be himself. Senator Jeff Sessions was not one of these members. In fact, Senator Sessions strongly opposed the hate crimes bill—characterizing hate crimes 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 .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 towards the LGBTQ community and federal legislation designed to protect vulnerable Americans, including the Voting Rights Act, makes it nearly impossible to believe that he will vigorously enforce statutes and ideas that he worked so hard to defeat.

I agree with Judy Shepherd, 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, and it affirms that a woman 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 the right to use their own private 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 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 then 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—that a woman needs when 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 condemn President Trump's remarks in the ''Access Hollywood'' tapes released last year, saying that he did not characterize the behavior President Trump described as sexual assault.

He voted against the 2014 reauthorization of 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 right.

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. This contributed to my vote against 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 most irritating problem for teachers throughout America today.

He continued.

> There is no telling how many instructional hours are lost by teachers in dealing with behavior problems. In times of an increasingly 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 children 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 groundbreaking moment in American history for people who experience disabilities in their families. After IDEA was passed, all schools—all public 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 inhumane conditions and maltreatment, treated as truly less than human were included in our public schools. There is not 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 week, one of 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 or eating in a typical way, you 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' nomination. The Council of Parent Attorneys 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' disdain for special education and opposition to 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' 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, as a disabled woman, that his 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 critical to 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 1986, 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 joined other Republicans 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 nomination.

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 waiting tables and moving furniture, 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. I

urge my colleagues to vote no on this nomination.

Mr. President, 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.

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

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

Mrs. GILLIBRAND. 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 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. He also talks about voting against the Violence Against Women's Act.

He continues:

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.

Our country desperately needs an Attorney General who will reject discrimination in all forms. We need an Attorney General who will defend our civil rights and human rights—with no exceptions. We need an Attorney General who will not be afraid to challenge the President if an order is illegal or unconstitutional.

Senator SESSIONS has not made it clear that he would use his power as Attorney General to stand up for the voiceless and the oppressed or to stand up to the President when he is wrong.

Already, in just the first weeks of this new administration, President Trump has begun to test the strength and limits of our Constitution. He has challenged the separation of powers. He has lashed out against the free press. He has singled out individual religions—and even individual judges.

Now, more than ever, we need an Attorney General whose commitment to defending our Constitution goes far beyond the commitment to any one particular President or political party. Would Senator SESSIONS challenge the President when he needs to be challenged?

During the Presidential campaign, when the tape was revealed of then-Candidate Trump bragging about groping a woman against her will, Senator SESSIONS said he thought it was a ''stretch'' to call it sexual assault. He said: ''I don't characterize that as sexual assault.''

We need an Attorney General who knows very clearly what sexual assault is, and who cares enough to prosecute it.

Senator SESSIONS has voted to make our gun background check system even weaker. He voted against limits on high-capacity magazines, and he opposed legislation to make interstate gun trafficking a Federal crime.

We need an Attorney General who will stand up for victims of gun violence and their families.

Throughout his career in the Senate, Senator SESSIONS has voted against or spoken out against important legislation so important to my constituents, including the Violence Against Women's Act, the Lilly Ledbetter Fair Pay Act, and the Voting Rights Act. These are important pieces of legislation that protect individuals from discrimination.

We need an Attorney General who will defend the rights of women, who will defend the rights of our communities of color, who will defend the rights of the LGBT community, and who will defend the rights of Muslim Americans, and all minorities.

We need an Attorney General who will fight every day for equal justice and equal protection under the law.

Senator SESSIONS has no record of doing that, and I have no reason to believe that he will do that as Attorney General. So I oppose Senator SESSIONS' nomination as Attorney General, and I urge my colleagues to do the same.

Mr. President, I ask unanimous consent that the letter I referred to be printed in the RECORD.

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

As your constituent and as a Reform Jew, I strongly urge you to oppose the nomination of Senator Jeff Sessions (R–AL) as U.S. Attorney General.

As the 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.

Senator Sessions has called the Voting Rights Act of 1965 'intrusive.' He vocally opposed 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 it added 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 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. BROWN. 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. 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 it more than 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 police. We see improved relations in that community, in large part because the community came together—police, community leaders, citizens—to make

for better relationships and better relations inside the community. The consent decree there made a huge difference in that city. The consent decree in Cleveland is making a difference there. That is partly the job of the Attorney General—to make sure the Department of Justice stays on course to do that.

When we think of leaders whom we need to improve police-community relations, to ensure Americans have access to the ballot, and to reform our criminal justice system, Senator SESSIONS is simply not that leader. It is not personal. I have worked with Senator SESSIONS on issues like trade. I actually told him that, if he had been nominated as the Trade Representative, I would have happily voted for him. But we have strong policy differences on the issues that directly fall under the role of the Attorney General.

I examined his nearly 40-year record as a U.S. attorney, the attorney general of Alabama, and 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 serious concerns 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 of America.

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 after another disqualifies 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, aggressive enrollment 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—provably 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 that are provably false? Call them what they are—lies from 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 legal authority—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, race, 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' State, who risked his life numbers 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 people 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 suppress it. The Attorney General 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 said nothing and was 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 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 nonviolent 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 colleague Senator SESSIONS being elevated to be the Attorney General of the United States of America. In light of President Trump's cruel and foolish and badly executed Executive order on immigrants and refugees, we need an Attorney General who will be an independent voice beholden to the Constitution and the American people, not to the President. We have seen this order wreak havoc on Ohio students and families.

A Cleveland father who had waited 4 years to reunite with his 14-year-old son was forced to wait even longer when his refugee son was banned.

We are a nation that embraces refugees. My son-in-law, at the age of 10, was living in El Salvador with his family. His mother was a journalist. His mother was the target of threats to her life because of political violence in El Salvador. My son-in-law's family came to the United States and was welcomed in this country. We welcome refugees who were victims, potential victims, or about to be victims of political violence or violence of any kind. That is what we are as a nation.

My son-in-law is married to our daughter. They now have a son who is not much more than 1 year old. He has been a terrific citizen of this country. He has contributed a lot. We know that when a great majority of refugees come here they build lives, they make a difference in the world, and they can live in a free, prosperous nation with opportunity.

I mentioned the Cleveland father. I mentioned my son-in-law. A doctor on her way to the Cleveland Clinic to help treat Ohioans was sent back. She now has returned to the United States, finally, after expensive legal issues, trauma, and all the things that happen when somebody is pushed around by a system like that with an arrogant White House inflicting that kind of pain on her family.

The Iraqis who risked their lives to help American troops have been told: There is no place for you here.

Think about that. The first night after the Executive order, a translator from Iraq, an Iraqi, who had helped American troops and whose own life was threatened, knew he had to leave his country because a number of people targeted people who helped the Americans. He came here. He was handcuffed for hour after hour in a New York airport.

What message does that send to people 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 other places. 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, safe.

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 yesterday 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.

What 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 support.

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 vote no on Betsy DeVos 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 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—all those things.

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. I am afraid that in this Attorney General vote we are seeing some of the same fear from some of my Republican colleagues—about standing up to this President, which they will eventually do but they are unwilling to do it now. That is why we only have seen two Republican Senators—Senator MURKOWSKI and Senator COLLINS—vote no on any of these nominations.

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 Huber 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, fear of this President personally attacking them, publicly and personally—I have seen them shrink back from doing their constitutional duty and voting their conscience.

I hope maybe today, maybe in Senator SESSIONS' vote, which I believe will be tonight, some of my Republican colleagues will realize they need to do their jobs. They need to 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 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. 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' 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, folks in 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 preclearance States 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 for every American 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 debate about 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. Some of them predated Shelby. 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. Then 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 hoping we can expand 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, I think that is just 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 ever more so today with regard to this new administration: The administration now is 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 several U.S. Federal district courts, and now it is in front of an appellate 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 either independent or not. 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 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 or 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 what has happened recently.

I would hope, and I think every American has a reasonable expectation, that any Attorney General will be totally independent when it comes to basic questions of law and justice, even if they agree with the President on a number of issues. I have some doubts in the case of this nominee.

So independence is a significant concern across the country. We have had a long debate in this country. Part of it, I think, came to closure a couple of years ago in the Supreme Court with regard to marriage equality. That worked its way through the courts, as well. I was in support of, and happy about, the decision the Supreme Court 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 marriage equality would be enforced and that it would be the subject of some praise or at least some rhetorical support for the outcome in that case.

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 issue of marriage. That is another basic disagreement that we have.

We don't know what the outcome of this confirmation vote will be. I think we have some sense of it, but regardless of the final outcome, these differences will remain. We have to be honest about basic, fundamental differences, and that is one of the reasons we have a confirmation process. That is why we have advice and consent. That 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 ultimate 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.

The senior assistant legislative clerk proceeded to 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.

Perhaps 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—the duty—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 time 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 denigrate the federal judge who dared 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, and 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 CASEY here. I want to thank all the Senators on 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

the supervision of the U.S. Attorney General—the office he now seeks—his record on voting rights, the backbone of our democracy, was subject to serious question. In the context of this confirmation, that record must be included in the context of this confirmation hearing. So here we are on the floor. We have debated. The record must be included in the debate on the floor.

As Senator WARREN has brought to our attention, it was the judgment of Coretta Scott King, widow of slain civil rights leader Martin Luther King, that he used the Office of the U.S. Attorney for Alabama to—these are Coretta Scott King's words—''chill the free exercise of the vote by black citizens.'' That was her opinion at the time.

Similarly, in the words of our former colleague Senator Ted Kennedy, he was ''a disgrace to the Justice Department,'' the Department which Mr. SESSIONS will lead if he is confirmed.

I would like to read into the RECORD today the letter from Mrs. King, which supports her opinion of Mr. SESSIONS' lack of commitment to justice for all and leave this for my colleagues here today to assess in considering his nomination.

To me, the letter she wrote back on March 19, 1986, goes right to the heart of what we are debating here on the Senate floor. What we are debating is our voting rights and whether we will have, for the next 4 years or 8 years, an Attorney General who is going to enforce the laws, particularly with regard to voting rights.

I first ask unanimous consent to have the letter printed in the RECORD.

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

THE MARTIN LUTHER KING, JR. CENTER FOR NONVIOLENT SOCIAL CHANGE, INC.,

*Altanta, GA, March 19, 1986.*

Re Nomination of Jefferson B. Sessions, U.S. Judge, Southern District of Alabama Hearing, March 13, 1986

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 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 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 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' 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.

Sincerely,

CORETTA SCOTT KING.

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 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 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 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.

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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 as a Federal judge. We all know the history—he was not promoted as a Federal judge.

Here is her statement, which she asked to have 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. My longstanding 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 to his indifference towards criminal 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, ''Certainly no community in the history of the Negro struggle has responded with the enthusiasm of Selma and her neighboring town of Marion. Where Birmingham depended largely upon students and unemployed adults to participate in nonviolent protest of the denial of the franchise, Selma has involved fully 10 percent of the Negro population in active demonstrations, and at least half the Negro population of Marion was arrested on one day.'' Martin was referring, of course, to a group that included the defendants recently prosecuted for assisting elderly and illiterate blacks to exercise that franchise. In fact, Martin anticipated from the depth of their commitment 20 years ago, that a united political organization would remain in Perry County long after other marchers had left. This organization, the Perry County Civil League, started by Mr. Turner, Mr. Hogue, and others, as Martin predicted, continued ''to direct the drive for votes and other rights.'' In the years since the Voting Rights Act was passed, Black Americans in Marion, Selma, and elsewhere have made important strides in their struggle to participate actively in the electoral process. The number of Blacks registered to vote in key Southern States has doubled since 1965. This would not have been possible without the Voting Rights Act.

However, 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 person who has exhibited so much hostility—

Here she is talking about JEFF SESSIONS—

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.

The irony of Mr. Sessions' nomination is that, if confirmed, he will be given life tenure for doing with a federal prosecution what the local sheriffs accomplished 20 years ago with clubs and cattle prods. Twenty years ago, when we marched from Selma to Montgomery, the fear of voting was real, as the broken bones and bloody heads in Selma and Marion bore witness. As my husband wrote at the time, ''it was not just a sick imagination that conjured up the vision of a public official, sworn to uphold the law, who forced an inhuman march upon hundreds of Negro children; who ordered the Rev. James Bevel to be chained to his sickbed; who clubbed a Negro woman registrant, and who callously inflicted repeated brutalities and indignities upon nonviolent Negroes peacefully petitioning for their constitutional right to vote.''

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 has had access to the ballot box denied so persistently and intently. Over the past century, a broad array of schemes have been used in attempts to block the Black vote. The range of techniques developed with the purpose of repressing black voting rights run the gamut from the straightforward application of brutality against black citizens who tried to vote to such legalized frauds as ''grandfather clause'' exclusions and rigged literacy tests.

The actions taken by Mr. Sessions in regard to the 1984 voting fraud prosecutions represent just one more technique used to intimidate Black voters and thus deny them this most precious franchise. The investigations into the absentee voting process were conducted only in the Black Belt counties where blacks had finally achieved political power in the local government. Whites had

been using the absentee process to their advantage for years without incident. Then, when Blacks, realizing its strength, began to use it with success, criminal investigations were begun.

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 their innocence of any wrongdoing. 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 1960s. These were persons who, realizing the potential of the absentee vote among Blacks, had learned to use the process within the bounds of legality 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. Witnesses who did testify were pressured and intimidated into submitting the ''correct'' testimony. Many elderly blacks were visited multiple times by the FBI who then hauled them over 180 miles by bus to a grand jury in Mobile when they could more easily have testified at a grand jury twenty miles away in Selma. These voters, and others, have announced they are now never going to vote again.

I urge you to consider carefully Mr. Sessions' conduct in these matters. Such a review, I believe, raises serious questions about his commitment to the protection of the voting rights of all American citizens and consequently his fair and unbiased judgment regarding this fundamental right. When the circumstances and facts surrounding the indictments of Al Turner, his wife, Evelyn, and Spencer Hogue are analyzed, it becomes clear that the 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 would irreparably damage the work of my husband, Al Turner, and countless others who risked their lives and freedom over the past twenty years to ensure equal participation in our democratic system.

The exercise of the franchise is an essential means by which our citizens ensure that those who are governing will be responsible. My husband called it the number one civil right. The denial of access to the ballot box ultimately results in the denial of other fundamental rights. For, it is only when the poor and disadvantaged are in power that they are able to participate actively in the solutions to their own problems.

We still have a long way to go before we can say that minorities no longer need to be concerned about discrimination at the polls. Blacks, Hispanics, Native Americans and Asian Americans are grossly underrepresented at every level of government in America. If we are going to make our timeless dream of justice through democracy a reality, we must take every possible step to ensure that the spirit and intent of the Voting Rights Act of 1965, and the Fifteenth Amendment of the Constitution is honored.

The federal courts hold a unique position in our constitutional system, ensuring 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 federal judges respect the basic tenets of our legal system: respect for individual rights and a commitment to equal justice for all. The integrity of the Courts, and thus the rights they protect, can only be maintained if citizens feel competent that those selected as federal judges will be able to judge with fairness others holding differing views.

I do not believe Jefferson Sessions possesses the requisite judgment, competence, and sensitivity to the rights guaranteed by the federal civil rights laws to qualify for appointment to the federal district court. Based on his record, I believe his confirmation would have a devastating effect on not only the judicial system in Alabama, but also on the progress we have made everywhere toward fulfilling my husband's dream that he envisioned over twenty years ago. I therefore urge the Senate Judiciary Committee to deny his confirmation.

I thank you for allowing me to share my views.

Now this was a letter that Coretta Scott King wrote—I just finished reading it—in March 1986. We know the results of that. After the testimony was taken, JEFF SESSIONS, because of his record at the time, was not allowed to become a Federal judge. Today, the issue that we have before us, the issue we have before us is, is he fit to be our Attorney General of the United States, based on his overall record, and this is part of the record.

When the majority leader comes to the floor and strikes the words of ELIZABETH WARREN for just reading parts of this letter, he is not allowing the full record to be before the American people, and he is not allowing a full debate to occur in this Chamber. That is really what this is about today. Are we going to, as a Senate, where we 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. This is an awesome responsibility. 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 with this President we are 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 with zero experience in 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. In an unprecedented 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 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 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.

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. So we need an Attorney General who is going to stand up for what the law is, not be political and not be ideological.

Perhaps Senator SESSIONS said it best during the confirmation hearings 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.'' That is his full quote there.

When he 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?'' That is the standard we are looking at—pretty tough standard—speaking truth to power, the Attorney General to the President of the United States.

I completely agree with Senator SESSIONS that the Attorney General has the responsibility, the duty to tell the President no when he is wrong. 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 less faith that the President will listen.

Sally Yates told the President 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.

When the Acting AG, 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, who served the government for three decades as a career prosecutor, Justice Department attorney, deserved the President's respect regardless of whether he agreed with her or not.

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 this 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 to personally denigrate the Federal judge who dared rule against this policy—a 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 says 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, attacking the free expression of religion and those who practice Islam.

When he takes these actions, it is up to the Attorney General of the United States to tell him he is wrong. That is where that awesome responsibility resides.

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 that 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, most loyal promoter in Congress of Trump's agenda and has played a critical role as the clearinghouse for policy and philosophy to undergird the implementation of that agenda. What we were witnessing now is the birth of a new political order.''

Stephen Bannon. This is an amazing quote, a contemporary quote from the President's top strategist. Everybody who is now talking in the press—and there are a lot of leaks out of this White House—say Steve Bannon is the puppeteer. He is the one telling Trump what to do. It is absolutely clear, of all the people in the White House, this is the guy who has the most clout, and it is a debate for all whether he is the puppeteer in telling the President what to do.

But listen again to what he said about Senator SESSIONS, that he ''has been the fiercest, most dedicated, and most loyal promoter in Congress of Trump's agenda, and 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.''

I don't know what this new political order is, where you don't respect the rule of law and don't respect democracy—headed in the wrong direction, in my opinion.

Loyalty is a valued characteristic in politics, but the Nation's chief law enforcement officer must be independent, first and foremost.

I hearken back to when Senator SESSIONS and I were both attorneys general back many years ago, and I remember assuming that role at the State level. It is an awesome role because early on in my administration they brought me cases where Democrats 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 prosecuted 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 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 consent 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 strategist.

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

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

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

(By Philip Rucker and Robert Costa)

In jagged black strokes, President Trump's signature was scribbled onto a catalogue of executive orders over the past 10 days that translated the hard-line promises of his campaign 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 early days of the Trump presidency have rushed a nationalist agenda long on the fringes of American life into action—and Sessions, the quiet Alabamian who long cultivated those ideas as a Senate backbencher, has become a singular power in this new Washington.

Sessions's ideology is driven by a visceral aversion to what he calls ''soulless globalism,'' 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 worldview, Sessions—whose 1986 nomination 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's 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 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 overseeing 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 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.

Then there is Jared Kushner, the president'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.

In an email in response to a request from The Washington Post, Bannon described Sessions as ''the clearinghouse for policy and philosophy'' in Trump's administration, saying he and the senator are at the center of Trump's ''pro-America movement'' and the global nationalist phenomenon.

''In America and Europe, working people are reasserting their right to control their own destinies,'' Bannon wrote. ''Jeff Sessions has been at the forefront of this movement for years, developing populist nation-state policies that are supported by the vast and overwhelming majority of Americans, but are poorly understood by cosmopolitan elites in the media that live in a handful of our larger cities.''

He continued: ''Throughout the campaign, Sessions has been the fiercest, most dedicated, and most loyal promoter in Congress of Trump's agenda, and 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, and the more frantic a handful of media elites become, the more powerful that new political order becomes itself.''

Trump, who is never shy about showering praise on his loyalists, speaks of Sessions with reverence. At a luncheon the day before his inauguration, Trump singled out someone in the audience: ''the legendary Jeff Sessions.''

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 in both Washington, D.C., and around the country was a tremendous asset to me throughout the campaign,'' Trump wrote.

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 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 officials involved in the transition planning. 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 rare lawmakers who shared his impulses.

''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 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 which children brought to the United States illegally are allowed to stay in the country.

Sessions has also been leading the internal push for Trump to nominate William H. Pryor Jr., his deputy when Sessions was Alabama's attorney general and now a federal appeals court judge, for the Supreme Court. While Pryor is on Trump's list of three finalists, it is unclear whether he will get the nod.

In his senior staff meetings, Trump talks about Sessions as someone who ''gets things done,'' calmly and without fanfare, said Kellyanne Conway, the White House counselor.

''He does it in a very courtly, deliberative manner,'' she said. ''There's never a cloud of dust or dramatic flourish.''

Newt Gingrich, a former speaker of the House and informal Trump adviser, said, ''Sessions is the person who is comfortable being an outsider to the establishment but able to explain the establishment to Trump. There is this New York-Los Angeles bias that if you sound like Alabama, you can't be all that bright, but that's totally wrong, and Trump recognized how genuinely smart Sessions is.''

Sessions was especially instrumental in the early days of the transition, which was taken over by Dearborn after a purge of New Jersey Gov. Chris Christie's associates. Sessions became a daily presence at Trump Tower in New York, mapping out the policy agenda and making personnel decisions.

Once former New York mayor Rudolph W. Giuliani was out of consideration for secretary of state, Trump considered nominating Sessions because he was so trusted by the inner circle, including Kushner, although Sessions's 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 Sunday, he denied that he has had ''communications'' with his former advisers or reviewed the executive orders.

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 message strategy at the White House. Sessions also influenced the selection of Peter Navarro, an economist and friend with whom he co-authored an op-ed last fall warning against the ''rabbit hole of globalism,'' as director of the National Trade Council.

Sessions's connections extend into the White House media briefing room, where press secretary Sean Spicer took the first question at his Jan. 24 briefing from a journalist at LifeZette, a conservative website run by Laura Ingraham, a Trump supporter and populist in the Sessions mold. The website's senior editor is Garrett Murch, a former communications adviser to Sessions.

Another link: Julia Hahn, a Breitbart writer who favorably chronicled Sessions's immigration crusades over the past two years, was hired by Bannon to be one of his White House aides.

More mainstream Republicans have been alarmed by Sessions's ascent. John Weaver, a veteran GOP strategist who was a consultant on Sessions's first Senate campaign and is now a Trump critic, said 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 a view of America that is insular and not an active member of the global community.''

Inside the White House and within Sessions's alumni network, people have taken to calling the senator ''Joseph,'' referring to the Old Testament patriarch who was shunned by his family and sold into slavery as a boy, only to rise through unusual circumstances to become right hand to the pharaoh and oversee the lands of Egypt.

In a 20-year Senate career, Sessions has been isolated in his own party, a dynamic crystallized a decade ago when he split with President George W. Bush and the business community over comprehensive immigration changes.

In lonely and somewhat conspiratorial speeches on the Senate floor, Sessions would chastise the ''masters of the universe.'' He hung on his office wall a picture of He-Man from the popular 1980s comic book series.

As he weighed a presidential run, Trump liked what he saw in Sessions, who was tight with the constituencies Trump was eager to rouse on the right. So he cultivated a relationship, giving Sessions $2,000 for his 2014 reelection even though the senator had no Democratic opponent.

''Sessions was always somebody that we had targeted,'' said Sam Nunberg, Trump's political adviser at the time.

In May 2015, Nunberg said, he reached out to Miller, then an adviser to Sessions, to arrange a phone call between Trump and the senator. The two hit it off, with Trump telling Nunberg, ''That guy is tough.''

The next month, Trump declared his candidacy. In August of that year, Sessions joined Trump at a mega-rally in the senator's home town of Mobile and donned a ''Make America Great Again'' cap. By January 2016, Miller had formally joined the campaign and was traveling daily with the candidate, writing speeches and crafting policies.

''Senator Sessions laid a bit of groundwork . . . on matters like trade and illegal immigration,'' Conway said. ''It was candidate Trump then who was able to elevate those twin pillars in a way that cast it through the lens of what's good for the American worker.''

As Trump kept rising, so did Sessions.

''It's like being a guerrilla in the hinterlands preparing for the next hopeless assault on the government,'' said Mark Krikorian, executive director of the Center for Immigration Studies, a conservative research institute. ''Then you get a message that the capital has fallen.''

Mr. UDALL. Thank you.

With that, I will yield the floor momentarily, and I may be back in a minute or two.

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. 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, as I reflect on the nomination of JEFF SESSIONS to be Attorney General, one of the things that hits me is, when we look at the broad scope of how America has been moving forward in the last 100 years, the three big movements that have changed America have been the civil rights movement; the women's rights movement—women's suffrage, women's rights, women wanting freedom over their choices on reproductive rights; and then conservation and environmental rights, which have kind of changed everything since Teddy Roosevelt 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 inclusive, 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 inside. My father and Mo had a 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 tree, and Mo and my father went 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 they 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 the fact that the Washington Redskins 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 he was a bigot and racist. He 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 this 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 and you are the landlord. 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 in 1986 when he was going to be promoted. As U.S. attorney, he chilled the free exercise of vote by Black citizens. That is how he carried out his responsibilities.

I think if you look at the whole history here, he is not fit to be Attorney General, and that is why I am going to vote no, and I urge everybody to vote no.

I see my great colleague from Hawaii, Senator HIRONO, here. She may want to speak. Others may come in.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COTTON). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. BROWN. 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. BROWN. Mr. President, it is a sad day for our democracy when the words of Coretta Scott King are not allowed on the floor of the U.S. Senate. I wish to share those words with you today in their entirety.

Dear Senator Thurmond:

I write to express my sincere opposition to the confirmation of Jefferson B. Sessions as a federal 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 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 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' confirmation and I request that my statement as well as this be made a part of the hearing record.

I do sincerely 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 of the Senate 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 people's lawyer, not the President's, and the job requires the Attorney General to stand up to the President as the people's lawyer.

In his first 2 weeks in office, President Trump has demonstrated his intolerance of dissent and independent thinking. He fired Acting Attorney General Sally Yates because she did what an Attorney General is supposed to do: She stood up and refused to defend President Trump's Executive order effectively restricting Muslims from coming to or returning to our country. Would JEFF SESSIONS have stood up to the President as Sally Yates did?

During his confirmation hearing, I asked Senator SESSIONS if he would honor the historical role of the Attorney General and maintain strict independence from the White House. I did not receive a satisfactory answer. This is deeply troubling in light of the ongoing litigation in Federal court challenging the President's Muslim ban as overreaching and unconstitutional.

Since the President announced the ban just over a week ago, hundreds of thousands of protesters have taken to the streets to oppose it. Lawyers have been camping out in arrivals terminals in airports across the country to help those who are trying to come back or come to our country with legal visas. State attorneys general have been speaking out and filing lawsuits to block this ban.

Last week, Hawaii attorney general Doug Chin filed a lawsuit to block the Executive order. I wish to read a section from the State's brief outlining the State's case.

Hawaii joins the many voices that have condemned the Order. But this pleading is not about politics or rhetoric—it is about the law. The simple fact is that the Order is unlawful. By banning Muslims and creating a preference for Christian refugees, the Order violates the Establishment Clause of the United States Constitution. By those same acts, it violates the equal protection guarantee of the fifth amendment. By failing utterly to provide procedures or protections of any kind for people detained or turned away at our airports, it violates the Due Process Clause. And by enshrining rank discrimination on the basis of nationality and religion, it flies in the face of statutes enacted by Congress.

Attorney General Chin is standing up for the people of Hawaii. The people of the United States deserve the same from our Attorney General.

To understand how an Attorney General should discharge his or her responsibility, we need only turn to Senator SESSIONS' own words in an exchange between Sally Yates and Senator SESSIONS during her confirmation hearing in 2015.

I wish to read the exchange. Senator SESSIONS said at her confirmation hearing:

Do you understand that in this political world, there will be people calling, demanding, pushing, insisting on things that they do not know what they're asking for and could indeed be corrosive of the rule of law, could diminish the respect the Department of Justice has, could diminish the rule of law in the United States? Are you aware of that? You've already learned that the time you've been there.

Nominee Yates said:

Well, you're right, Senator, I'm not from here. I've only been here for a couple of months, but I can tell you I'm committed to the Department of Justice.

I love our department. I care deeply about our mission, and I would do everything in my power to protect the integrity that is the Department of Justice.''

Senator SESSIONS said:

You have to watch out, because people will be asking you to do things you just need to say no about. Do you think the Attorney General has the responsibility to say ''no'' to

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 citizens' right to vote, particularly with regard to section 2 of the Voting Rights Act, which safeguards Americans from 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, I 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, the President 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 Cabinet nominees, 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 an argument being made 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.

Sadly, stoking fears in minorities and immigrants is 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 who helped build our country. In 1882, 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 showed that the Americans of Japanese ancestry were not involved in seditious 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. I would like to read some of the excerpts.

I do see the majority leader here. Would you like me to yield?

Mr. MCCONNELL. Mr. President, I say to the Senator from Hawaii, I have a very short statement, if I could do that.

Ms. HIRONO. I assume I will be able to resume my comments after the majority leader's statement?

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

Ms. HIRONO. Thank you.

The PRESIDING OFFICER. The majority leader.

Mr. MCCONNELL. Mr. President, we came together yesterday to confirm Betsy DeVos as Secretary of Education so she could get to work improving our schools and putting students first.

We will come together to confirm TOM PRICE as Secretary of Health and Human Services so he can get to work helping to provide relief from ObamaCare and stabilizing the health care markets.

We will come together to confirm Steve Mnuchin as Secretary of the Treasury, too, so he can get to work continuing the President's efforts to relieve the regulatory pressure on America's economy and American job creation.

We will also come together later today to confirm a new Attorney General. We all know our colleague from Alabama. He is honest. He is fair. He has been a friend to many of us on both sides of the aisle. It has been tough to watch all this good man has been put through in recent weeks. This is a well-qualified colleague, with a deep reverence for the law. He believes strongly in the equal application of it to everyone.

In his home State, he has fought against the forces of hate. In the Senate, he developed a record of advocacy for crime victims but also for the fair and humane treatment of those who break our laws, both when they are sentenced and when they are incarcerated.

JEFF SESSIONS has worked across the aisle on important initiatives. He is, in the words of former Democratic Vice-Presidential Candidate Joe Lieberman, ''an honorable and trustworthy person, a smart and good lawyer, and a thoughtful and open-minded listener,'' someone who ''will be a principled, fair and capable Attorney General.''

Our colleague wants to be Attorney General for all Americans. Later today, we will vote to give him that chance, and I will have more to say about our friend and colleague at that time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Ms. HIRONO. I would like to resume my remarks.

Mr. President, I want to read some excerpts from 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 living 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 442nd Regimental Combat Team, made up entirely of Japanese Americans, served with immense distinction to defend this Nation, their Nation. Yet back at home, the soldiers' families were 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 for a restitution payment to each of the 60,000 surviving Japanese Americans of the 120,000 who were relocated or detained. Yet no payment can make up for those lost years. So, what is most important in this bill has less to do with property than with honor. For here we admit a wrong; here, we reaffirm our commitment as a nation to equal justice under the law.

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 registry. And a Supreme Court Justice, Justice Scalia, in 2014, warned that a civil rights atrocity similar to the internment of Japanese Americans could happen again. Justice Scalia explained his thinking with the Latin phrase that means: ''In times of war, the laws fall silent.'' Justice Scalia in 2014, went on to say:

That is what was going on—the panic about the war, and the invasion of the Pacific and whatnot. That's what happens. It was wrong, but I would not be surprised to see it happen again—in times of war. It's no justification, but it is the reality.

The internment of Japanese Americans is yet another example of how, when we do not stand up against unconstitutional actions like President Trump'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. I commend my Republican colleagues, Senators GRAHAM, MCCAIN, HATCH, FLAKE, SASSE, and others, for their statements questioning President Trump's immigration Executive order.

Senators LINDSEY GRAHAM and JOHN MCCAIN issued a joint statement, which I would like to read in whole because I very much admire the position they took. In their joint statement they said:

Our government has the responsibility to defend our borders, but we must do so in a way that makes us safer and upholds all that is decent and exceptional about our Nation.

It is clear from the confusion at our airports across the nation that President Trump's Executive order was not properly vetted. We are particularly concerned by reports that this order went into effect with little to no consultation with the Departments of State, Defense, Justice, and Homeland Security.

We should not stop green-card holders from returning to the country they call home. We should not stop those who have served as interpreters for our military and diplomats from seeking refuge in the country they risked their lives to help.

And we should not turn our backs on those refugees who have been shown, through extensive vetting, to pose no demonstrable threat to our Nation, and who have suffered unspeakable horrors, most of them women and children.

Ultimately, we fear this Executive order will become a self-inflicted wound in the fight against terrorism. At this very moment, American troops are fighting side-by-side with our Iraqi partners to defeat ISIL.

But this Executive order bans Iraqi pilots from coming to military bases in Arizona to fight our common enemies.

Our most important allies in the fight against ISIL are the vast majority of Muslims who reject its apocalyptic ideology of hatred.

This Executive order sends a signal, intended or not, that America does not want Muslims coming into our country.

That is why we fear this Executive order may do more to help terrorist recruitment than improve our security.

That is the end of the joint statement by Senators MCCAIN and GRAHAM. I read the statement and I cannot but admire our two Senators for making the statements. I cannot overstate the fearful message 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 shuts down debate should 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 to uphold voting rights, protect civil rights, and safeguard 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 very 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 next 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 hear 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 judge who issues a ruling in opposition 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 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 BEAUREGARD 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

federal district judgeship for the Southern District of Alabama. My longstanding 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 to his indifference toward criminal 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, ''Certainly no community in the history of the Negro struggle has responded with the enthusiasm of Selma and her neighboring town of Marion. Where Birmingham depended largely upon students and unemployed adults to participate in nonviolent protest of the denial of the franchise, Selma has involved fully 10 per cent of the Negro population in active demonstrations, and at least half the Negro population of Marion was arrested on one day.'' Martin was referring of course to a group that included the defendants recently prosecuted for assisting elderly and illiterate blacks to exercise that franchise. In fact, Martin anticipated from the depth of their commitment 20 years ago, that a united political organization would remain in Perry County long after other marchers had left. This organization, the Perry County Civil League, started by Mr. Turner, Mr. Hogue, and others, as Martin predicted, continued ''to direct the drive for votes and other rights.'' In the years since the Voting Rights Act was passed, Black Americans in Marion, Selma, and elsewhere have made important strides in their struggle to participate actively in the electoral process. The number of Blacks registered to vote in key Southern states has doubled since 1965. This would not have been possible without the Voting Rights Act.

However, 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 person who has exhibited so much hostility 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.

The irony of Mr. Sessions' nomination is that, if confirmed, he will be given life tenure for doing with a federal prosecution what the local sheriffs accomplished twenty years ago with clubs and cattle prods. Twenty years ago, when we marched from Selma to Montgomery, the fear of voting was real, as the broken bones and bloody heads in Selma and Marion bore witness. As my husband wrote at the time, ''it was not just a sick imagination that conjured up the vision of a public official, sworn to uphold the law, who forced an inhuman march upon hundreds of Negro children; who ordered the Rev. James Bevel to be chained to his sickbed; who clubbed a Negro woman registrant, and who callously inflicted repeated brutalities and indignities upon nonviolent Negroes, peacefully petitions for their constitutional right to vote.''

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 has had access to the ballot box denied so persistently and intently. Over the past century, a broad array of schemes have been used in attempts to block the Black vote. The range of techniques developed with the purpose of repressing black voting rights run the gamut from the straightforward application of brutality against black citizens who tried to vote to such legalized frauds as ''grandfather clause'' exclusions and rigged literacy tests.

The actions taken by Mr. Sessions in regard to the 1984 voting fraud prosecutions represent just one more technique used to intimidate Black voters and thus deny them this most precious franchise. The investigations into the absentee voting process were conducted only in the Black Belt counties where blacks had finally achieved political power in the local government. Whites had been using the absentee process to their advantage for years without incident. Then, when Blacks; realizing its strength, began to use it with success, criminal investigations were begun.

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 their innocence of any wrongdoing. 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 use the process within the bounds of the legality 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. Witnesses who did testify were pressured and intimidated into submitting the ''correct'' testimony. Many elderly blacks were visited multiple times by the FBI who then hauled them over 180 miles by bus to a grand jury in Mobile when they could more easily have testified at a grand jury twenty miles away in Selma. These voters, and others, have announced they are now never going to vote again.

I urge you to consider carefully Mr. Sessions' conduct in these matters. Such a review, I believe, raises serious questions about his commitment to the protection of the voting rights of all American citizens and consequently his fair and unbiased judgment regarding this fundamental right. When the circumstances and facts surrounding the indictments of Al Turner, his wife, Evelyn, and Spencer Hogue are analyzed, it becomes clear that the 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 would irreparably damage the work of my husband, Al Turner, and countless others who risked their lives and freedom over the past twenty years to ensure equal participation in our democratic system.

The exercise of the franchise is an essential means by which our citizens ensure that those who are governing will be responsible. My husband called it the number one civil right. The denial of access to the ballot box ultimately results in the denial of other fundamental rights. For, it is only when the poor and disadvantaged are empowered that they are able to participate actively in the solutions to their own problems.

We still have a long way to go before we can say that minorities no longer need to be concerned about discrimination at the polls. Blacks, Hispanics, Native Americans and Asian Americans are grossly underrepresented at every level of government in America. If we are going to make our timeless dream of justice through democracy a reality, we must take every possible step to ensure that the spirit and intent of the Voting Rights Act of 1965 and the Fifteenth Amendment of the Constitution is honored.

The federal courts hold a unique position in our constitutional system, ensuring 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 Federal judges respect the basic tenets of our legal system: respect for individual rights and a commitment to equal justice for all. The integrity of the Courts, and thus the rights they protect, can only be maintained if citizens feel confident that those selected as federal judges will be able to judge with fairness others holding differing views.

I do not believe Jefferson Sessions possesses the requisite judgment, competence, and sensitivity to the rights guaranteed by the Federal civil rights laws to qualify for appointment to the federal district court. Based on his record, I believe his confirmation would have a devastating effect on not only the judicial system in Alabama, but also on the progress we have made everywhere toward fulfilling my husband's dream that he envisioned over twenty years ago. I therefore urge the Senate Judiciary Committee to deny his confirmation.

I thank you for allowing me to share my views.

That is the letter of Coretta Scott King, one of the great leaders of our civil rights movement, who, along with her husband and many others, finally managed to get passed the Voting Rights Act of 1965.

That is it. That is the letter Senator ELIZABETH WARREN wanted to communicate to other Members of the Senate as part of the discussion as to whether JEFF SESSIONS should become our next Attorney General.

Let me say that I will vote against JEFF SESSIONS for a number of reasons, but the idea that in the United States Senate, the same exact letter that I just read and the American people have heard it—was there some kind of vicious personal attack?

This is a letter written by one of the leaders of the civil rights movement, expressing strong concerns about JEFF SESSIONS before the Judiciary Committee in 1986, opposing his nomination

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 WARREN 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.

There is a great fear 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 judge as a ''so-called judge'' because this judge issued an opinion in disagreement with the President, that we are moving in a direction which is un-American, which is moving us toward an authoritarian society.

We pride ourselves as a nation because when we have differences of opinion, we debate those differences and we tolerate differences of opinion. That is what democracy is about in our country, that is what freedom of speech is about, and that is what debate is about here in the U.S. Senate.

So I am going to vote against JEFF SESSIONS to become our next Attorney General, but I am even more alarmed about the decision of the majority leader here in the Senate to deny one of 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 letter has now 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 very 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 and all Americans.

Senator SESSIONS' long record of opposing bipartisan, commonsense policies relating to voting rights, anti-discrimination, domestic violence, and criminal justice reform leads me to conclude that he is not the right person to serve as Attorney General.

I would like to take a couple of minutes—and I know I have my friend the Senator from Minnesota coming after me—to talk about five areas of concern I have with his nomination.

First, voting rights. In 2013, the Supreme Court ruled in Shelby County v. Holder to gut a key section of the Voting Rights Act. Senator SESSIONS applauded that decision which eroded voter access and protection in several States once covered by the preclearance provisions in the Voting Rights Act. Those States included the Commonwealth of Virginia. Moreover, he has failed to support important legislation that would restore those protections.

The bipartisan legislation, the Voting Rights Advancement Act, was introduced last Congress and would serve to once again protect our Nation's hard-fought equal access to the ballot. I was proud to cosponsor this bill and remain committed to working with my colleagues to put a fair process in place that ensures our elections are open to all. Senator SESSIONS unfortunately opposed this legislation.

The second area is nondiscrimination. I also have concerns about Senator SESSIONS' record on a broad range of anti-discrimination provisions. He was one of only four Senators to oppose an amendment in the Judiciary Committee that would have reaffirmed the principle that the United States does not discriminate against immigrants on the basis of religion—an issue that unfortunately has reared its head most recently by the President's action.

He opposed the Employment Non-Discrimination Act, which codifies protection for LGBTQ Americans, and denies the reality that too many of our LGBTQ neighbors still face down discrimination and hatred every day.

While nearly two-thirds of the Senate voted for the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act in 2009, Senator SESSIONS stated this instead: ''I'm not sure that women or people with different sexual orientations face that kind of discrimination. I just don't see it.''

From opposing the DREAM Act, to opposing the repeal of don't ask, don't tell, Senator SESSIONS' views are well outside of the mainstream.

The third area is the Violence Against Women Act. In 2013, Senator SESSIONS voted against reauthorizing the Violence Against Women Act. This landmark legislation, originally drafted in 1994, provides crucial protections and resources for the investigation and prosecution of violent crimes against women. The 2013 reauthorization bill updated those programs within the Department of Justice and extended resources and protections to additional populations, such as those in same-sex relationships. That bill passed with the support of a large bipartisan majority in the Senate, including a majority of the Republican caucus. However, Senator SESSIONS opposed the entire bill due to concerns about one provision in the legislation related to domestic violence against Indians on tribal lands.

We in the Senate have all on occasion been faced with legislation that contains one or more provisions that we have concerns about or would not have included in the legislation. Yet my colleagues on both sides of the aisle can attest that we very often strike compromises to get important legislation over the finish line. Oftentimes the sign of a good bill is when not one of us gets 100 percent of what we may have wanted. Opposing a much broader, commonsense bipartisan bill meant to reduce violence and protect domestic violence victims calls into question Senator SESSIONS' commitment to administering these important programs at the Department of Justice.

Fourth, various sentencing reforms. There is broad, bipartisan recognition in the Senate that our broken criminal justice system is badly in need of reform. Likewise, there is bipartisan support for updating outdated statutes that tie judges' hands and often force them to hand down overly punitive mandatory minimum sentences. Yet last year 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 the way our Founding Fathers intended requires a certain level of impartiality to fully and independently enforce our laws and protect the rights of the disenfranchised. Senator SESSIONS has said achieving this level of neutrality means saying no to the President sometimes.

This is 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 prepared to faithfully execute this new set of responsibilities with the amount of independence that the job demands.

Again, I stress that the main duties of serving as Attorney General include enforcing our 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 PRESIDING OFFICER (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 2009, and I have a good relationship with Senator SESSIONS. I respect him as a colleague. But as anyone 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 special 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 Specter, who was serving 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 lead the committee's 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. The committee 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 his questionnaire seemed to tout 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 revise some of his history and recast him as a civil rights champion.

I questioned Senator SESSIONS about the questionnaire's claim of personally handling those four civil rights cases. I mentioned that the Department of 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 some 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 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 had signed 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 his initial questionnaire, the nominee clarified that his role was to ''provide support for'' DOJ attorneys. He said he ''provided assistance and guidance'' and ''cooperated'' with DOJ lawyers—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 concluded or were still active back when 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 significance for the nominee. Look, 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 these cases and the supplement he filed makes that perfectly clear. As I said, in the Judiciary Committee, Senator SESSIONS would not have tolerated that kind of misrepresentation, and no Member of this body should either. Senator SESSIONS said in 2009:

We're are 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 understand the nominee's record 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. When he 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. It seems 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 this 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 and I discussed this at his hearing. 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 eventually described 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, and I do believe we 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 fraud are exactly what States cite when they enact laws designed to keep certain people from voting.

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 how we 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 every one 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 suppress 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 possibly have anything to do with the fact 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 in line had three Hispanic people in front of him and three in 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 the line; only the German golfer, 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 in the claim. There is not. 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 in-person fraud, but that 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.

This 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 many, many years from now, 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. I am too weak 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 it like it is. Senator SESSIONS may have said it best himself. When Sally Yates was nominated to be the Deputy 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. Well, what is 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 as Alabama's 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 that Senator SESSIONS has not followed that obligation.

In 2009, the Senate debated the Matthew Shepard and James Senator Byrd, Jr. Hate Crimes Prevention Act, the bill that extended Federal hate crimes protections to people 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. The bill would have expanded the law to protect LGBT people, Native American women, and immigrant women, but he voted against it three times. He said that ''there are matters put on the bill that almost seem to invite opposition.'' I raised this with Senator SESSIONS prior to his hearing, and I pointed out that Native women experience an epidemic of sexual and domestic violence, much of it at the hands of 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 complained 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 that ''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 injustice—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 communities we represent 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 police.

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. In 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 watches the Senate 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 belonged at 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 shocking 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 by simply 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 ought to realize that what they did to Senator WARREN was 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 whip.

Mr. CORNYN. Mr. President, I ask unanimous consent that following the prayer, 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 clerk 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 command, 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, make it harder 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—not part 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. Health care costs have 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 affordable. We are 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 parents 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 plans 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 our colleagues 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 are 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 know 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 two 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 Congressman COURTNEY 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 of the 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 somehow claiming: 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 nominee for Attorney 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 recrimination, 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 we would treat each other 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 were 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 respect and when we don't make 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 all know that in 2006—those of us who were here in the Senate, including Senator SESSIONS, including the Democratic whip and myself—we all voted to reauthorize the Voting Rights Act. That included section 2 and section 5, which 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 nothing to be 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 I believe 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, when he voted for the reauthorization 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.

During his confirmation hearing, I said: Well, those who don't know Senator SESSIONS are interested to learn his record and his resume, but those of us who worked with him—we don't need to read his resume. We don't need to hear a recitation of his record. We know the man. We know what is in his heart. And he is a thoroughly decent and honorable Member of the Senate, and he will do an outstanding job, I believe, restoring the reputation of the Department of Justice, as one dedicated to the rule of law above all else.

There is always a risk—and this happens in Democratic administrations, as well as Republican administrations—when the Attorney General feels like they are an arm of the White House. That is not the job of the Attorney General. The President has a lawyer, White House Counsel. The Attorney General is supposed to have some measure of independence even though he or she is appointed by the President and serves at the President's pleasure.

That is why we ask questions of people, like Deputy Attorney General Sally Yates: Can you tell the President no? Well, she said she could. And then ultimately, unfortunately, in the case of the Executive order that was issued by President Trump later on, said—even though this order was vetted by the Office of Legal Counsel and determined that this was a legal Executive order both in content and in form, she said: I still disagree with the President's Executive order, and I am going to order the Justice Department lawyers not to defend it.

Well, that is the kind of politics that we need none of in the Department of Justice. We have plenty of politicians in this country. We have plenty of politicians in the Congress and in the White House. We don't need another

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 rule of law above politics, 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 those 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 said: ''I am here and I am ready on behalf of the United States of America.''

Senator SESSIONS is here, and he is ready to serve the American people as Attorney General. And we know from his service at the Department of Justice, as attorney general of Alabama, and now for the past 20 years in the Senate, that he is devoted to the rule of law and keeping our country safe. So it has really been sad to see interest groups vilifying him over and over again or people mischaracterizing him, as they have on his voting rights record, things that he is not responsible for after voting to reauthorize the Voting Rights Act in 2006. He didn't decide the Shelby County case.

This is a man we have worked with for—some for 20 years, people who have been here that long with him, and we know JEFF SESSIONS to be a man who has dedicated his life to public service. 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 to drag out Cabinet nominations 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 so well 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 the Reid precedent, 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.

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 my view; they may think they had a 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 want to keep a new President from surrounding himself with the men and women he has selected to help run the country. I think if there is one thing that should give people more confidence in the new administration, it is the quality of the men and women he has chosen for his Cabinet, and I would add Vice President PENCE, somebody we know here, having served 12 years in the House of Representatives.

So the delay is really for no good reason at all and will have no achievable results. They are not going to be able to block the nomination but, rather, just try to score political points. And preventing an exemplary nominee from filling an important national security position I believe makes our country less safe.

I will give our colleagues across the aisle some credit for allowing the confirmation of Secretary of Defense James Mattis and Gen. John Kelly at the Department of Homeland Security and finally, after a long weekend, Mike Pompeo as Director of the CIA. Those are essential components of the President's national security Cabinet, but it also includes the Attorney General of the United States, someone whose 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 our efforts 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 3 weeks ago—confirm 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, Senator CORNYN. 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 his 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 JEFF SESSIONS of Alabama—more questions which of 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 that spot? Well, we didn't hear it at all. In fact, the Senator 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.

From where I was sitting—and I came to the floor at one point and said: What are we waiting for? This lady is eminently qualified. She has been reported by the committee. She has answered all the questions. She languishes on the calendar.

She wasn't alone in this experience, incidentally. The Executive Calendar, as the Obama Presidency ended, was filled with nominees who were held for

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 to be: We are not going to ever let 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 how we are not moving quickly 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 critical 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, 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 has had access to the ballot box denied so persistently and intently.

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 minorities will vote. 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 was the incidence of widespread voter fraud in the elections in your State which led you to make it more difficult and challenging for the people of your State to vote?

The answer was: There were none. There were no examples 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 strategy is 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 WARREN 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 DURBIN, 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 ago? I mean, we just confirmed a lady 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 in insider trading. 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 anything 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 all 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 know what the standards are 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 about to become the 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 the Senator from Montana, to fully comply with the law so she could go through the hearing—6 months. Now we hear complaints from the Republicans: Well, why aren't the Trump nominees going through more quickly? 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

household to work for you and you did not pay their Social Security, their FICA? Sorry, you are disqualified from being in a Cabinet.

Now we have Trump nominees where that is happening—not with frequency, but it is happening—and 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 made 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 8 years, at 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 stand up and fight 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 assault and brings perpetrators to justice. In my State of Montana, this law helped provide over $10 million every year to support women and children. Those 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, 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. Mr. SESSIONS has voted 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 fight for 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. Anne from Missoula wrote me:

> Please vote against the nomination of Jeff Sessions for Attorney General. He has a history of supporting the weakening of our civil liberties. Voting rights should be strengthened, not weakened. His support of the Patriot Act and opposition of the Violence Against Women Act are just a few of the many egregious positions that he has taken.

Susan from Bigfork:

> Please vote no on Jeff Sessions for Attorney General. She is an inappropriate choice due to women's issues and civil liberty issues. He has shown poor choices in protecting voting rights and women's choices.

Jerilyn from Belgrade:

> Jeff Sessions is completely the wrong person to be Attorney General. His record on civil rights and women's issues belong in a different century.

Amy from Whitefish:

> Vote no to the nomination of Jeff Sessions, who has shown himself time and again to be no friend to equality or civil liberties. Please know that we in Montana expect you to uphold our desire for all members of this great Nation regardless of race, gender, ethnicity, religious affiliation or sexual orientation, to be treated with respect and dignity.

Charles from Livingston:

> He voted no on the Violence Against Women Act.

That ''he'' being Mr. SESSIONS. Mr. SESSIONS voted no on adding sexual orientation to the definition of hate crimes. He voted yes on loosening restrictions on cell phone wiretapping.

Now, I agree with Anne and Susan and Amy and Jerilyn and Charles and thousands of other Montanans. Because of that, I will not support Mr. SESSIONS, and I will urge my colleagues to oppose his nomination.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

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, Senator SESSIONS and I have frequently and sometimes vehemently disagreed on important issues, including matters like civil rights and voting rights, hate crimes laws, 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 what it 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 questionable orders—including 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, against lesbian, 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 heard from 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 Wisconsinites and, frankly, from people throughout the United States breaks our hearts.

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 civil rights and 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 candidate 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 also plays 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 furthered divisions, created chaos and confusion, proven 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 born out of hatred based on 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 vote on 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 Republican leadership 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 back in 1986, 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 people have lost their 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 up-hill struggle to keep alive the vital legislation that protects the most fundamental right to vote. A person who has exhibited so much hostility 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 the 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 around the country, and that is a skills gap.

If you go on 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 you look at what the descriptions are, 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.

Businesses want to invest more. They want to make better products, but they

can't do so if they can't find the right people.

By the way, when those skilled workers aren't available, often those jobs go somewhere else. So in the case of Ohio, some may go to other States—let's say Indiana—but some go to other countries—say India.

So if you don't have the skilled workforce, you are not going to be able to keep the jobs that we want here in America because workers are such a critical part of making a business successful.

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. 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 shortage of 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 rebuild that infrastructure.

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 my generation, it is what was called vocational education, but I will tell you that it is not your father's Oldsmobile. 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 once 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 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 into these 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 our employers keeping jobs and 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 talking to some of the 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, she 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 was willing to send him 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 Massilon, 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 teacher looked at her scores in other classes and non-CTE classes, and said: I will take a chance on you, but I am concerned about you because your grades are so low. But she applied. She said she was embarrassed by those scores. The teacher let her in with the understanding that she would do a better job in her other classes. The CTE course gave her a totally new-found motivation to work hard and get good grades.

I hear this again and again back home. These kids from CTE are excited. They not only stay in school—they are not dropouts—but they do better.

In her senior year in high school she had a 4.0 after getting into the CTE program for sports medicine. She is studying at Miami University where she is on track for living out her dream of becoming an orthopedic surgeon. That is an example of how CTE really works.

Senator TIM KAINE and I had this in mind when we started the Senate CTE Caucus. It is a caucus that started with just a couple of Members, and now it has a strong following. Senator TAMMY BALDWIN of Wisconsin is among the leaders of that caucus, and she is on the floor today. This caucus not only has these conferences that bring people together to talk about issues, but we also put together legislation.

Senator KAINE and I introduced legislation called Jumpstart Our Businesses by Supporting Students Act, or the JOBS Act. We tried hard to get that acronym, JOBS. We introduced it a couple weeks ago. It would let low-income people get Pell grants for job training programs. Under current law, financial aid for programs can be used for courses lasting 15 weeks or more, but a lot of the licensing programs and the job training programs are less than 15 weeks. In Ohio a lot of them are 9 weeks. So we think this legislation will be helpful, giving young people options that they don't have now to be able to have this funding to be able to give them opportunities for a better start in their careers, getting them the licensing they need, the certificates they need, and putting them on the path to joining the middle class and the ability to get a job, but also to be able to buy that car, to be able to buy that home over time by having this opportunity to get skills training.

Our legislation has been endorsed by education groups like the Association of Career and Technical Education, the National Skills Coalition, the National Council for Workforce Education, and many other groups. We appreciate their help, and we are going to get that legislation done.

I hope colleagues from both sides of the aisle can join us to get that legislation enacted. It makes so much sense.

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 also has some great health care CTE programs. I mentioned the young woman who found her motivation 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 hygienists 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 continue to 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, we are going to be able 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 come together as Republicans and Democrats alike, and with the new administration, to promote career and technical education.

With that I yield my time.

The PRESIDING OFFICER (Mr. TILLIS). The Senator from Alaska.

Mr. SULLIVAN. Mr. President, I rise today to support the nomination of Senator JEFF SESSIONS for Attorney General of the United States. 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.

One of our colleagues violated rule XIX. Here is what rule XIX 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.''

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, like you, 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 what we should be doing. 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, was 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 imputing conduct and motives unbecoming 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. Everybody 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 getting a lot of press 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, he has fewer 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 Alaskans who are desperate to get our 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 to work on behalf of the American people. I think Americans are also seeing the reputation of good people who want to serve their 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.

VISIT BY THE PRIME MINISTER OF JAPAN

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 that 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 opportunities to create more.

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 we focus on our allies and, in particular, 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 incredible influence over 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 around the 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. President Thomas Jefferson 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 Department is the largest law office in the world and the chief enforcer of our Nation's laws. The Attorney General has to be the people's lawyer. Upon taking the office, the Attorney General swears an oath to ''protect and defend the Constitution of the United States.'' More than almost any other officer of the U.S. Government, it is the job of the Attorney General to protect and carry out the Constitution's plan of defending the rights and privileges of those who most need that protection. There is a Latin motto on the seal of the Department of Justice. It refers to the Attorney General as the one ''who prosecutes on behalf of justice.'' In the paneling above the door of the anteroom outside of the Attorney General's office are inscribed the words: ''United States wins its point whenever justice is done its citizens in the courts.''

As former Attorney General Loretta Lynch said after taking the oath of office, the employees of the Department of Justice are ''the ones who make real the promise of justice and redress for all Americans.'' She said they ''continue the core work of our mission—the protection of the American people.''

She said: ''The challenge in that—for you, for me, for all of us that love this Department and love the law—is to use the law to that end. To not just represent the law and enforce it, but use it to make real the promise of America, the promise of fairness and equality, of 'liberty and justice for all.'''

I think we all recognize—and I see we have been joined by many of our colleagues from the other side of the Capitol from the House of Representatives. It is great to see them here as part of this historic debate. I see the ranking member of the Judiciary Committee, Mr. CONYERS, as well as many other colleagues because they know this is an important moment.

Just as Loretta Lynch described the importance of the Office of Attorney General, we all have to take heed because I think all of us recognize that the story of America, the story of our country has been the story of working to live up to that original promise. It has been a long journey, and there have been a lot of broken promises along the way, and it is an unfinished journey. We know there has been a lot of blood and tears shed in order to try to make good on the ideas of equal justice and equal opportunity, of equal rights. We have come a long way—there is no denying that—but we also know we have a long way to go to meet that full promise.

The role of the Justice Department is to be a fighter for living up to that purpose, for living up to that promise, to be the champion of the people, to be the defender of those who are too often undefended, to be a fighter for those who do not have an advocate, to be the voice for people who do not have high-priced and high-powered lobbyists. They need to be the advocate for everybody, the Attorney General—someone to whom those who are feeling like they are getting an unfair shake can turn. It has to be a refuge for those who have been victimized by the powerful, someone who can speak for all of the American people.

To fulfill this responsibility, the Attorney General overseas over 114,000 employees, 60 agencies, from the Antitrust 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 Civil Rights Division, created in 1957, works to uphold the civil and constitutional rights of all Americans, particularly the most vulnerable in our society. The division is charged with enforcing Federal statutes, prohibiting discrimination on the basis of race, color, sex, disability, religion, familial status, and national origin.

The Justice Department's Disability Rights 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 administrating 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 Justice Department's Office of Legal Counsel 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 orders and proclamations proposed to be issued by the President of the United States.

The Justice Department has played a vital role in advancing the promise of America. You just have to look historically to how it was not just a passive actor but made sure they did their job to be a fighter for people who were disenfranchised.

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 President Eisenhower.

In the years since the Supreme Court's 1999 decision in Olmstead v. L.C., 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 God-given 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 the first 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 equal justice 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 positions in the executive branch 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 and somebody in this position has to have a record not just of an understanding of the law but a willingness to make sure that we implement the law for all the American people.

I regret that as I examine the history of Senator SESSIONS' statements and actions, I do not believe that he is well suited for the position of Attorney General. Nothing in his history or record indicates that he will be a fighter for those who are less powerful and those who have been left out. Nothing indicates that he will be a fighter for people of color, people with disabilities, or people in the LGBT community. Nothing in his record suggests that he will be that warrior for justice that we need in our Attorney General.

To the contrary, time and again, 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 to 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, the Senator from 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 that Senator Thurmond moved from being chairman of the Armed Services Committee to exercise his seniority on the Senate 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 Senate 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—and, again, the Republicans were the majority in the Senate then, as they are today—and Senator Specter from Pennsylvania, another Republican Member, cast their votes in opposition to the nomination of then Attorney Sessions for a Federal judgeship.

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 justice. 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 is 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 50 years. Guided by 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 insufficient commitment to voting rights, to 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 those who pay 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 considered 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 where 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, 1969. It was the anniversary of the day he was wounded 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 our country.

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 with disabilities, 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 on advancing the rights 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 satisfies 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 this 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 higher 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 our country. 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 to make that clear, the declaration in the resolution of advice and consent stated simply at the time: ''The Senate declares that, in the view of the reservations to be included in the instrument of ratification, current United States law fulfills or exceeds the obligations of the Convention for the United States of America.''

Despite the presence of Senator Dole on the floor and the support of the chair of the Senate Foreign Relations Committee, Senator Lugar, Senator SESSIONS opposed that.

If that were the only incident where Senator SESSIONS failed to uphold the rights of people with disabilities—maybe, maybe, maybe—I am not sure it would be understandable. But it is not the only incident. Senator SESSIONS also made deeply concerning comments about the Individuals with Disabilities Education Act, or IDEA, which we have heard so much about in the last couple of days during the debate on the nomination of Mrs. DeVos. Senator SESSIONS referred to the IDEA, or Individuals with Disabilities Education Act, as perhaps ''the single most irritating problem for teachers throughout America today'' and ''a big factor in accelerating the decline of civility and discipline in classrooms all over America.'' The most irritating problem was our national commitment to try to make sure that every child—every child, regardless of disability—had a chance to achieve his or her full God-given potential. That was apparently irritating.

Senator SESSIONS claimed that ''special treatment for certain children'' created a distraction in the classroom. Special treatment. That is not what IDEA is about. The idea of IDEA legislation was to make sure all kids could get an appropriate and decent education. It wasn't there to give kids with disabilities some kind of advantage, just a chance, along with the other kids.

As to the so-called issue of special treatment, ''special treatment'' is a concerning trend in many of 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 them over other kids without disabilities 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 somehow protecting the rights of groups that 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 same 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 Sotamayor for her decision that disenfranchising felons violated the Voting Rights Act, saying that her analysis that the policy had a disproportionate impact on African Americans was somehow ''a bridge too far.''

I am sure that if Mrs. Coretta Scott King were here today, she would say that we need to continue to travel along our journey toward meeting our promise of equal rights, equal justice, and equal opportunity, and ensuring justice for groups that have been discriminated against historically—whether on racial grounds or on grounds of gender or of on sexual orientation. That is not somehow to give them an advantage but to recognize that they have faced historic discrimination, and to provide them with a chance.

Just yesterday in Maryland, following the efforts of my good friend and our State attorney general Brian Frosh, a Maryland court overhauled the cash bail system in our State. I think all of us who have seen the way the criminal justice system operates know that far too often cash bail ends up criminalizing poverty. According to the Pretrial Justice Institute, ''47 percent of felony defendants with financial bonds can't pay and stay in jail until their case is heard.'' In other words, they simply can't afford to make bail, and so they stay in jail, sometimes for years. Not only is it costly to hold people for an extended period of time prior to trial, but we know it has sometimes incentivized people—people who were innocent of the crimes they were charged with—to strike plea deals simply because they can't afford to pay the bail and they can't afford to spend months or years away from their homes or families.

Like many people in organizations, I have looked at Senator SESSIONS record with respect to the issue of criminal justice reform, and it is lacking in the need to find a bipartisan solution to what is recognized across party lines as an important effort that we need to make—criminal justice reform—because we know we have too many people who are currently locked up for nonviolent offenses, including many substance abuse offenses.

It makes no sense within our system to have the kind of mass incarceration we have seen in our country, where we have 5 percent of the world's population but 25 percent of the world's prison population. There is a bipartisan recognition that justice demands we change that. Unfortunately, I have not seen that recognition in the record of Senator SESSIONS.

In remarks on the Senate floor in 2002, Senator SESSIONS also criticized a Supreme Court ruling about the execution of people with intellectual disabilities. The Court found that people who had incredibly diminished intellectual capacity should not be executed—that it violated the Eighth Amendment's ban on cruel and unusual punishment because these are individuals who could not form a capacity, an intent—and that we should not execute people who did not form that criminal intent, the mens rea. That was an advance in our Federal jurisprudence, yet that was severely criticized by Senator SESSIONS. So that statement, along with his position on IDEA and his opposition to the convention on peoples with disabilities raises many, many troubling questions regarding his willingness to protect individuals who need protection.

We also recognize that the Attorney General has to be somebody who is independent, who is willing to stand up to a President if a President is calling upon the Justice Department to take an unlawful action or an action inappropriate or inconsistent with the interests of justice.

In 1904, in a letter to the Attorney General, President Theodore Roosevelt said:

> Of all the officers of the Government, those of the Department of Justice should be kept most free from any suspicion of improper action on partisan or factional grounds, so there shall be gradually a growth, even though a slow growth, in the knowledge that . . . the representatives of the Federal Department of Justice insist on meting out even-handed justice to all.

Senator SESSIONS himself made the point when he questioned then-nominee Sally Yates about her responsibilities in the Justice Department of President Obama. Senator SESSIONS told Ms. Yates:

> You have to watch out because people will be asking you to do things and you need to say no. You think the attorney general has the responsibility to say ''no'' to the President if he asks for something that's improper? A lot of people have defended the Lynch nomination, for example, by saying, ''Well, he appoints somebody who's is going to execute his views. What's 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?

That was the question posed by Senator SESSIONS.

Ms. Yates answered:

> 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.

That is exactly what she did. That is exactly what Deputy Attorney General Yates did just a few days ago when President Trump asked her to take an action which in her opinion was inconsistent with the laws of the United States. She did what Senator SESSIONS asked her to do at that hearing, and she was fired.

Let's look at the record of Senator SESSIONS' willingness to stand up in an independent way to some of the outrageous statements that have been made by President Trump.

After the terrorist attack in San Bernadino, CA, Mr. Trump called for a ''total and complete shutdown of Muslims entering the United States until our country's representatives can figure out what . . . is going on.''

He went on to reiterate his plans for a Muslim ban in a March 2016 CNN interview and a later speech. What did Senator SESSIONS do at that important moment? At that time, Senator SESSIONS was an early supporter of not only Mr. Trump but his call for a Muslim ban. Just days after Candidate Trump first made his Muslim ban proposal, Senator SESSIONS told Steve Bannon on Breitbart's radio program:

> We're in an age that's very dangerous and we're seeing more and more persons enter. And a lot of them have done terrorist acts and a lot of them believe it's commanded by their religion. So I think it's appropriate to begin to discuss this [Muslim ban].

We all want the greatest security for our country. We all want to make sure bad people don't get here. But I think we also understand as Americans that a religious test violates the principles of our Nation.

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. Nevertheless, when it was time to 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 you support his actions as President, it is a moment when, if you are going to being 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 him on the grounds of his 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, we need somebody there who is going to be independent, somebody who is going to be willing to challenge the President of the United States when he

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. We 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 FRANKEN asked Senator SESSIONS about these claims of voter fraud, these unsubstantiated claims of massive voter fraud, 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 not satisfied 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 an 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 Senate 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 defend 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 served as a line prosecutor and, as 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 experience, 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 in an 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 ordinary party 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—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 historic 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 these times, not someone whose words should 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 stay 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 the 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 someone 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 administration. 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 of all Americans to be treated equally under the law. The American people need an Attorney General who continues to make the fight against racism, discrimination, and hate crimes a core part of that Department's mission. We know Senator SESSIONS 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, Senators cited 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 to me 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 I know 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, by the way, 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 commonsense immigration policies cause me great concern about whether he would 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 race 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 out of the mainstream, 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, as we continue the struggle 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 worked against us to tear it apart. As someone 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 should, by the way, 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 family members, our coworkers—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 such 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 that change has 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 health care. 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 too 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 there who, instead, considers what the patient wants done.

In the Senate HELP Committee hearing with Dr. PRICE, he spoke about his

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 a thought 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, he has taught 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 higher 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 change in the law, more and more people will lose access to health insurance coverage.

It has been suggested that the Republicans should just let the current system keep going for 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 have those people go through that kind of suffering, even though there is a risk to it. 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 administration 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 decided that being a Republican is a disqualifying characteristic for any Cabinet Secretary. It is all too easy to resort to vilification of our political opponents, but I will just point out the words of David Lloyd George, who is not a conservative, who said: ''A politician is a person with whose politics you don't agree; if you agree with him, he is a statesman.''

TOM PRICE's nomination is something that I believe would have been relatively noncontroversial, even a few years ago. I know that when I voted in favor of the confirmation of Sylvia Burwell as the Secretary of Health and Human Services for President Obama's Cabinet, I looked at her qualifications, not her politics.

If we look at Dr. PRICE with the same lens, I am hopeful we will see a bipartisan vote for this confirmation. The nomination of TOM PRICE is a great opportunity for our country to benefit from his knowledge, to benefit from his dedication, to benefit from his lifetime of service, and to benefit from his commitment to working with us all to improve health care in the United States.

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. HEINRICH. 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. HEINRICH. Mr. President, in 1986, Coretta Scott King, the widow of civil rights leader Dr. Martin Luther King, wrote a letter urging Congress to block the nomination of JEFF SESSIONS for Federal judge. The Senate Judiciary Committee would ultimately reject that nomination.

Here we are three decades later. Senator SESSIONS, who cannot erase his troubling record on civil rights, is again undergoing a confirmation hearing as President Trump's nominee for Attorney General. I would like to read an excerpt from Mrs. King's letter, and I ask unanimous consent that the letter in its entirety be printed in the RECORD following my remarks.

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 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 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.

When Senator ELIZABETH WARREN tried to read this exact same letter last night here on the Senate floor, Republicans voted to silence her, citing 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 words 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 Minority 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 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 have already 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 material was ordered to be printed in the RECORD, as follows:

> THE MARTIN LUTHER KING, JR. CENTER FOR NONVIOLENT SOCIAL CHANGE, INC.,
>
> *Atlanta, Georgia, March 19, 1986.*
>
> Re Nomination of Jefferson B. Sessions U.S. Judge, Southern District of Alabama Hearing, March 13, 1986
>
> 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 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 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 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' 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.
>
> Sincerely,
>
> CORETTA SCOTT KING.

STATEMENT OF CORETTA SCOTT KING ON THE NOMINATION OF JEFFERSON BEAUREGARD SESSIONS FOR THE UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF ALABAMA

SENATE JUDICIARY COMMITTEE, 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. My longstanding 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 to his indifference toward criminal 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, ''Certainly no community in the history of the Negro struggle has responded with the enthusiasm of Selma and her neighboring town of Marion. Where Birmingham depended largely upon students and unemployed adults [to participate in non-violent protest of the denial of the franchise], Selma has involved fully 10 per cent of the Negro population in active demonstrations, and at least half the Negro population of Marion was arrested on one day.'' Martin was referring of course to a group that included the defendants recently prosecuted for assisting elderly and illiterate blacks to exercise that franchise. In fact, Martin anticipated from the depth of their commitment twenty years ago, that a united political organization would remain in Perry County long after the other marchers had left. This organization, the Perry County Civic League, started by Mr. Turner, Mr. Hogue, and others, as Martin predicted, continued ''to direct the drive for votes and other rights.'' In the years since the Voting Rights Act was passed, Black Americans in Marion, Selma and elsewhere have made important strides in their struggle to participate actively in the electoral process. The number of Blacks registered to vote in key Southern states has doubled since 1965. This would not have been possible without the Voting Rights Act.

However, 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 person who has exhibited so much hostility 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.

The irony of Mr. Sessions' nomination is that, if confirmed, he will be given life tenure for doing with a federal prosecution what the local sheriffs accomplished twenty years ago with clubs and cattle prods. Twenty years ago, when we marched from Selma to Montgomery, the fear of voting was real, as the broken bones and bloody heads in Selma and Marion bore witness. As my husband wrote at the time, ''it was not just a sick imagination that conjured up the vision of a public official, sworn to uphold the law, who forced an inhuman march upon hundreds of Negro children; who ordered the Rev. James Bevel to be chained to his sickbed; who clubbed a Negro woman registrant, and who callously inflicted repeated brutalities and indignities upon nonviolent Negroes peacefully petitioning for their constitutional right to vote.''

Free exercise of voting rights is so fundamental to American democracy that we can not 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 has had access to the ballot box denied so persistently and intently. Over the past century, a broad array of schemes have been used in attempts to block the Black vote. The range of techniques developed with the purpose of repressing black voting rights run the gamut from the straightforward application of brutality against black citizens who tried to vote to such legalized frauds as ''grandfather clause'' exclusions and rigged literacy tests.

The actions taken by Mr. Sessions in regard to the 1984 voting fraud prosecutions represent just one more technique used to intimidate Black voters and thus deny them this most precious franchise. The investigations into the absentee voting process were conducted only in the Black Belt counties where blacks had finally achieved political power in the local government. Whites had been using the absentee process to their advantage for years, without incident. Then, when Blacks; realizing its strength, began to use it with success, criminal investigations were begun.

In these investigations, Mr. Sessions, as U.S. Attorney, exhibited an eagerness to bring to trial and convict three leaders of the Perry County Civic League including Albert Turner despite evidence clearly demonstrating their innocence of any wrongdoing. 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 use the process within the bounds of legality 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. Witnesses who did testify were pressured and intimidated into submitting the ''correct'' testimony. Many elderly blacks were visited multiple times by the FBI who then hauled them over 180 miles by bus to a grand jury in Mobile when they could more easily have testified at a grand jury twenty miles away in Selma. These voters, and others, have announced they are now never going to vote again.

I urge you to consider carefully Mr. Sessions' conduct in these matters. Such a review, I believe, raises serious questions about his commitment to the protection of the voting rights of all American citizens and consequently his fair and unbiased judgment regarding this fundamental right. When the circumstances and facts surrounding the indictments of Al Turner, his wife, Evelyn, and Spencer Hogue are analyzed, it becomes clear that the 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 would irreparably damage the work of my husband, Al Turner, and countless others who risked their lives and freedom over the past twenty years to ensure equal participation in our democratic system.

The exercise of the franchise is an essential means by which our citizens ensure that those who are governing will be responsible. My husband called it the number one civil right. The denial of access to the ballot box ultimately results in the denial of other fundamental rights. For, it is only when the poor and disadvantaged are empowered that they are able to participate actively in the solutions to their own problems.

We still have a long way to go before we can say that minorities no longer need be concerned about discrimination at the polls. Blacks, Hispanics, Native Americans and Asian Americans are grossly underrepresented at every level of government in America. If we are going to make our timeless dream of justice through democracy a reality, we must take every possible step to ensure that the spirit and intent of the Voting Rights Act of 1965 and the Fifteenth Amendment of the Constitution is honored.

The federal courts hold a unique position in our constitutional system, ensuring 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 federal judges respect the basic tenets of our legal system: respect for individual rights and a commitment to equal justice for all. The integrity of the Courts, and thus the rights they protect, can only be maintained if citizens feel confident that those selected as federal judges will be able to judge with fairness others holding differing views.

I do not believe Jefferson Sessions possesses the requisite judgment, competence, and sensitivity to the rights guaranteed by the federal civil rights laws to qualify for appointment to the federal district court. Based on his record, I believe his confirmation would have a devastating effect on not only the judicial system in Alabama, but also on the progress we have made everywhere toward fulfilling my husband's dream that he envisioned over twenty years ago. I therefore urge the Senate Judiciary Committee to deny his confirmation.

I thank you for allowing me to share my views.

Mr. HEINRICH. 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. MARKEY. 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. MARKEY. Mr. President, I have heard from literally thousands of my constituents who have contacted my office in unprecedented numbers with

fears about a Justice Department headed by Senator JEFF SESSIONS as Attorney 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 President Trump's term of office, and we have already seen in 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 overseeing the Department of Justice—an action reminiscent of Watergate's infamous ''Saturday Night Massacre''—because she refused to defend in court his unconstitutional and un-American Executive 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, but it is the rule of law that is at stake when the nomination of Senator SESSIONS is in question to run the Department of Justice.

I have told my constituents that Senator SESSIONS must be judged based on the totality of his record: as a U.S. attorney, as Alabama's attorney general, and as U.S. Senator.

A review of that record, including 2 days of hearings before the Senate Judiciary Committee, demonstrates anything but the commitment to the equal and impartial administration of justice and an independence from the President that we must demand from the Nation's top law enforcement officer.

Senator SESSIONS' record spanning decades in public office reflects hostility to important constitutional rights, hostility to laws intended to protect people of color, hostility to laws intended to protect women, hostility 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 U.S. attorney, SESSIONS tried to prosecute three civil rights workers who were helping elderly and disabled African-American voters to cast absentee 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 Department's efforts to challenge restrictive State voter ID laws. Senator SESSIONS has fought against comprehensive immigration reform, against criminal justice reform, and against commonsense gun control measures.

As for a woman's right to choose, Senator SESSIONS has said: ''I firmly believe that Roe v. Wade and its descendants represent one of the worst, colossally erroneous Supreme Court decisions of all time.'' At his confirmation hearing, Senator FEINSTEIN pressed him on his statement, asking 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 and the rights of women 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 Massachusetts, Senator ELIZABETH WARREN.

Coretta Scott King was attending the New England Conservatory of Music in Boston when she met a divinity doctoral student at Boston University in 1952, 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 that became a national and international movement.

The two shared their life, a cause that would change the world. The voices and legacy of Coretta Scott King and Dr. Martin Luther King, Jr., are as much a part of Massachusetts history as 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 Senator Ted Kennedy stood up for equal justice. We have a deep and proud history in Massachusetts of fighting for what is right. The abolitionist movement was born in Massachusetts.

In past generations, when young women wanted the right to vote, a group of committed activists in Massachusetts formed the Suffragette movement, and they changed the U.S. Constitution 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 Riders, 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, in Massachusetts.

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 heart 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 powerful 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 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 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 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 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' 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.

Sincerely, Coretta Scott King

Coretta Scott King was right in the 1960s. Coretta Scott King was right in 1986. Coretta Scott King is right today.

Based on the totality of Senator SESSIONS' 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 enforcement 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 SESSIONS' nomination this evening, and I urge all of my colleagues to do likewise.

Mr. President, I yield the floor.

Mr. LEAHY. Mr. President, yesterday I spoke at length about my fear that Senator SESSIONS' would not have the ability to act as an independent Attorney 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 capable of serving and protecting all Americans.

In 1986, 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 most vulnerable in our communities. 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. 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 those of protesters in our streets 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 the 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 being 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 saw it, and 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 not just by 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 crimps 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 .357 magnum pistol, 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.''

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 wrote to me that ''it is not correct to 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 overwhelmingly passed the Senate with support from a majority of Republican Senators. During his hearing, and again in written questions, Senator SESSIONS refused to commit to defend this important law's constitutionality. He said only that he ''will carefully study'' it to discern whether it is ''reasonably defensible.'' His refusal to voice support for VAWA is all the more troubling in light of reports that the Heritage Foundation's budget blueprint, which is reportedly being relied on by the new administration, calls for eliminating all VAWA grants. I asked Senator SESSIONS to commit to stand up for victims and preserve these critical programs. Again, he refused.

Amita 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 initial 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 these grants are a matter of 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 nomination, wrote to the Judiciary Committee because they do not believe Senator SESSIONS understands that. The letter states:

> ''Senator SESSIONS' senate record of strenuous objection to protections for historically marginalized populations, coupled with his record of selective prosecutions, demonstrate his unwillingness to protect marginalized victims' access to justice 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 to let tribal justice systems reach the many criminal and civil cases that fell through the cracks. That amendment would have gutted core elements

of the VAWA reauthorization that go 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. Racial minorities 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 ID laws are 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 and in fact ''give 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 filed last year in Georgia 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 others like it where States are in violation 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 during the Bush administration, 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 problem is not just that Senator SESSIONS has opposed protections for the most vulnerable, it is also the language that he uses when opposing them, which denigrate those 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. He regularly attended their 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 some of their 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 radical and I'm actually sure he's a Muslim, he certainly isn't a Christian. . . . He's a pretend Christian in the same way he's a pretend American''; alleging that two Muslims members of Congress have ''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 married women by definition 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.'' That is why, last month, Muslim advocates and 36 other civil rights organizations, including the Leadership Conference on Civic 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 fan the 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 7, 2017.*

Hon. PATRICK J. LEAHY,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR LEAHY: 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 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 confirming him as the chief law enforcement officer 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 U.S. Attorney 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 many publically verified racially 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 him, citing ''reasonable doubts'' over whether he could be ''fair and impartial.''

Senator Sessions has oft 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 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 didn't deter Mr. Sessions. Later, as Attorney General of Alabama, he initiated another voter fraud investigation involving absentee ballots cast by black voters that, again, resulted in findings of no wrong doing. During that same timeframe, he was criticized for declining to investigate church burnings, and he ''joked'' that he thought Ku Klux Klan members were ''OK, until [he] learned that they smoked marijuana.''

Against that background, Senator Sessions aggressively interrogated Justice Sonia Sotomayor, the Court's first nominee of Latino heritage. Further betraying a deep belief in natural division between racial groups, he grilled Justice Sotomayor about whether she could be fair to white Americans, despite her 17-year record as a jurist and having received the American Bar Association's highest rating. And he expressed grave concerns that she would engage in judicial ''empathy'' on the high court, favoring persons of certain races or ethnicities over others. He then voted against her confirmation.

Senator Sessions' prejudices are not only against people of color. As an organization representing a predominately female profession we are compelled to express our outrage that Senator Sessions defended Donald Trump's statements about grabbing women by the genitals, by saying that such conduct would not constitute sexual assault. The fact that he took a different position during his Committee hearing is of no comfort. It only shows that he will say whatever he believes will help land him in the seat of power to determine whether, and against whom, to enforce our laws. His comments last fall dismissing President-elect Trump's despicable treatment of women is consistent with his vote in 2013 against the Violence Against Women Act. 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 and Corrections Act, a bipartisan 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.). The fact that law enforcement leadership throughout the nation supported the reform 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 when he served in that position—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 far lower cost to society, with appropriate healthcare treatment.

Nor should Senator Sessions be trusted to ensure equal access to voting rights. He has publically called 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 offices, many in majority-black areas, shortly after instituting strict voter-ID requirements. We are reminded of the words of Coretta Scott King in her letter opposing Jeff Sessions' nomination to the federal district court in 1986: ''The irony of Mr. Sessions' nomination is that, if confirmed, he will be given a life tenure for doing with a federal prosecution what the local sheriffs accomplished twenty years ago with clubs and cattle prods.''

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. Climate change is a public health issue that cannot be overstated. As nurses we have been seeing for some time increases in the frequency and severity of respiratory diseases such as asthma, bronchitis, and emphysema, 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 cause arrhythmias, 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 temperature.

Current and future generations cannot afford to have a fox minding the hen house on the important issues of civil and criminal 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 job. 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.*

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NATIONAL TASK FORCE TO END SEXUAL & DOMESTIC VIOLENCE

DEAR MEMBER OF THE JUDICIARY COMMITTEE: We, the steering committee of the National Task Force to End Sexual and Domestic Violence (NTF), a coalition of national, tribal, state, and local 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 of the law. The role of Attorney General requires a demonstrated commitment to providing equal protection under the law—particularly to people who face discrimination because of their race, religion, gender, gender identity, sexual orientation, disability or other identities. We respectfully submit that Senator Sessions' record speaks for itself and that his history of differential application of the law carries with it the potential to harm victims and survivors of gender-based violence, particularly survivors from historically marginalized communities. Thirty years ago, this Committee rejected Senator Sessions' nomination to the federal bench due to well-justified concerns regarding his problematic record on civil rights and troubling history of making racially insensitive statements. These aforementioned concerns, combined with his equally troubling comments on the nature of sexual assault and other concerns raised below, make Senator Sessions an unqualified choice to serve as U.S. Attorney General.

The position of Attorney General of the United States of America, created by the Judiciary Act of 1789, bears the responsibility of representing the United States in all legal matters in which the country has an interest. Chief among those interests is the affording of equal protection under our criminal, civil and civil rights laws to all members of our society. Under 28 U.S.C. §503, the President's appointment of an Attorney General must be with the ''advice and consent of the Senate.'' The process ensures that the person holding the post of Attorney General is one fit for such duty, a person with the intellectual, moral and steadfast ethical capacity to uphold the laws and interests of the United States and to apply the laws equally to all members of society.

FAILURE TO SPEAK UP FOR VICTIMS OF VIOLENCE AND DISCRIMINATION

A threshold qualification for the position of Attorney General is a deep understanding of the laws s/he is sworn to uphold. Of critical relevance are Senator Sessions' recent comments on the nature of sexual assault in response to the release of a 2005 video in which President-Elect Donald Trump describes grabbing women's genitalia without their consent. When asked whether he would characterize the behavior described by President-elect Trump as sexual assault, Senator Sessions responded, ''I don't characterize that as sexual assault. I think that's a stretch. I don't know what he meant—.'' Federal statutes enacted prior to Senator Sessions' tenure as U.S. Attorney for the Southern District of Alabama criminalize ''abusive sexual conduct.'' The applicable definition for conduct prohibited by 18 U.S.C. §2244 is clearly stated: ''the intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.'' Thus, the Senator is either unaware that abusive sexual contact is illegal under federal law, or he feigned ignorance of the laws he was sworn to uphold as an officer of the court for the sake of political expedience.

The Department of Justice has the exclusive authority to enforce the United States' criminal statutes, including 18 U.S.C. §2244. The Department of Justice also has exclusive jurisdiction over the prosecution of domestic and sexual violence in the District of Columbia, most sexual assaults perpetrated in Indian Country, and concurrent jurisdiction over domestic violence offenses committed in Indian Country. Any candidate for Attorney General of the United States, particularly a former U.S. Attorney, should possess

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 responsibility. The National Task Force has worked collectively for decades to ensure that legal definitions in the U.S. Code and under state and local laws make it absolutely 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 Attorney General to enforce federal laws addressing sexual assault without introducing nonexistent ambiguity, because of the perpetrator's identity. Senator Sessions' cavalier statement about sexual assault leaves us fearful that he will not vigorously prosecute sexual assault crimes, a practice unbefitting of the nation's chief law enforcement officer.

Additionally, Senator Sessions' poor history with respect to fighting for fairness and equity has 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 enforce a myriad of civil rights statutes, including Title VI of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972. These statutes 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's commitment to ensuring that educational institutions root out bias and violence and hold perpetrators accountable, victims of discrimination, harassment or violence based on sex, race and/or national origin will be unable to pursue their education in an atmosphere of educational equity. Teachers surveyed since the election have described thousands of incidents of ''bigotry and harassment,'' stemming from incidents involving ''racist, xenophobic or misogynistic comments,'' and/or ''derogatory language directed at students of color, Muslims, immigrants, and people based on gender or sexual orientation.'' It is imperative that the person nominated to the position of Attorney General possess a demonstrated record of work and support for these impacted communities, including people of color, immigrants, Muslims and religious minorities, members of the LGBT community, and people with disabilities.

Regrettably, Senator Sessions' career is replete with actions taken and statements made in opposition to equitable educational access. While Attorney General of Alabama, Senator Sessions fought equitable educational access for poor, minority and disabled students in Alabama even after being ordered by a federal court to remedy the yawning financial disparities between Alabama's richest (and whitest) and poorest school districts. Additionally, his mischaracterization of the Individuals with Disabilities in Education Act as creating ''special treatment for certain children,'' and being responsible for ''accelerating the decline of civility and discipline in classrooms across America,'' is appalling. In light of these remarks, we are concerned not only about the Senator's willingness to use the civil rights statutes to protect survivors of both campus sexual assault and other forms of harassment and violence in the education context, but also his commitment to ensuring equal access and safety under certain programs in the Violence Against Women Act for victims of sexual and domestic violence who have disabilities.

FAIR APPLICATION OF LAW

We have additional concerns regarding the Attorney General's role with respect to the fair, even and unbiased application of the law. Victims and survivors come from all racial or ethnic backgrounds, faith practices, sexual orientations, and gender identities: 33.5% of multiracial women have been raped, as have 27% of American Indian and Alaska Native women, 15% of Hispanic, 22% of Black, and 19% of White women. Additionally, 53.8% of multiracial women and 39.3% of multiracial men experience intimate partner physical violence, intimate partner sexual violence and/or intimate partner stalking in their lifetimes, as do 46.0% of American Indian and Alaska Native women, 45.3% of American Indian and Alaska Native men, 19.6% of Asian and Pacific Islander women (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, 34.6% of White women and 28.2% 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 Justice Department accessible to all; the 5th and 14th Amendments of the U.S. Constitution demand no less.

Senator Sessions' well-documented prosecutorial record, as U.S. Attorney for the Southern District of Alabama and as Attorney General for the State of Alabama, demonstrate his propensity to inequitably apply the law to the disadvantage of historically marginalized populations. Senator Sessions' history leads us to question whether he will vigorously seek to ensure that all victims and survivors of gender-based violence, particularly vulnerable populations and those at the margins of society, have access to vitally needed services and legal protections.

SENATOR SESSIONS' OPPOSITION TO PROTECTIONS FOR THE IMMIGRANT AND LGBT COMMUNITIES

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 the barriers to safety for undocumented victims of sexual and domestic violence victims pushes immigrant victims further into the shadows and harms families and communities by allowing perpetrators (batterers and rapists) to abuse, traffic and assault with impunity. During the consideration of two major comprehensive immigration reform bills, as well on various other occasions, Senator Sessions has sponsored amendments and stand-alone legislation to limit the availability of critical safety net assistance for immigrants and increase barriers to protections from abuse and exploitation by penalizing local jurisdictions that fail to engage in immigration enforcement activities. He has made no subsequent statement that indicates that he would rethink these punitive policy positions were he to be confirmed.

His failure to support, and sometimes active opposition to, progress and protections for the LGBT community leave us gravely concerned that if confirmed, he would not stand up for the rights of the LGBT community generally, and particularly with respect to LGBT victims of violence. He opposed the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act, which is of particular concern as we witness a spike in harassment of minorities and bias crimes over the last several months. Additionally, he supported a constitutional amendment to ban same-sex marriage. He also opposed the repeal of ''Don't Ask Don't Tell.'' 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.

OPPOSITION TO THE VIOLENCE AGAINST WOMEN ACT

We are also concerned that the nominee voted against the Violence Against Women Act (VAWA) Reauthorization of 2013. Seventy-eight out of one hundred senators supported the bipartisan bill; Senator Sessions was in the distinct minority. The 2013 Act addresses the gaps in law that were uncovered through outreach to and surveys of programs and service providers and domestic and sexual violence victims themselves.

Our analysis revealed that many survivors were not able to access services and 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 removed one of many barriers that prevent access to justice for American Indian and Alaska Native domestic violence survivors. The 2013 statute's provisions expand and ensure that immigrant survivors can access VAWA protections, allowing survivors to come out of the shadows, help hold batterers and abusers accountable, and enable 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 advancements toward inclusion and equal protection as political maneuvering and, in that light, voted against the bill. The Attorney General is tasked with ensuring that VAWA's protection 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.

CONCLUSION

The 14th Amendment provides the inalienable right that every person receive equal protection under the law. Senator Sessions' senate record of strenuous objection to protections for historically marginalized populations, coupled with his record of selective prosecutions, demonstrate his unwillingness to protect marginalized victims' access to justice 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. 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 services and protection. It drives sexual violence, domestic violence, dating violence and stalking underground, something we have made great strides to avoid. The Attorney General of the United States must be an individual committed to protecting the inalienable right of equal protection under the law to all within United States' jurisdiction. Moreover, his minimizing comments about the nature of sexual assault call into question his dedication to enforcing the law and providing justice to victims of this serious crime.

In short, we oppose Senator Sessions' confirmation as Attorney General of the United States and we ask you, as a member of the Senate Judiciary Committee, to ask him direct questions regarding the concerns raised in this letter, and to advise the President, pursuant to the prescription of 28 U.S.C.

§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 while in office has created 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, which is the cornerstone of global 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 LGBTQ 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 done much 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 keep our communities safe from 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.

The senior assistant legislative clerk proceeded to call the roll.

Mr. LEE. Mr. President, I ask unanimous consent that the order for 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 an independent-minded 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 making law and enforcing the law. He understands the difference between setting policy and enforcing laws that contain policy, and 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' expressed concerns about his nomination.

Some of my colleagues have expressed and relied upon what really amount 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 something important to me 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 very important to both of us—to me and to Senator SESSIONS. They can be emotional issues, and they happen to be issues on which Senator SESSIONS and I disagree, not just a little bit, but we happen to disagree taking almost diametrically opposed positions in many of these areas.

Notwithstanding these disagreements—disagreements that I have seen in every one of the 6 years I have served in this body so far—I have never seen Senator SESSIONS raise his voice in anger against a colleague. To be sure, Senator SESSIONS makes his arguments vigorously, passionately, and forcefully, and yet he does so in a way that ensures that he will always treat his colleagues, even though he disagrees with them, with dignity and respect. You may not persuade him that your position is right and his is wrong, but he always gives you the opportunity to make your case. I think Members of this body know that. Those Members of this body who have actually taken the time to get to know Senator SESSIONS and actually have the opportunity to work with him, even the opportunity to disagree with him know that. Senator SESSIONS interacts with his colleagues in a way that demonstrates a degree of respect for differences of opinion that are seldom seen here. In fact, I can't think of a colleague who better exemplifies the principles of collegiality to which we aspire in this body than does Senator SESSIONS.

Perhaps even more importantly, Senator SESSIONS obviously understands the difference between lawmaking on the one hand and law enforcement on the other hand. This is plain from testimony he provided before the Judiciary Committee.

As just one example, he told us:

> To go from the Legislative branch to the Executive branch is a transfer not only of position, but of the way you approach issues. I would be in an executive function and enforcement function of the law this great legislative body might pass.''

His commitment to the rule of law and even application of the law is also plain from his public record, from his record serving in other positions. His record, for example, as U.S. Attorney for the Southern District of Alabama, and his record as attorney general for the State of Alabama.

To put the matter quite plainly, a great number of Senators have served in the Cabinet over the years. The standard has never been that a Senator is somehow unfit for the executive branch—for a Cabinet position in the executive branch—if he or she has disagreed with you on important issues. If that were the standard, no Senator would ever be confirmed because we debate important public policy issues

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 political 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 an Attorney General, one who 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 loyalty to him.''

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.''

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 believed 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 rubberstamp 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, presumptively, perennially hostile to the President's agenda. Now, that has never been the standard, and it is not a workable way of arranging the executive branch of the U.S. Government. The President should be allowed to assemble his or her team so long as the President picks people who are qualified, people who are willing and able to fulfill their constitutional responsibility, and people who do not have anything disqualifying in their backgrounds that would suggest that they cannot be trusted with this type of very substantial responsibility. Senator SESSIONS plainly satisfies these criteria.

So I support Senator SESSIONS' nomination. I do so wholeheartedly. I do so, I would add, with a somewhat heavy heart, knowing that as we take this step and confirm Senator SESSIONS as the next Attorney General of the United States, we will be losing a colleague—not just any colleague but a colleague that has been a dear friend to me, who has been a kind mentor and a good example to me at every stage of my service in the Senate. He has done this not only when we have agreed, but he has done this especially when we have disagreed. That is what I love so much about Senator SESSIONS—that he has taught me much about how to get along with and respect people who sometimes reach different conclusions than I reach on my own.

Thank you, Mr. President.

I yield the floor.

APPOINTMENTS

The PRESIDING OFFICER. 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, 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 Iowa (Mr. GRASSLEY), the Senator from Idaho (Mr. CRAPO), the Senator from Oregon (Mr. WYDEN), and the Senator from Michigan (Ms. STABENOW).

The Chair announces, 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: the Honorable TOM COTTON of Arkansas, and the Honorable PATRICK TOOMEY of Pennsylvania.

Private Citizens: Cathy Gillespie of Virginia, Daniel DiLella of Pennsylvania, Lucas Morel of Virginia, and Tom Walker of Alabama.

Mr. LEE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. HARRIS. 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. HARRIS. Mr. President, my parents met when they were graduate students at the University of California, Berkeley, in the 1960s when they were active in the civil rights movement. In fact, my sister and I joke that we grew up surrounded by a bunch of adults who spent their full time marching and shouting for this thing called justice.

I was part of only the second class to integrate Berkeley, CA, public schools almost two decades after the U.S. Supreme Court declared that separate was inherently unequal in the great case of Brown v. Board of Education—a case, I might 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—Thurgood Marshall, Charles Hamilton Houston, and Constance Baker Motley—who inspired me at a young age to become a lawyer.

Simply put, it is likely that had the U.S. Supreme Court not decided the

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 acutely 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 the 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.

This point is what 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 that cannot 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 over the best means to ensure 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 common 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 brings me to the troubling and, frankly, unacceptable record of the nominee for this office. It is the U.S. Department of Justice that is charged with enforcing the rights of those trying to cast a ballot, but Senator SESSIONS cheered the Supreme Court's decision to gut the Voting Rights Act, used his power as a U.S. attorney to prosecute three African-American Civil Rights activists in Alabama, and then called the NAACP ''un-American.''

It is the U.S. Department of Justice that addresses systemic inequalities that we know, unfortunately, still exist in our criminal justice system and have led to mass incarceration—but Senator SESSIONS led the opposition to bipartisan sentencing reform.

It is the U.S. Department of Justice that investigates and prosecutes crimes motivated by hate based on race, religion, gender, nationality, disability, or sexual orientation of its victim—but in the 1990s, when lawmakers worked to pass hate crime legislation after the brutal killing of Matthew Shepard, Senator SESSIONS was a vocal opponent.

It is the U.S. Department of Justice that uses the power of the prosecutor to protect women who have been victims of crime—but Senator SESSIONS voted no when both Democrats and Republicans came together to reauthorize the Violence Against Women Act, which gives support and assistance to survivors of domestic violence and sexual assault, including members of our LGBT community.

It is the U.S. Department of Justice that defends that most fundamental right of freedom to worship—but it was Senator SESSIONS who was one of the most outspoken defenders of then-candidate and now-President Donald Trump's unconstitutional Muslim travel ban which, by the way, was roundly denounced by many of his fellow Republicans.

It is the U.S. Department of Justice that enforces Federal laws prohibiting employment practices that discriminate on the grounds of race, sex, religion, and national origin. But Senator SESSIONS has opposed the Paycheck Fairness Act, Lilly Ledbetter Act, and the Employee Non-Discrimination Act.

It is the U.S. Department of Justice that implements the Americans with Disabilities Act. But when both Democrats and Republicans worked to reauthorize the Individuals with Disabilities Education Act, which provides resources to children with special needs, Senator SESSIONS said that providing educational services for these children ''may be the single most irritating problem for teachers throughout America today.''

Whether you are the father of a special needs child in a classroom, a woman trying to earn fair pay, an African-American man in a voting booth, or a victim at a police station trying to report a crime, Senator SESSIONS has not been your advocate.

As a former U.S. Attorney General, the great Bobby Kennedy once said:

> We must recognize the full human equality of all our people before God, before the law, and in the councils of government. We must do this, not because it is economically advantageous, although it is; not because the laws of God and man command it, although they do; not because people in other lands 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 right. 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 are a child from Oakland or a child from Birmingham; whether you came here by plane to escape the hardships of war and torture or by foot to build a better life; whether you have been the victim of gun violence or opioid addiction; whether you are paid less than others doing the same work or stopped at a red light because of the color of your skin, you deserve an Attorney General who recognizes the full human quality of all people.

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 forcefully demand the integration of an elementary school at the Redstone missile center in Alabama when the children of Black servicemembers were being denied entry.

It is that commitment that led Bobby Kennedy to send 500 U.S. marshals 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 resign rather than do the 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, on a Monday evening 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 win it in every generation.

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 the absence 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, on 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 restrictive laws cutting 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 belatedly 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 voting booth 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 rendered 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 right-to-vote laws. The majority justified its ruling in the Court by pointing out that we no longer had the blatant voter suppression tactics once used to disenfranchise targeted voters across the country. I vigorously disagree because removing much needed voter protections also prevents the Federal Government from trying to block discriminatory State laws before they go into effect. In essence, States and local jurisdictions are now legally free to do as they please.

In fact, just moments after the decision, the Texas attorney general said his State would begin ''immediately'' honoring local legislation that a fellow court had imposed ''strict and unforgiving burdens'' on many Texans attempting to cast a ballot.

As has been noted, the right to vote was not always given to all American adults, but our laws adjusted as we became a more mature and tolerant democracy. But the reverse is what has been happening in America today and especially in Florida.

Since the 2010 election, in addition to cutting back on early voting, North Carolina, Ohio, Wisconsin, and Florida have approved voting restrictions that according to some experts are targeted directly at reducing turnout among young, low-income, and minority voters who traditionally support Democrats.

One study by the Brennan Center for Justice at New York University School of Law reviewed the crop of similar disenfranchisement laws that were enacted after the 2010 decision. All told, the center found that as many as 5 million Americans could be adversely affected by these voting laws, and there is a clear political impact as a result of these disenfranchisement laws.

Two University of Massachusetts professors conducted a study that found that there was a clear pattern associated with the voter restrictions in the various States. According to Keith Bentele and Erin E. O'Brien, States were more likely to pass limits on voting that elected those Republican Governors, those States that increased their share of Republican lawmakers, and those States that became more electorally competitive under Republicans.

In 2011, the Florida legislature and State officials reduced a number of early voting days. They reduced them from 2 weeks down to 8 days, including very conveniently canceling the Sunday right before the Tuesday election, a day that had historically seen heavy African-American and Hispanic voting.

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 people who had been 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 it 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 Cicciarelli, 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 they became 18, 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. Cicciarelli, 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 community 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 reduction 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 for extending poll hours, the Governor of Florida failed to do what its two Republican gubernatorial predecessors had done: extend voting hours in some of the most swamped polling places to give folks enough time to exercise their right to vote.

In fact, a Massachusetts Institute of Technology analysis found that in 2012, Florida had the Nation's longest waiting lines to vote at an average statewide of 45 minutes. More than 200,000 voters in Florida gave up in frustration because the lines were so long. They didn't vote that year. According to another analysis by Ohio State University, in the Orlando Sentinel, they are the ones who came up with that 200,000 figure, and they aren't done yet.

As if the 2011 restrictions weren't enough, an elections official in Miami-Dade County, in 2012, said that restrooms would be closed to voters at polling sites in private buildings over a handicap access dispute, even though there were bathrooms in those private buildings where the polling place was. The State's top election official in 2012 also told one of our 67 local election supervisors not to allow voters to submit absentee ballots at remote dropoff sites. She, by the way, is a Republican supervisor of elections. She told the State Department Division of Elections to kiss off; that she was running the elections and she was going to make sure there were enough places around that county where, if they had an absentee ballot, it was going to be convenient for them to go and drop off that absentee ballot than having to take it miles and miles to one place, that the Division of Elections at the State level was telling them to go to that Supervisor of Elections. She knew what she had to do to make it easy for voters to vote, and she stuck to her guns.

At the same time, that same Division of Elections in the Department of State, denied a request from the city of Gainesville in a municipal election. They denied the request to use the University of Florida campus building for early voting. A move that was viewed by some—more than some—as an assault on student voting by making it more difficult for students to find a place to vote.

By then, I had asked the U.S. Attorney General Eric Holder, for an investigation into the changes in Florida's voting law. In response, the Attorney General wrote to warn the Governor of Florida that the Justice Department would be ''carefully monitoring'' Florida's elections. ''During your tenure, your State has repeatedly added barriers to voting and restricted access to the polls,'' the Attorney General wrote. ''Whenever warranted by the facts and the law, we will not hesitate to use all tools and legal authorities at our disposal to fight against racial discrimination, to stand against disenfranchisement, and to safeguard the right of every eligible American to cast a ballot.''

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 material was ordered to be printed in the RECORD, as follows:

OFFICE OF THE
ATTORNEY GENERAL,
*Washington, DC, July 21, 2014.*

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 reevaluate laws and procedures that make it harder for citizens to register and to vote so that all eligible Floridians can easily and without burden exercise their right to vote.

Generations of Americans took extraordinary risks and willingly confronted hatred and violence—including in your home state—to ensure that all American citizens would have the chance to participate in the work of their government. The right to vote is not only the cornerstone or our system of 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 three judge court in Florida v. United Stares, 885 F. Supp. 2d 299 (D.D.C. 2012), observed, the law threatened ''a dramatic reduction in the form of voting that is disproportionately used by African-Americans'' that would have made it ''materially more difficult for some minority voters to cast a ballot than under the benchmark 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 refused to approve reduced 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 to vote that were, in the words of a federal court, ''harsh,'' ''impractical,'' ''burdensome,'' and ''unworkable.'' League of Women Voters of Fla. v. Browning, 863 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 within the 90-day quiet period before an election for federal office. In doing so, Florida used inaccurate and unreliable voter verification procedures that harmed and confused voters. Arcia v. Fla. Sec'y, of State, 746 F.3d 1273 (11th Cir. 2014).

Florida is one of just eleven states that continue to restrict voting rights even after a person has served his or her sentence and is no longer on probation or parole; and in 2011, you made it more difficult for individuals who have served their sentences to regain the right to vote by eliminating automatic restoration of rights for non-violent felons and requiring a five year waiting period before felons convicted of non-violent crimes can apply to have their rights restored. Approximately ten percent of the entire population is disenfranchised as a result

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: there is evidence to suggest that offenders whose voting rights are restored are significantly less likely to return to the criminal justice system. For example. a study recently conducted by a parole commission in Florida found that, while the overall three-year recidivism rate stood at roughly 33 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 involving recent changes:

In 2013, Florida Secretary of State Ken Detzner issued a directive to county officials who supervise elections stating that they should never solicit 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 the long lines that characterized the 2012 election, sought approval to use the University of Florida's student union as an early voting site. Secretary of State Detzner denied the request. As a result, it is more difficult for University of Florida students—who have to travel to alternative early voting locations miles off campus—to participate in early voting.

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 jurisdictions around the country—including throughout Florida—for voting changes that may hamper the voting rights we are charged with protecting. Whenever warranted by the facts and the law, we will not hesitate to use all tools and legal authorities at our disposal to fight against racial discrimination, to stand against disenfranchisement, and to 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 eventually was blocked after outright opposition from county election supervisors.

So in light of this evidence and following a widespread public outcry, what do we do now? As we say, it may not be as obvious as poll tactics 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 that we will not allow you 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 for a fix to the Voting Rights Act that the Supreme Court struck down on a 5-to-4 vote, a key provision. We ought to be making it easier to vote, not harder. I believe no one should have to wait more than one-half hour to vote.

So I joined with others a few years ago to introduce a bill in Congress aimed at making that standard 30-minute wait time based on the January 2014 recommendation of a bipartisan Presidential Commission on Election Administration. Keep in mind what President Johnson said a half century 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:

So long as I do not firmly and irrevocably possess the right to vote, I do not possess myself. I cannot make up my mind—it is made up for me. I cannot live as a democratic citizen, observing the laws I have helped to enact—I can only submit to the edict of others.

Don't we owe it to all our children the right to possess themselves if this is to be a truly free and fair democracy? I believe that two of the most fundamental rights in our democracy are the right to vote and the right to know whom you are voting for and the right to have the confidence that vote is going to be counted as you intended.

If that were not enough, just as concerning as the ongoing efforts to suppress certain votes in this country is the amount of undisclosed and unlimited money that is sloshing around in our campaigns.

The Supreme Court's 2010 decision in Citizens United has opened the floodgates and allowed the wealthiest Americans to spend unlimited amounts of money to influence our elections. Allowing such unlimited, undisclosed money into our political system is corrupting our democracy.

I have strongly supported several pieces of legislation, such as the Disclose Act, to require groups who spend more than $10,000 on campaign-related matters to identify themselves. Tell the people who is giving the money by filing a disclosure report with the Federal Elections Commission. But that is not what the Supreme Court decision required.

The American people have a right to know whom they are voting for—not just the name on the ballot but who is behind that name on the ballot. The Supreme Court itself said that ''transparency enables the electorate to make informed decisions and give proper weight to different speakers and messages.''

I believe we as a Congress have a moral obligation—a moral obligation—to correct what has happened to our system and to ensure that our voters have the information they need to make an informed decision on election day.

So this Senator has spoken on two subject areas—the right to vote and the amount of undetectable, unannounced, undisclosed, and unlimited money in our elections. For these and many other reasons I have stated and have not stated and the reasons mentioned in these remarks, I will vote no on the confirmation for Attorney General.

The PRESIDING OFFICER (Mr. GARDNER). The Senator from Missouri.

Mr. BLUNT. Mr. President, we are coming to the conclusion of weeks now of debate on the nominee to be the Attorney General of the United States, and we still have other debates to have on other people before this process ends. In fact, somebody observed this week that you have to go back to the very founding of the government, to the first administration of George Washington, to find a time when it has taken longer to put a Cabinet in place, and George Washington only had to find four people in a government that was just trying to establish itself. But we are taking a maximum amount of time on a Cabinet and a Presidential nomination that usually happen quickly.

There has traditionally been an understanding in our country that when the President is elected—the importance of the President being able to put his stamp on the government as quickly as possible. And eventually we will be able to say his or her stamp on the government. But up until now, Presidents have had that opportunity. I read somewhere that from President Garfield right after the Civil War through Franklin Roosevelt, that Cabinets—those were put in place in the first days of every one of those administrations, often even the very first day.

What we have seen in this debate is also the questioning of people's motives, not just their decisions. I don't quote Vice President Biden often, but one of the quotes I have heard him give often and one I have agreed with in all my time here is that it is appropriate to question somebody else's decisions in public debate, particularly when you are debating your colleagues, who have also been elected to these jobs as well, but it is frankly not appropriate to question their motives. When we start doing that, that is always a mistake.

When I was the whip in the House, I used to tell freshman Members of the House: You are going to enjoy this opportunity and be better at it while you are here if you can vigorously fight for what you are for but if you will also believe that in virtually 100 percent of

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 with Senator SESSIONS. I don't know how you can do that and not see the quality he brings to that job every day.

He and I have not always voted the same. In fact, there is probably no Member here with whom I have always 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 even sure 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 always stood out a little above the crowd.

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 those responsibilities. In 1997, as I said, he came to the Senate.

He has been a senior member of the Judiciary Committee for some time now. He has worked across party lines, and he has done that in fights for justice and fights on behalf of 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 after they had their 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 COONS and I—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 get away from them so 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 Cities Chiefs Association, the Major Counties Sheriffs' 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 person—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. Seldom will we 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 as a practicing physician. He is another 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 especially 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 when they elect a 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 qualified. 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 it seems to me that no reasonable person, if they look at Senator JEFF 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.

This is a man 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 JEFF 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 on bills. 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, as Congress does, 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 unprotected, 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 JEFF SESSIONS to be the next Attorney General of the United States of America.

I yield the floor.

The PRESIDING OFFICER (Mr. LEE). The Senator from South Carolina.

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 is no doubt that last night 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 if we are 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 JEFF SESSIONS and how I have come to my 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 all of us as Senators but 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 nor my intention. My goal isn't 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 many 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 or may not be popular with everyone in the Chamber or everyone in America on the conservative side or the liberal side, but the reality of it is this. He was beaten within an inch of his life so that I would have the privilege—not to stand in the Chamber but—to vote, to simply vote.

We should all thank God for the sacrifices of men and women so that people like myself, CORY BOOKER, and KAMALA HARRIS would be allowed one day not to simply vote but to serve in the most unique, powerful, and one of the most important legislative bodies in the world today. It is the sacrifices of men and women of color who fought against injustices. We stand as a nation on the shoulders of these giants. I know that I don't have to remind my mother or my family, but just as a reminder to those who are listening to the conversation, when I leave the Senate one day, I am still going to be Black, an African American—Black every day, Black every way, and there is no doubt.

This is an important part of the conversation because, as I read through some of the comments of my friends on the left, you will wonder if I ever had an experience as a Black person in America. I want to get to that in just a few minutes.

God, in His infinite wisdom, made me Black, born in Charleston, SC, for a purpose. I am blessed to be who I am, and I am equally blessed to be a Charlestonian. Our country, the South, and, specifically, my State have suffered through difficult and challenging times around the issue of race. My grandfather, who passed away at 94 years old last January, knew a very different South. I remember listening to him talking about his experiences of having to step off of the sidewalk when White folks were coming. He learned early in life: Never look a White person in the eyes. He was in his forties in the 1960s. His whole life view, his paradigm, was painted with a broad brush. Separation, segregation, humiliation, and challenges.

It was in my home city of Charleston where the Civil War began. It was in my home city of Charleston where nearly 40 percent of all the slaves that came to America would come through in Charleston, SC. It was a Charlestonian who came up with the concept written into our Constitution of three-fifths of a man—a Charlestonian.

But it was also Charlestonians who, in 2010 had a choice between Strom Thurmond's son and a young—I use that word liberally—African-American guy named TIM SCOTT.

The evolution that has occurred in the South could be seen very clearly on this day in Charleston. The very first shots of the Civil War were in Charleston. They gave me the privilege of representing them in Congress, over the son of Strom Thurmond, over the son and the namesake of one of the most popular Governors in South Carolina, Carroll Campbell, Jr. I thank God that the South Carolina that I have come to know, the South that I have had the experience to enjoy is a different South. It is a different Charleston than my grandfather knew in his 94 years. But my life has not been one of privilege, of promise.

As I said just a few nights ago, I was born into a single parent household, living in poverty, nearly flunking out

of high school. I have been called everything that you can think of from a racial perspective—good, not too often bad, very consistently. So I understand that there is room for progress. There is a need for us to crystallize what we are fighting about, who we are fighting for, and how we are going to get there.

This 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.

I 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 is obviously broken, 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 appreciation and affinity 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 a pretty clear conclusion. 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 extremes on 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 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.

SGaut 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 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 until proven guilty 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. So I invited two of their leaders. I didn't tell 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 invited them. 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 an unfortunate reality that 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 a 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 national 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 about JEFF SESSIONS. I will start 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 aside because you represent 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. . . . At least he will listen as 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 African American man 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 and 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 Smith 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 looked out for me, and who had my best interests in mind. So, anybody who says anything different simply doesn't know Jeff Sessions.

One last statement. This is an important one from my perspective.

I mentioned earlier that there was a case against a couple, the Turner couple, where JEFF SESSIONS was the prosecutor, and the Turners were being prosecuted for some voter rights issues. Interestingly enough, what you don't hear in the news, by the way, is that the case was brought by other African Americans in Alabama against an African-American couple, the Turners. This is from Albert Turner, Jr., the son of the two defendants in that case. He says:

> While I respect the deeply held positions of other civil rights advocates who oppose 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 all politicians, when we will 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. My differences in policy and ideology with him do not translate to personal malice. He is not a racist. As I have said before, at no time then or now has Jeff Sessions said anything derogatory about my family. He was a prosecutor at the Federal level with a job to do. He was presented with evidence by a local district attorney that he relied on, and his office presented the case. That is what prosecutors do. I believe him when he says that he was simply doing his job.

JEFF SESSIONS has also worked on civil rights cases, including the KKK murderer 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 DOJ Civil Rights Division, along 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 replace its at-large 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 saved thousands upon 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.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BENNET. Mr. President, I see the majority leader of the Senate. I will suspend until he has finished.

The PRESIDING OFFICER. The majority leader.

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

what elections are about. The Attorney General, more than any other Cabinet official, must be the people's lawyer, an advocate for the rule of law above all else.

My office has received nearly 23,000 calls and emails opposing this nomination. Many of them I cannot read today on the floor for fear of violating the Senate rules. But it is clear from these comments that young Coloradans who came to the United States and know no other country but this country, who arrived here illegally, but, through no fault of their own, fear they will be deported back to a country they don't know—it is clear to me from the comments that I have received in these letters that Coloradans in the LGBTQ community fear that an Attorney General SESSIONS would turn a blind eye toward discrimination. It is clear from these comments that Senator SESSIONS has not earned the confidence of many Coloradans who may soon rely on him to protect their rights and to identify abuses of constitutional power. And Coloradans, many of whom I know, fought for equality and justice during the civil rights movement, and fear that it will turn back much of the progress we have made.

We have a disagreement about Senator SESSIONS' role before he came to the Senate, but the fundamental reason I object to his nomination as Attorney General is that he led the fight in 2013 against our bipartisan effort to reform the broken immigration system in the United States. And I sat here on this Senate floor night after night after night listening to the Senator use fear and inaccuracies to derail our best chance in years to fix this broken immigration system.

Now, in time, I have come to understand that people come to this floor and they don't always—they are not always accurate in what they say. Sometimes they don't mean to be accurate; sometimes they are just mistaken. That was the first time I had ever heard that kind of relentlessness, saying things that just weren't right. I am being careful with my language because of last night's ruling.

He claimed that our bill—and, by the way, that bill, unlike almost anything that has happened in this place in the 8 years that I have been here—started out as a bipartisan effort, four Democrats and four Republicans working together for 7 or 8 months in a room trying to solve each other's issues.

There is a lot about the Senate today that the American people should not and cannot be proud of, and I will come to that in a minute. But as to the work of the Gang of 8, I would have been happy for people to have seen what happened behind closed doors in those 7 months. It is how the Senate ought to operate. It went to the Judiciary Committee where Democrats and Republicans together amended the legislation. They made it better. And then it came to the floor of the Senate and we had more amendments, and it passed with 68 votes.

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 bolstered internal security, 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 plan.

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 in national campaigns. 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 on the American people at our border with Mexico, not paid for in a way that would destroy our trading relationship with Mexico, but paid for by fees that people were paying as they were becoming lawful in the United States of America. It had protections in the bill for American workers to ensure that employers hired American labor first. I know he objected to this, and I understand we had a difference of opinion, but the bill included a tough but fair path to citizenship, requiring people to go through background checks as part of a long path to citizenship.

During the Presidential campaign, Senator SESSIONS advised President-Elect, now-President Trump on immigration policy. In fact, my understanding is the President's immigration Executive orders—including one being challenged in court—mirror Senator SESSIONS' positions. These positions are antithetical to our history, to our values, to whom we are as a country.

Last Friday was the highlight of my year. I got on a plane and I left Washington—that was pretty good in and of itself—to go home to Colorado. On Friday, I went to Dunn Elementary School in Fort Collins, CO, where Kara Roth's fifth grade class welcomed 26 new Americans from 13 countries to the United States. It is an International Baccalaureate program in this elementary school. This is an annual event.

We were there in the gym, and the fifth graders were there singing; a young girl had won an essay contest on ''What it Meant to be in America.'' There was a color guard. Kids came in wearing their Boy Scout uniforms to post the colors, the American flag, and the flag of Colorado. The fourth graders were there watching what they would be doing next year as fifth graders.

There was no need for a politician to tell anybody in that room that America is an exceptional country. No politician needed to say that to the fifth graders in Mrs. Roth's class who were studying the Constitution and studying immigration. We certainly didn't need to tell that to the immigrants from all over the world. I think I mentioned, they were from 13 different countries.

One of the great parts of the ceremony was when they asked people to stand up to the country from which 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 university 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 dream had come true the minute he became 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.

What is important for us is 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 untarnished by special interests, untarnished 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 self-government is all about 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.

TRUMP ADMINISTRATION AND THE JUDICIARY AND FREE PRESS

More than that, I feel compelled to talk a little bit about President

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 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 ''dishonest'' American journalists of, his 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 through 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

(By The 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 seem out-there 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 his rush to slam down his refugee 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, or, 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 a divided U.S. Supreme Court, where its chances could meet the futility of deadlock.

We hope Trump sees the error in his strategy. Even for the president 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 resulted, and 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, when he insulted 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. But surely it is outrageous 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 from terrorists long sworn to harm Americans.

Then, on Monday, Trump told members of the military that news organizations have been intentionally covering up terror attacks, saying that ''in many cases the very, very dishonest press doesn't want to report it. 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 words have been written in the overall war-on-terror beat. To suggest that some kind of shared bias exists throughout American newsrooms so 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 more sinister.

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 American 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 experiment of self-government 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.

The White House 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 lists of the events that the White House described as unreported and then 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, and have been beheaded on television because they took that risk.

With respect to the judges, for years it has been so painful around here to get anybody confirmed. I see these folks who are lawyers who have to put their law practice on hold for something that should be the greatest reflection of achievement of their life, being appointed to a Federal district court in this country, and who wait and wait and wait because of the unconscionable delay and disputes and partisan bickering that happens here instead of getting people on the court to do the job that they need to do.

Now we are going to be in the business of accusing judges and the judiciary of being crooked, of not following the law, of just playing politics. I think it is really important for us—not just Democrats but also Republicans—and I know my colleague is here from Florida. I wish to say in this body how much I appreciated his comments last night. He may not appreciate that I am saying that, but I appreciate his comments because a lot of what he said I completely agree with.

I know it has become fashionable to tear down rather than work to improve the democratic institutions which generations of Americans have built. This place didn't get here by accident. It is not a fluke. The Founding Fathers would be shocked—shocked—to know this Republic still exists. They would be proud. I think they would be proud of the progress we have made, but they would be shocked, at the time they were compromising with one another—slave owners and abolitionists, compromising to create this Republic that had never existed in an expanse as big as the Thirteen Colonies geographically or with as many people in the Thirteen Colonies geographically—for them to see this about 240 years later from coast to coast, 330 million people, the strongest military on the planet, the strongest economy on the planet, a place where people want to come—just as my mother and her parents came—to build opportunity for the next generation. That is incredibly special in the history of humankind. As I think my colleague from Florida was saying last night, we need to treat it with a little more care.

I am not just talking about the Senate. I am talking about our responsibility to provide oversight for this administration. I am talking about the importance for us to set an example for the children I saw last Friday at the naturalization ceremony, just as they are setting an example for us.

None of us is going to be here forever. We have a lot of work to do. There are a lot of people here and around 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 impose at 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.

RUSSIA

Mr. RUBIO. Mr. President, first, I do appreciate the words of my colleague from Colorado, and I thank him 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 the realization—as I sat 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 it has plenty of 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 and construct of elections 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.

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 I again took recently on these very steps a few feet away from where I stand here now 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 achieve 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 context 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 60 years, if not longer. He 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—especially the 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.

That was basically the arrangement 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 Russia has now been restored 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, although in a limited way, beginning to conduct naval exercises and projection of power in places they hadn't been in for 25 years or longer.

The second is a crackdown in internal dissent. For that, I think the evidence is overwhelming. I know we have all heard recently about the case of Vladimir Kara-Murza, who is a Russian political opposition leader. He is a vocal critic of Vladimir Putin. He works at something called the Open Russia Foundation, 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 isn't working 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, cable commentators will say 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 help determine who was behind 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. Alexei Navalny was 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 badmouthing 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 crises—because, 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 weaponry.

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 Russian people 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 NATO, and there is no more talk of unifying the economy with Europe, and they kept Crimea. The last few days we are starting to read open press reports of mobilization and unusual activity among eastern Ukrainian separatists backed, supported, trained, and equipped by the Russians, and we fear that new fighting could be imminent at any moment once again.

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 hope people 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 oftentimes 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 oftentimes 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 or the liberties 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 wouldn't 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 and in return we lift sanctions. The argument that I hear from people is this: Why wouldn't we want better relations with Vladimir Putin and enlist them in the fight against ISIS?

I come here today in the context of everything I have laid out to tell you why I think that is unrealistic and deeply problematic.

Here is No. 1. Why do we have to do a deal with Vladimir Putin to fight ISIS? He already claims that he is. In fact, that is the way he describes their operations in Syria—as an anti-terror operation. There is no more dangerous terrorist group in the world today than ISIS. There is certainly no more dangerous terrorist group in the world today than ISIS. There is certainly no more dangerous and capable a terrorist group in Syria today than ISIS.

Isn't that what he is already doing? Why would we then have to cut a deal to encourage him to do what he claims to already be doing? There are only two reasons. Either No. 1, we think he should do more, which in and of itself tells you that he is not doing it; or No. 2, because he is not doing it now.

Here is the second problem: this argument that as part of this whole effort with Russia, one of the things we would be able to achieve is to break them from the Iranians, to create some sort of split between the Russians and the Iranians.

I saw an article the other day talking about that as part of this endeavor. My 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 as well 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 here, 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 politically. 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 is 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 tune into that station 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 unrealistic 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 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 that were once part of the 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 unless Russia allows it.

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 future of other Nations and say to them there are these countries in the world, and we are not going to try to do anything with them, economic, political, cultural, socially or militarily, unless you give us permission to do so. This would be a requirement. It is one of the things he insists upon.

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 already be conducting—and in exchange for basically sending a message to the world that America is your ally, unless there is a better deal with us for someone else. That would be devastating. What do I think we should do, and what I hope the Senate will do, if there is an effort now or any time in the future, by anyone, to change or conduct a deal of this magnitude?

I think the first thing we need to do is be committed to the principle. These sanctions that are in place should remain in place until the conditions in those sanctions are met, until the sovereignty of Ukraine is respected, and until these efforts to undermine democracy and spread misinformation are fully accounted for.

The second is, I think it is important for us to reaffirm our commitment to NATO, and that includes the building up of defenses and exercises, that we continue to do that firmly, not just with our NATO allies but with any nation who seeks cooperation with us.

The third is careful but strategic engagement in the Middle East to the Iraqis, to make very clear that the United States will continue to be their partner after ISIS falls; that we want Iraq to be prosperous and free and that we believe it is better for the world and we are prepared to help them achieve that.

To the Egyptians, we will continue to press them on human rights, and we should. We should also be willing at the same time—and, by the way, with the argument that respecting human rights is actually good for Egypt, that in the long term these conditions that exist will lead to constant threats to their government, but we can do that while at the same time continuing to partner with them on military sales. I think they would welcome a conversation about trade and potentially a bilateral trade agreement with them about opening up avenues for business investment and so forth.

The fourth is to point out that if they are not going after ISIS, then what exactly are they doing now? It is important for us to point that out to the world. Again, I made this point numerous times. I want to make it once again; this idea that we are going to get them to cooperate much more against ISIS basically implies they are not doing it now, but they claim that is why they are in Syria to begin with.

Finally, I think it is important for us to try to communicate directly with the Russian people to the extent possible. It is hard to do because the Russian Government, under Putin, also controls the Internet with filters and the like. It is important for us to say our quarrel is not with the Russian people; that for many years up until this unfortunate turn of events over the last decade, 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 Russians who live in Florida part time and so forth. I hope that will continue. Our quarrel is not with the 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 influential, 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 policies 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 our ability to override vetoes, when necessary, even in the process of nominating individuals to serve in the U.S. Government and the executive branch.

We not only have the power, we have the obligation; the obligation to shape and mold 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 continue to 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. We had an unusual night 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 a colleague is not an everyday occurrence. We do 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 respect that he has been repeatedly sent to this body by the voters of his State, but while we can and should be friends, strive to be friends, in this Chamber, we are not ultimately here about friendship. We are here to do people's business. And significant differences in our opinions and convictions are not to be papered over, even when we find ourselves in different positions than our friends.

Some Members of this body ran for President, and I did not support them, even though they were my friends. And some people in this Chamber did not support me to be Vice President, even though we are friends. There is nothing unusual about that. We all understand it. We must treat each other with respect and civility. We are still called 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, ''Simple Justice,'' when I was in law school, about the lawyers who battled to end segregated education in this country. Even though I really didn't know any lawyers and certainly didn't know any civil rights lawyers—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 had been turned away from an apartment, and 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. And she was 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 fired or slander or otherwise treated poorly, either because of their race or their disability or because of their 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 community. The promise of equal justice under the law is sacrosanct and fundamental. And in this battle, the Attorney General is 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 stopped. 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 1963, a married couple in Northeast DC sat down at their kitchen table not far from here, 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 then returned 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 not allowed 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 live there, but we would like to go back once in a while to visit our families and friends. We have three children and cannot afford an attorney. We wrote the Attorney General, 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 truly—Mr. And Mrs. Richard Loving.

That attorney, Bernie Cohen, became a friend of mine. And his partner Phil Hirshcop 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. But the 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 horrible wrong. That is who the Attorney General needs to be. 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.

This 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. 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 big factor in accelerating the decline in civility 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 preeminent civil rights laws.

There are other examples, but I won't belabor the point.

The Loving family wrote to Attorney Generally Robert Kennedy to help them battle injustice because they believed he would protect their important civil rights values at stake. 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 a President who has been successfully sued in the past for 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 are reasonable and necessary reforms. 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 it. 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. That is why 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 increases 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 the wages of others.

Senator SESSIONS' views on immigration even extend to a critical program like the Special Immigrant Visa Program, which grants special protection to foreign citizens, especially those from Afghanistan and Iraq, who have helped our troops on the battlefield. They signed up to help Americans who are in the service. They put their lives at risk for doing so. Because of that, we have a special program to accord them a welcome that they are deserved in this country.

Senators MCCAIN, SHAHEEN, and I and many others have worked on this program, and Senator SESSIONS has been a determined opponent of the SIV Program, and I just can't understand why. If we will not help the people who help us, then who will choose to help us in the future? Some of these SIV immigrants were turned away at airports after the poorly conceived and poorly implemented immigration order of President Trump.

As we contemplate some of this President's outlandish and discriminatory claims about immigrants and as we deal with the aftermath of this poor order, we have to separate the extreme and the untrue from our legitimate security concerns. A good lawyer often needs to be a check against the bad instincts of his client. In this area, I am not confident Senator SESSIONS can do that.

Finally, torture. Like the vast majority of this body, I believe torture is contrary to American values. That is why I was proud to work with Senators MCCAIN, REED, FEINSTEIN, and others in 2015 to pass a law clearly stating that torture would not be allowed by any agency of our government—not just the military but any agency of our government. This law passed the Senate overwhelmingly and in a strongly bipartisan fashion. But Senator SESSIONS was one of a small number of Senators who opposed the law, who opposed a ban on torture.

When we met, I asked Senator SESSIONS why he had opposed the law, why he had opposed this bipartisanship bill. This is a fundamental question for any of us but certainly for an individual who wants to occupy the Nation's chief law enforcement position. His response was not at all convincing. I don't think the Nation should have an Attorney General with an ambiguous record about torture.

While most Federal agencies have a general counsel, it is ultimately the Attorney General who sits at the very top of the pyramid of attorneys advising the President in providing this legal advice. This President has—very unwisely, in my view—stated that he thinks torture is both justifiable and effective. I believe we need an Attorney General who will check that instinct and not support it or justify it.

I will say this in conclusion: There is an independence that is necessary in this position. It is established in law in this position and three other Cabinet positions. Any Attorney General must be able to stand firm for the rule of law, even against the powerful Executive who nominated him or her. In this administration, I believe that independence is even more necessary.

I oppose Senator SESSIONS, who is a friend, who is someone I respect for this position, because I believe 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. TILLIS).

The Senator from Pennsylvania.

Mr. TOOMEY. Mr. President, I rise today to speak in strong support of 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 impressed by 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.

It was Senator SESSIONS who 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 that he has the endorsement 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 his 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. This is a man who has 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

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 policy areas in which they disagree 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 it never occurred to me to expect that I would have complete agreement on every policy issue with every candidate for a Cabinet position.

What I know about JEFF SESSIONS is that he is an extremely well-qualified attorney, with outstanding credentials, has spent his adult life serving his country and his State, that he has gone to the mat to work for people who are some of the least fortunate and people who have been through appalling circumstances. He has been their champion. I just know he is going to stand up for the principles of the rule of law and equal justice before the law.

The last point I want to make is, when Republican Senators gather periodically for our lunches and our private discussions, every Republican Senator knows that when we are discussing something, if JEFF SESSIONS believes that we are talking about doing something that is a violation of a principle that he holds, he is going to be the first guy who is going to stand up, and he is going to say: My colleagues, this would be a mistake. This is not the right thing to do.

He is the one who is the first to stand up to any other member of the conference; it doesn't matter who it is. If he thinks what they are suggesting is not the right thing to do, not the principled thing to do, not consistent with our role as Senators, not consistent with our principles, JEFF SESSIONS is always willing to stand up for what is right.

He will stand up for what is right as the Attorney General of the United States. I am proud to support him, and I urge all of my colleagues to do likewise.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, I think many millions of Americans perceive, as I do, that these are not normal times.

We have had a new President of the United States who called a judge a ''so-called judge'' because he dared to disagree with President Trump's decision on the ban of Muslims coming into this country.

We have a President who attacks the media in this country as fake news; everything they are saying is a lie. We have a President who goes before the troops—men and women in the American military—and starts talking about politics. It is very clear to me that we have a new President who really does not understand the Constitution of the United States of America, who does not understand the separation of powers in 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 job—whether you 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 our voter turnout, not working 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 the dubious 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 that 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 rooting 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 and am terrified that people with these types of views 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 I think when I was just about 9 years old and left when I was about to finish high school.

The home that we lived in right outside of Danville, VA—if you walked out the front door, about 100 yards down the road on the other side was 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 for 25 cents, we could see that afternoon three movies until she was finished with work, and we would go home together. At that Rialto Theatre, if you were White, you sat down in front on the first floor; if you were Black, you sat up in the balcony.

I will never forget that when I was a little boy in Danville, one day, I went to the dentist's office for some dental care. I remember this older African-American woman coming into the dentist's office, and she was in pain with I think an abscessed tooth.

She said: I know I don't have an appointment, but could someone just help me out of my misery?

They said: I am sorry, ma'am. You don't have an appointment. We can't do anything for you. And she left crying.

My parents—it turns out I am a Democrat; they were Republican, as far as I know. They got to vote, and they got to vote regularly. But I will bet you dollars to doughnuts that the kids at that bus stop who caught that bus to go to that all-Black, all-African-American school, my guess is that a bunch of them didn't get to vote because of something we had in Virginia called a poll tax.

Among the lessons that my sister and I learned at Woodlawn Baptist Church was the Golden Rule: Treat other people the way we want to be treated.

Among the things that we learned at that church is Matthew 25: We should care for the least of these. When I was hungry, did you feed me? When I was naked, did you clothe me? When I was thirsty, did you give me a drink? When I was sleeping in prison, did you visit me? When I was a stranger in your land, did you welcome me? And we were taught: yes, yes, yes, yes.

Micah 6. In my church this past Sunday, the question was raised: What is expected of us by the Lord? And we received three answers. And the three answers: Do justice, love kindness, walk humbly with thy God.

I have taken those lessons from my childhood, and those are 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 that stuff you are talking about in church and the Bible? If you really believe it, here is how you should act and talk and speak. And finally it sunk in.

I just want to say that JEFF SESSIONS has been my colleague. I have been here for 16 years. He has been my friend and colleague for 16 years. We read the same Bible. There have been times where we read it together over the years. When we met in my office just a few weeks ago, we talked about how our faith guides us in our lives. I reminded him of how Matthew 25 talks about moral obligations, ''the least of these,'' which I have talked about.

As 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 our capacity as public servants, I found that our views on too many important issues diverged.

Like many Americans, I am troubled by the direction Donald Trump is seeking to take our country in these first few weeks of his administration. I believe that an independent Attorney General can provide a check on this President's legal recklessness, and it may be more necessary now than at any point in recent history. Donald Trump has already revealed an agenda that reflects his divisive campaign, one that I believe will make our economy less robust, less fair, our environment less clean, our country less inclusive, our freedoms less free, and our allies less inclined to take America at its word.

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 JEFF 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 is wrong on this front. To be honest with you, I just believe we need somebody who will do that, and unfortunately I fear there is a good chance that Senator SESSIONS believes Donald Trump just might be right. I am also afraid that Senator SESSIONS won't be 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 friend is the best person for the job, 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 an unequal applications of our country's laws.

My thoughts have led me to the example of Lyndon Johnson, a man from

the South who served, as you may recall, in the U.S. House of Representatives 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 in the Senate, he often bragged about it. But he went through a public transformation that would lead him to pass the first civil rights bill since reconstruction as Senate majority leader in 1957 and then signed into law some of our Nation's landmark civil rights laws—the Civil Rights Act of 1964, the Voting Rights Act of 1965, the Elementary and Secondary Act, the Fair Housing Act, and countless others.

LBJ's transformation didn't happen overnight, though. The truth is that his views on civil rights and racial justice might have been there all along.

Here is what Robert Caro wrote about LBJ in the most recent installment on his life:

> Although the cliche says that power always 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 recognized the traits or realized the aims, they might refuse to give him what he wants. But as a man obtains more power, camouflage is less necessary. The curtain begins 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 our former First Lady Michelle Obama, who said these words: ''Being President doesn't change who you are, it reveals who you are.''

It reveals who you are.

We are not confirming JEFF SESSIONS to be our next President, but we are confirming him to be our next Attorney General, and we must ask, as the curtain rises, what will it reveal? What will it reveal about JEFF SESSIONS?

Unfortunately, each time JEFF's career has led to more power, whether it was district attorney in Alabama, attorney general for his State, or as U.S. Senator, it has revealed a JEFF SESSIONS who is much the same as he has always been. It has revealed JEFF SESSIONS to be less inclined to undergo the transformation that so many others before him have undergone to put themselves and our Nation on the right side of history.

I will close with this thought: If Senator SESSIONS is confirmed, it is my sincere hope that our friend and our colleague will recognize the awesome responsibility and the opportunity he has to serve not only the people of Alabama, not only the people of the South or the Southeastern part of our country, but Americans across our country of all races, all colors, 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. Here is what that reporter wrote about Lyndon Johnson:

> Perhaps the simple explanation, which Johnson likely understood better than most, was that there is no magic formula through which people can emancipate themselves from prejudice, no finish line that when crossed, awards a person's soul with a shining medal of purity in matters of race. All we can offer is a commitment to justice in word and deed that must be honored but from which we will all occasionally fall short.

And I would just add, and we do.

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.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, there has been a lot of discussion about Senator 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 remarks to all of the reasons why I believe Senator SESSIONS will make an outstanding Attorney General, but instead I feel very compelled to say a few words about some of the attacks that have been leveled against Senator SESSIONS 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 SESSIONS' 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 in 1986, by that time for 6 years, and I want you to know I saw what happened. I don't have time to go into all the details here, but I will tell you this: JEFF SESSIONS' hearing in 1986 was an absolute ambush. In fact, it was a planned ambush. He was unfairly attacked then and he is being unfairly attacked now. I will give just two examples.

First, in the last 24 hours, we have heard Senator SESSIONS attacked for a voting rights case that he pursued as U.S. attorney in Alabama. We have heard a lot about that case. Of course, those who have raised the Perry County trial don't tell you Senator SESSIONS was actually asked to pursue that case by two African-American candidates who believed that ballots cast by African-American voters had been altered. The bottom line is that he was vindicating the voting rights of African-American voters whose voting rights had been compromised.

Second, we have heard Senator SESSIONS criticized for testimony in his 1986 Judiciary Committee hearing about the Voting Rights Act. It has been said on this floor and it has been said repeatedly that JEFF SESSIONS called the Voting Rights Act ''intrusive,'' but those speaking in the last 24 hours don't know what he actually said. He did use the word ''intrusive,'' but then he said the Department of Justice had to do it ''because it would not have happened any other way.''

He said further: ''Federal intervention was essential in the South.'' He said it was an intrusive piece of legislation ''because it was a necessary piece of legislation, I support it.'' That is right. He said the Voting Rights Act ''was a necessary piece of legislation, I support it.'' That is what he said. But if you have been listening the last 24 hours—you wouldn't know any of that by listening to those who have come to the floor and talked all about that case in 1986.

Like I said, I was here way back then. I saw what happened to that man who is going to be our next Attorney General, who would go on to join the Senate for these 20-some years and become our colleague and our friend. So you can understand why it is very frustrating to me to listen to all of those attacks, and it is particularly frustrating to hear it from Members who were not even here in 1986.

With that, let me just say this in closing: Senator SESSIONS has served with us for 20 years. Every Member of this body knows him to be a man of integrity. Almost all of us have been on the other side of a policy debate with Senator SESSIONS at one time or another. I know I have. What we know from those debates is that whether Senator SESSIONS agrees with you or not on any policy question, he handles the debate fairly, he handles the debate respectfully, and he handles the debate honorably.

Senator SESSIONS answered our questions in the Judiciary Committee for 10 long hours. He gave us his word on the 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 devoted as the chief law enforcement officer 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 when he has to say no to the President of the United States, he will say no to the President of the United States. We know Senator SESSIONS then, as I have said, will enforce the law faithfully, without regard to person, for all Americans.

Motivated by those principles, Senator SESSIONS will make a very fine Attorney General, and most people in this body know that—even those who are going to vote against him.

I am pleased to cast my vote in favor of his nomination, and of course I urge my colleagues to do the same thing.

I yield the floor.

The PRESIDING OFFICER (Mr. PERDUE). The Senator from Alabama.

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 a long time, and we have heard from a lot of proponents 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 50 years, 30 years for me, 20 years for him. Our staffs worked day and night on issues that have affected our State and affected the Nation.

I first 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 is not. 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 know 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 a subcommittee. 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—integrity 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, it is so ordered.

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.

Senator 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 at school or football practice, 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 an appreciation 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. It 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 arrive at constituent events 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 remain 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.

One thing they 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 Senator 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 look or 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 isn't always the easiest thing to do.

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 U.S. attorney and State 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. Democrats have 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

is fair. He is persistent, but he is respectful. He is a likeable guy, a principled colleague, and an honest partner. And while we are really going to miss him, we also couldn't be prouder of him.

So let us thank Senator SESSIONS for his many years of service.

The PRESIDING OFFICER. All time has expired.

The question is, Will the Senate advise and consent to the Sessions nomination?

Mr. CORNYN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. SESSIONS (when his name was called). Present.

The result was announced—yeas 52, nays 47, as follows:

[Rollcall Vote No. 59 Ex.]

YEAS—52

| | | |
|---|---|---|
| Alexander | Flake | Paul |
| Barrasso | Gardner | Perdue |
| Blunt | Graham | Portman |
| Boozman | Grassley | Risch |
| Burr | Hatch | Roberts |
| Capito | Heller | Rounds |
| Cassidy | Hoeven | Rubio |
| Cochran | Inhofe | Sasse |
| Collins | Isakson | Scott |
| Corker | Johnson | Shelby |
| Cornyn | Kennedy | Sullivan |
| Cotton | Lankford | Thune |
| Crapo | Lee | Tillis |
| Cruz | Manchin | Toomey |
| Daines | McCain | Wicker |
| Enzi | McConnell | Young |
| Ernst | Moran | |
| Fischer | Murkowski | |

NAYS—47

| | | |
|---|---|---|
| Baldwin | Gillibrand | Nelson |
| Bennet | Harris | Peters |
| Blumenthal | Hassan | Reed |
| Booker | Heinrich | Sanders |
| Brown | Heitkamp | Schatz |
| Cantwell | Hirono | Schumer |
| Cardin | Kaine | Shaheen |
| Carper | King | Stabenow |
| Casey | Klobuchar | Tester |
| Coons | Leahy | Udall |
| Cortez Masto | Markey | Van Hollen |
| Donnelly | McCaskill | Warner |
| Duckworth | Menendez | Warren |
| Durbin | Merkley | Whitehouse |
| Feinstein | Murphy | Wyden |
| Franken | Murray | |

ANSWERED ''PRESENT''—1

Sessions

The nomination was confirmed.

(Applause, Senators rising.)

The PRESIDING OFFICER. The majority leader.

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.

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 read 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 debate on the nomination of Thomas Price, of Georgia, to be Secretary of Health and Human Services.

Mitch McConnell, David Perdue, Johnny Isakson, Tom Cotton, Mike Crapo, James E. Risch, Jerry Moran, Pat Roberts, Roy Blunt, Lamar Alexander, John Barrasso, Orrin G. Hatch, Jeff Flake, John Cornyn, Shelley Moore Capito, John Thune, Richard Burr.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of THOMAS PRICE, of Georgia, to be Secretary of Health and Human Services shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: The Senator from Alabama (Mr. SESSIONS).

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 | Murkowski |
| Barrasso | Flake | Paul |
| Blunt | Gardner | Perdue |
| Boozman | Graham | Portman |
| Burr | Grassley | Risch |
| Capito | Hatch | Roberts |
| Cassidy | Heller | Rounds |
| Cochran | Hoeven | Rubio |
| Collins | Inhofe | Sasse |
| Corker | Isakson | Scott |
| Cornyn | Johnson | Shelby |
| Cotton | Kennedy | Sullivan |
| Crapo | Lankford | Thune |
| Cruz | Lee | Tillis |
| Daines | McCain | Toomey |
| Enzi | McConnell | Wicker |
| Ernst | Moran | Young |

NAYS—48

| | | |
|---|---|---|
| Baldwin | Gillibrand | Murray |
| Bennet | Harris | Nelson |
| Blumenthal | Hassan | Peters |
| Booker | Heinrich | Reed |
| Brown | Heitkamp | Sanders |
| Cantwell | Hirono | Schatz |
| Cardin | Kaine | Schumer |
| Carper | King | Shaheen |
| Casey | Klobuchar | Stabenow |
| Coons | Leahy | Tester |
| Cortez Masto | Manchin | Udall |
| Donnelly | Markey | Van Hollen |
| Duckworth | McCaskill | Warner |
| Durbin | Menendez | Warren |
| Feinstein | Merkley | Whitehouse |
| Franken | Murphy | Wyden |

NOT VOTING—1

Sessions

The PRESIDING OFFICER. On this vote, the yeas are 51, the nays are 48.

The motion is agreed to.

The Senator from Alabama.

FAREWELL TO THE SENATE

Mr. SESSIONS. Mr. President, I thank my colleagues in the Senate. Serving in this body for 20 years has been one of the great honors of my life. I remember coming up when I was running for the Senate and going to the Republican luncheon. They said: Well, you have a few minutes. You can say something, but don't talk very long because people don't want to hear a lot from you, frankly.

So I told them that I could think of no greater honor than to represent the people of Alabama in the greatest deliberative body in the history of the world. That is what I feel about this body. I want to say, I appreciate the full debate we have had. I want to thank those who, after it all, found sufficient confidence in me to cast their vote to confirm me as the next Attorney General of the United States of America.

I have to tell you, I fully understand the august responsibilities of that office. I served as United States attorney for 12 years and assistant United States attorney for a little over 2 years. During that time, the very idea of those great leaders in Washington leading those departments I served under make it almost impossible for me to conceive, I am that person and will have that opportunity and that responsibility.

So I understand the seriousness of it. I have an interest in law enforcement. I have an interest in the rule of law. So I want to thank those of you who supported me and had confidence in me. I want to thank President Donald Trump. He believes in the rule of law. He believes in protecting the American people from crime and violence. He believes in a lawful system of immigration that serves the national interest, within bounds, and those are things that may from time to time come before the Office of Attorney General.

I look forward to lawfully and properly advancing those items and others that we as a body support, and the American people believe in.

The Attorney General—this is a law enforcement office first and foremost. People expect the Department defend us, defend us from terrorists, defend us from criminals, defend the country from fraudsters who raid the U.S. Treasury time and time again and too often are not being caught or held to account for it.

I believe that is a big responsibility of the U.S. Attorney General and the whole Department of Justice. As a former Federal prosecutor, I worked regularly, nights, weekends, and became personal friends with fabulous Federal investigative agents. They give their lives, place their lives on the line

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 lead 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 nights and weekends to prepare 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 Judiciary 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 of America in a litigation. So this is a big deal. So I would say to you, friends and colleagues, that this 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 words have objective meanings. So sometimes we have differences about that, but that is what elections are about. I have always liked the debate. I have always enjoyed participating in this great body, where we are free to speak and be able to advocate for the values that we have.

But I don't think we have such a classical disagreement that we can't get together. I have always tried to keep my disagreements from being personal. I have always tried to be courteous to my colleagues. Still, tension is built in the system. It is there. The plain fact is that our Nation does have room for Republicans and Democrats. That is what freedom is all about. I am fairly firm, I have to say, in my convictions, but that does not mean that all of us have to agree on the same thing.

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.

Finally, 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.)

## EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of THOMAS PRICE, of Georgia, to be Secretary of Health and Human Services.

The PRESIDING OFFICER (Mr. GARDNER). The Senator from Texas.

## LEGISLATIVE SESSION

### 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.

## REFUGEE FAMILIES IN VERMONT

Mr. LEAHY. Mr. President, since 1989, Vermont has accepted more than 8,000 refugees from around the world. Most recently, two families from war-torn 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 developments and translation services, while others host furniture and clothing drives. Many refugees are able to find jobs in Vermont's 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 to others. For some, 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 the very communities that they were welcomed into. As their roots grow deeper and their communities wider, Vermont's cultural vibrancy increases.

At the end of the day, however, these refugees have become part of the fabric of our communities. 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 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 was 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 its kitchen dishes out Himalayan cuisine that gets raves from locals on Yelp—tikka masala and biryani, plus Nepali momo dumplings.

Timsina, 38, works long, fast-paced days. In a 20 minute chat in his store, he never takes off his black jacket or takes the Bluetooth from his ear. Though business isn't as strong as he'd like, and housing costs in Burlington are high, Vermonters, he says, have offered a welcoming refuge for him and his family—including his father, who was tortured by authorities in Bhutan.

''They react good so far,'' he says of Vermonters. ''They are helping us.''

For decades now, Vermont has welcomed refugees from around the world: more than 8,000 since 1989, just over 1 percent of the small state's population. Vermonters have been almost Canadian in their big-hearted welcome of the displaced and persecuted, primarily from Somalia, Sudan, Central Africa, Bhutan and Bosnia. They're generous donors of furniture and household goods for new arrivals. They've taken Somali refugees into their homes to help them adjust to American life. And their schools have stepped up with English-language classes for kids from abroad. In Vermont, refugee resettlement has enjoyed near-unanimous support from state and local political leaders, who see it as a way to add youth and vigor to the largely rural state's declining population. And for the most part their constituents have agreed. Until this year.

On April 26—the same day Donald Trump swept through seven Republican primaries in the northeast—the mayor of Rutland, southern Vermont's largest town, announced a plan to accept up to 100 war refugees a year, beginning with Syrian families. The reaction was swift. A volunteer group, Rutland Welcomes, organized to prepare for the Syrians' arrival, and at the same time a vocal group bent on halting the resettlement, Rutland First, flooded meetings in the town of 16,000. The ensuing debate, which dragged on through the summer, was a miniature version of the emotionally charged argument that dominated so much of the presidential cycle. But the way Rutland residents responded was quintessentially Vermont: generous and pragmatic. In the end, most residents saw that this was about more than the refugees' well-being. It was about their own as well.

A six-foot-tall teddy bear with a red bowtie rests on a shelf in Vermont Bosna Cutting, Ramadan Bahic's fabric shop. It's a photo op for every kid who visits the business, and a symbol of how Bahic and his wife rebuilt their lives in the Green Mountain State after fleeing Bosnia in 1993. Fashion designers before the war, the Bahics now cut fabric for clients that include the Vermont Teddy Bear Co.

''I can say I'm born here,'' says Bahic, 56, burly and upbeat. ''My language is my language, my accent will stay, but if you ask me, I'm a Vermonter.''

Bahic and his family, all of them Bosnian Muslims, fled their Serb-controlled town during the Bosnian civil war. ''My father was beaten by Serbs,'' Bahic says. ''Both my parents, they were almost killed. We were witnesses, so we were supposed to be killed.'' The Red Cross evacuated them to a refugee camp in Croatia, and after four months, they were resettled in Burlington.

Though Vermont isn't known for its diversity—whites make up 94 percent of its population of 625,000—that's changing. Bahic's new life is a testament to the major role refugees have played in bringing new cultures to Burlington. His parents' funeral services were presided over by an imam from the Islamic Center of Vermont, one of the state's two mosques. Though Bahic leads a mostly secular life—he likes to gamble and drink—he's visited Burlington-area churches to explain Islam. The 15 employees at his business in suburban Winooski include many Vietnamese-immigrant seamstresses. His Bhutanese neighbors in his Colchester apartment complex are working hard, hunting for new work, moving up. ''In five years, they're looking to buy a house, some looking to buy a new car,'' he says.

Immigrants in Vermont have organized to help newer arrivals. The Association of Africans Living in Vermont, founded as a social circle, now offers workforce development and translation services to new refugees. Tuipate Mubiay, a Congolese immigrant who cofounded the group in 1999, also runs an orientation and a conversation partners program for refugee students at the Community College of Vermont.

''I feel Vermont has more open doors than other states,'' says Mubiay. Immigrants in the state tend to find jobs, apartments and health insurance faster than elsewhere, he says.

At the Vermont Refugee Resettlement Program in Colchester, the state's only refugee placement agency, flyers on a lobby bulletin board offer refugees tips on jobs, health care and transportation: ''UPS is now hiring,'' ''Vermont Health Connect,'' ''Get a bike—Bike Recycle Vermont,'' ''And Remember, Please Give 15 Days Notice If You Are Quitting A Job.'' The Children's Book of America, edited by William J. Bennett, the Reagan administration secretary of education, rests on a coffee table, its cover illustration a bunch of kids from a kaleidoscope of ethnicities waving American flags.

Amila Merdzanovic, VRRP's director, came to Vermont in 1995 as a Bosnian refugee. She makes the case for resettlement's contributions to Vermont: It brings about 200 working adults a year to a state with a stagnant, aging population. ''We have employers calling us on a daily basis, saying, 'We need workers,' she says. Many refugees get jobs at hotels and restaurants. Landlords call, too, despite Burlington's low housing vacancy rate. ''Refugees are hyper-aware of the importance of good credit,'' she says. ''[They] take care of their apartments and their neighborhoods.''

It's hard to measure refugees' assimilation or happiness. Instead, agencies like VRRP look at self-sufficiency to measure success. Refugees get a one-time payment of $925 to $1,125 to start anew in the U.S. After that, the goal is to help them find a job that pays enough to make them ineligible for state aid. In 2015, Merdzanovic says, 75 percent of employable adults resettled in Vermont were self-sufficient within three months of arriving. By eight months, the figure rose to 88 percent.

''[If] we don't hear from them, we know they're working, their kids are in school, they're driving, they have a car and driver's license. That's a success,'' she says.

In Burlington, refugees' biggest challenge is affordable housing. Timsina, the Bhutanese grocer, says some refugees have moved to Ohio or Pennsylvania because of Burlington's high rents—at least $1,500 a month for a three-bedroom apartment. That's one reason Rutland appealed to VRRP.

But accepting Rutland's application to become a resettlement site for Syrians has exposed VRRP to something it hasn't dealt with elsewhere: angry opposition. ''It's very different,'' says Merdzanovic. ''It's new waters for all of us.''

As Rutland Mayor Chris Louras crosses a downtown street corner, an SUV pulls up. ''Hey, Louras!'' shouts the passenger.

''Mr. Congressman!'' says the mayor.

Peter Welch, Vermont's lone member of the House of Representatives, is the passenger, and he's not at all surprised to find the mayor giving an interview about his support for refugees. Welch is quick to say that he and Vermont's senators back Louras' effort.

''All three of us support accepting refugees in the country—America needs to do its share—but the real hard work is in the communities where people are going to land and live,'' Welch says.

It hasn't been easy, but Louras, an Army veteran who still sports a soldier's buzz cut, has a history of charging ahead. That's what Louras did last November, when Vermont Governor Peter Shumlin, a Democrat, announced that he, unlike several Republican governors, would continue to welcome Syrian refugees to his state.

''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.'' Louras 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 millennials.

''Our population is crashing,'' Louras says. Though Rutland is one of Vermont's largest cities, that doesn't mean it's very big. About 16,000 people live there, down from 19,000 in 1970. Louras, mayor for nine years, has worked to turn it around. He says downtown occupancy is at 95 percent, up from 75 percent when he started. But Rutland has been hit hard by the opioid epidemic and the subprime mortgage crisis. Absentee landlords have neglected their properties, leaving the city to step in with garbage pickup and grass-mowing. Refugees, he says, could revitalize the city's hardest-hit neighborhoods.

''In Burlington and Winooski, new Americans really take pride in where they live and become very engaged community members.'' Besides, he says, the town's economy needs workers: Unemployment is below 4 percent in Rutland County, and the region's top employers, Rutland Regional Medical Center and a GE aviation plant, have trouble finding new employees.

So, after talking with State Department and Homeland Security officials, VRRP, the local school district and major regional 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 prepare for the Syrians' arrival. So did opposition.

''These are the same people or many of the same who danced in the street celebrating 9/11, the same people 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 Haney 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 breeds mistrust,'' says Rutland City Treasurer Wendy Wilton.

In a July meeting, the aldermen narrowly rejected a petition to hold a nonbinding citywide referendum on refugee resettlement. Instead, they voted to send a letter to the State Department saying they weren't ready to endorse the idea.

''The last thing I wanted was for Rutland to be tarred [as] the community that voted on whether or not Muslims could be our neighbors,'' says Will Notte, president of the aldermen, who supports resettlement. ''We never voted on Italians coming. We didn't vote on the Poles. This is not something that is meant to be decided at the ballot box.''

Rutland alderman Scott Tommola, who voted to send the question to the ballot, says he's not opposed to taking in refugees. ''I've met very few who are adamantly opposed to this,'' Tommola says. ''The majority of people I talk to are cautiously optimistic.'' But he isn't convinced that the city has the jobs, housing and education capacity to take in 100 refugees a year. ''Show me these jobs and the housing that's adequate,'' he says.

In August, at a Rutland First meeting, Wilton claimed that taking in refugees will cause Rutland's property taxes to rise. She predicts they'll drive up English-language learning costs in local schools, and their housing needs will require the city to spend more on community development. ''It could be much more difficult than we think to help these folks,'' she says. Louras and others have disputed Wilton's figures. The mayor says taking in refugees won't cost City Hall a thing, and the schools superintendent says the district has excess capacity for teaching English.

Wilton, like Rutland First, says she isn't completely opposed to taking in refugees—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 offer economic mobility. She also has security concerns about admitting Syrians to the U.S., citing intelligence concerns that ISIS can generate fake passports and may try 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 Rutland as a new home 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 much larger audiences than resettlement's vocal opponents. 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 between 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 skillful 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.'' President 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 Enda Kenny described him as a ''patriot, an outstanding public servant who embodied the best of Ireland and its people.''

Dermot was all of these things, and he will be greatly missed, but affectionately remembered.

Marcelle and I send our deepest condolences to his wife, Maeve, and to their children, Fiona, Aoife, and Ronan.

## TRIBUTE TO FATHER RAY DOHERTY

Mr. LEAHY. Mr. President, I would like to take a moment today to honor Father Ray Doherty, a fellow Michaelman and a pillar of the St. Michael's College community. Father Ray, as he is warmly known, exemplifies so many of the qualities we Vermonters hold dear. His compassion and leadership have contributed to a vibrant college campus and has inspired those beyond its borders. As a member of the Society of Saint Edmund, whose members founded the college in 1904, Father Ray has embodied a commitment to social justice throughout his lifetime of service.

Father Ray first came to St. Michael's as a 17-year-old freshman. He spent his college years as both a student and an athlete, gracing the baseball program with his talents as pitcher before graduating in 1951. Father

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 into 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,'' he 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, he 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 didn't hesitate. This 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 in many places, 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 not for a cause or a country but in the moment for the guy next to you. You develop these bonds, this loyalty''

''Leadership can also mean listening to the call. When I look back on my life I see so many surprising moments when I made decisions on my own or with God's help. As a Christian and a believer, I do believe that there is some guidance out there if we are open to it. We must be open to inspiration in order to he good leaders.''

## MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mr Pate, one of his secretaries.

## EXECUTIVE MESSAGE REFERRED

In executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on Homeland Security and Governmental Affairs.

(The message received today is printed at the end of the Senate proceedings.)

## MESSAGE FROM THE HOUSE

At 10:18 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following joint resolutions, in which it requests the concurrence of the Senate:

H.J. Res. 44. Joint resolution disapproving the rule submitted by the Department of the Interior relating to Bureau of Land Management regulations that establish the procedures used to prepare, revise, or amend land use plans pursuant to the Federal Land Policy and Management Act of 1976.

H.J. Res. 57. Joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of Education relating to accountability and State plans under the Elementary and Secondary Education Act of 1965.

H.J. Res. 58. Joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of Education relating to teacher preparation issues.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. GRAHAM (for himself, Mr. CARDIN, Mr. MCCAIN, Mr. BROWN, Mr. RUBIO, and Mrs. MCCASKILL):

S. 341. A bill to provide for congressional oversight of actions to waive, suspend, reduce, provide relief from, or otherwise limit the application of sanctions with respect to the Russian Federation, and for other purposes; to the Committee on Foreign Relations.

By Mr. BLUMENTHAL (for himself and Mrs. ERNST):

S. 342. A bill to provide for the issuance of a ''Gold Star Families Forever Stamp'' to honor the sacrifices of families who have lost a loved one who was a member of the Armed Forces in combat; to the Committee on Homeland Security and Governmental Affairs.

By Mr. ROUNDS (for himself and Mr. LANKFORD):

S. 343. A bill to repeal certain obsolete laws relating to Indians; to the Committee on Indian Affairs.

By Mrs. FISCHER (for herself and Mr. KING):

S. 344. A bill to amend the Internal Revenue Code of 1986 to provide a credit to employers who provide paid family and medical leave, and for other purposes; to the Committee on Finance.

By Mrs. FISCHER (for herself, Mrs. ERNST, and Mrs. CAPITO):

S. 345. A bill to amend the Fair Labor Standards Act of 1938 to strengthen equal pay requirements; to the Committee on Health, Education, Labor, and Pensions.

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.

## ADDITIONAL COSPONSORS

S. 59

At the request of Mr. CRAPO, the name of the Senator from South Dakota (Mr. ROUNDS) was added as a cosponsor of S. 59, a bill to provide that silencers be treated the same as long guns.

S. 66

At the request of Mr. HELLER, the names of the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 66, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation, and for other purposes.

S. 86

At the request of Mr. MCCAIN, the names of the Senator from Oklahoma (Mr. LANKFORD) and the Senator from North Carolina (Mr. TILLIS) were added as cosponsors of S. 86, a bill to amend the Veterans Access, Choice, and Accountability Act of 2014 to modify the termination date for the Veterans Choice Program.

S. 139

At the request of Mr. HATCH, the name of the Senator from South Dakota (Mr. ROUNDS) was added as a cosponsor of S. 139, a bill to implement the use of Rapid DNA instruments to inform decisions about pretrial release or detention and their conditions, to solve and prevent violent crimes and other crimes, to exonerate the innocent, to prevent DNA analysis backlogs, and for other purposes.

S. 178

At the request of Mr. GRASSLEY, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 178, a bill to prevent elder abuse and

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. 253

At the request of Mr. CARDIN, the names of the Senator from Rhode Island (Mr. REED), the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 253, a bill to amend title XVIII of the Social Security Act to repeal the Medicare outpatient rehabilitation therapy caps.

S. 306

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 Utah (Mr. LEE) 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. INHOFE) 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.J. RES. 4

At the request of Mr. LANKFORD, the name of the Senator from Utah (Mr. LEE) was added as a cosponsor of S.J. Res. 4, a joint resolution disapproving the action of the District of Columbia Council in approving the Death with Dignity Act of 2016.

S. CON. RES. 6

At the request of Mr. BARRASSO, the name of the Senator from Nebraska (Mrs. FISCHER) was added as a cosponsor of S. Con. Res. 6, a concurrent resolution supporting the Local Radio Freedom Act.

S. RES. 51

At the request of Ms. HIRONO, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. Res. 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 Senator Maria 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 and 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 the eruptions might migrate, 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 flight path.

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.

In 1989, the Alaska Volcano Observatory was able to provide only a few days' notice before Mount Redoubt erupted that year. In 2009, after the center's capabilities had been expanded and hours of operation increased, it would provide two months of notice before the volcano again erupted, giving enough warning time to reduce oil stored in the Drift River tank farm complex, located downslope from the volcano, and reducing the threat of significant environmental damage.

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, Hawaiian, 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 non-monitored volcanoes. The bill will also prompt 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 no opposition 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 406 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, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; further, that following leader remarks, the Senate proceed to executive session to resume 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. Is there objection?

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, Mr. WYDEN.

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.

Issues came up in the vetting 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. But the majority, when we said we needed to take more time to look at it, decided to look the other 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 a program Congressman 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 for our people and 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 is going to tackle each of those issues and more. As it gets underway, I am going to begin with Medicare.

In 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 at these poor farms. Then Medicare came along. 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 seniors in Oregon see this. 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 Congressman PRICE has indicated—and it 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 station in life or the status of your health. And the reason Medicare was built with this special guarantee is straightforward: No American knows how healthy they will be when they reach age 65. Perhaps you are a marathoner at age 50 and you develop arthritis or Alzheimer's or cancer a decade and a half later. Furthermore, no one knows what the economy is going to look like years ahead or decades ahead into the future. For the less fortunate, high inflation or a stock market crash could all but wipe out what they set aside over a lifetime of work. Seniors could find their benefits exposed to new danger 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 promise of President Trump, 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 that would 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 called for privatizing Medicare and cutting it by nearly $500 billion.

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 no 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, ''simultaneously.'' Shortly 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 said something about how people would have access to health care. Well, I will tell you, hearing the word ''access'' rather than ''coverage'' means that

somebody is walking back a commitment to people really getting care. Everybody pretty much can have access. Sure, if I had the money, I could get it. It is about coverage. So we asked Congressman PRICE whether people would be worse off and he ducked the question.

So then I asked if he would commit that no one would lose coverage, and he ducked once more.

Then I asked if he would commit to holding off on implementing the Executive order until a replacement plan was enacted. He ducked.

So the Congressman was given an opportunity to, in effect, say that he would honor what the American people were told by President Trump in the campaign; that the two would be hand in hand, the replacement and repeal would go hand in hand, but he had the chance to say that at the nomination hearing and he ducked and ducked and he ducked some more.

Americans are still being told that the Affordable Care Act is the problem and it has to be repealed. It looks to me that what Republicans have on offer now isn't repeal and replace at all. It is what I have been calling it since last year, repeal and run, and the architect of repeal and run is Congressman PRICE. In fact, he wrote the bill. He wrote the bill that would have gutted the ACA the last time around.

Under the Price plan, 18 million Americans would lose their health insurance in less than 2 years. By 2026, it would be 32 million who would lose coverage. Today 26 million Americans are uninsured. In a decade it would be 59 million. Working Americans would make up four out of every five people who lose their coverage. These are folks struggling to climb the economic ladder. No-cost contraceptive coverage for millions of women would be gone. We would have hundreds of thousands of women losing access to care almost immediately just by the defunding of Planned Parenthood. Hundreds of thousands more would lose their choice to see the doctors they trust. Just think about that. Legislation that is going to take away from American women the chance to see the doctor of their choosing, the doctor they trust. I don't know anybody in the last election who thought they were voting to see women lose the choice of the doctor they trust.

Under the Price plan, premiums jumped by hundreds of dollars a year as the individual market for health insurance collapses. Health care costs skyrocket. It is a gut punt to all, even those who get their health insurance at work because what it would do is, in effect, it would shrink—it would shrink the health care market in a way that there would be many more people who are seriously ill and had great expenses, and when you try to pass those on, that would mean people in the marketplace and those who had health insurance from their employer would see increases.

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 Democrats, eight Republicans, 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 a 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 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 that kind of real ban against discrimination for a preexisting condition. In fact, he was 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 the issue of making sure 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 conditions is that nobody, in 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 actually protecting people with a preexisting condition from discrimination, you can see why Congressman 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, or they could hike 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.

Short 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—maybe a layoff, 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, more than 130 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 on 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 preexisting 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 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 nursing home benefit 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 now covers costs 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 have 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 probably 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 across the country 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 all of those 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 slashes another 30 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 cited the nursing home benefit because 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 AIDS treatment 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 doctor and putting food on the table. Medicaid is their health care 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 depend on it for 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 the 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.

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 to health care 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, and he is going to promise you 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 disagrees 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 biomedical 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 a ''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 vetting process before getting all 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 a House 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 of Innate as part of a private stock sale for U.S. investors. When the private sale took place, Innate's shares were trading on the Australian stock exchange for the equivalent of 31 American cents, but participants in this private sale got the shares at a steep discount. That discount meant that Congressman PRICE paid tens of thousands of dollars less than a typical investor would have paid on the open market.

With respect to that purchase, the record remains unclear. It does come down to two issues: how he came to participate in the private placement, and whether he got special access that other investors didn't have. On those issues, Congressman PRICE tells one story; company officials, Congressman COLLINS, and public documents tell another.

First I am going to examine how Congressman PRICE came to participate in this private deal. As he tells it, he decided to make that purchase based on his own research into the company. But the Wall Street Journal and a little common sense say otherwise. I will read from a January 30 report.

> Mr. Price got in on the discounted sale after Mr. Collins filled him in on the company's drug trial, according to Mr. Collins. . . . Mr. Collins said he told Mr. Price of the additional private placement. He said Mr. Price asked if he could participate in it. ''Could you have someone send me the documents?''

Mr. COLLINS recalled Mr. PRICE asking him.

It paints a pretty clear picture. Congressman PRICE got information from his colleague, the company's top shareholder, and he got an invitation to a special deal. The claim that his conversations with Congressman COLLINS had no effect on Congressman PRICE's decision to invest just does not pass muster.

So I will turn to the second point—whether or not the deal was available to all company shareholders. Congressman PRICE insists it was. Here is the exchange he and I had during his nomination hearing in the Finance Committee.

I said: ''You purchased stock in an Australian company through private offerings at discounts not available to the public.''

Congressman PRICE responded: ''Well, if I may, those—they were available to every single individual that was an investor at the time.''

But that is not what Innate management—including the CEO—told the Wall Street Journal. According to the Wall Street Journal's report, Congressman PRICE was one of six special American investors in a category called ''friends and family.'' I will read a passage from the story.

> The cabinet nominee [Mr. Price] was one of fewer than 20 U.S. investors who were invited last year to buy discounted shares of the company—an opportunity that, for Mr. Price, arose from an invitation from a company director and a fellow congressman.
>
> At Mr. Collins's invitation, Mr. Price in June ordered shares discounted in the private placement at 18 cents apiece, and then more in July at 26 cents a share, Mr. Collins said in an interview. Those orders went through in August, after board approval. Mr. Price invested between $50,000 and $100,000, according to his disclosure form . . .
>
> Mr. Wilkinson [the company's CEO] said investors who had bought in a previous private placement were called to make friends and family aware of the opportunity. . . . We are always looking to increase our shareholder base. But those new parties have to meet the definition of sophisticated financial investor.
>
> Only six U.S. investors, including Mr. Price, fell into the friends-and-family category, Mr. Collins [his friend in Congress] said. About 10 more U.S. investors were offered discounted shares by the company because they had previously been invited to partake in private placement offerings.

Furthermore, Congressman COLLINS and Mr. Wilkinson added more detail.

> The discounted stock offer in Innate Immuno, as the company is known, was made to all shareholders in Australia and New Zealand—but not in the U.S., according to Mr. Collins and confirmed in a separate interview with Innate Immuno CEO Simon Wilkinson.

Bottom line, Congressman PRICE got in as a special guest, a friends and family guest of Congressman COLLINS. What he told the committee—that the

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 regrettably 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.

# *Daily Digest*

## 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 of the Senate, 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. **Page S969**

**Price Nomination—Agreement:** Senate resumed consideration of the nomination of Thomas Price, of Georgia, to be Secretary of Health and Human Services. **Page S964**

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. **Page S963**

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. **Page S969**

**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. **Page S824**

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. **Page S716**

By 52 yeas to 47 nays, 1 responding present (Vote No. EX. 59), Jeff Sessions, of Alabama, to be Attorney General. **Pages S824–S963, S974**

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. **Page S824**

By 88 yeas to 3 nays (Vote No. 56), Senate agreed to the motion to instruct the Sergeant at Arms to request the attendance of absent Senators. **Page S855**

By 49 yeas to 43 nays (Vote No. 57), 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. **Page S855**

By 43 yeas to 50 nays (Vote No. 58), Senate rejected the motion that Senator Warren be permitted to proceed in order. **Page S855**

**Nomination Received:** Senate received the following nomination:

Elaine C. Duke, of Virginia, to be Deputy Secretary of Homeland Security. **Page S974**

**Messages from the House:** **Pages S866, S967**

**Measures Referred:** **Page S866**

**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**

*Committee on Indian Affairs:* Committee concluded an oversight hearing to examine emergency management in Indian Country, focusing on improving the Federal Emergency Management Agency's Federal-tribal relationship with Indian tribes, after receiving testimony from Alex Amparo, Assistant Administrator, Recovery Directorate, and Milo Booth, National Tribal Affairs Advisor, Office of External Affairs, both of the Federal Emergency Management Agency, Department of Homeland Security; Russell Begaye, The Navajo Nation, Window Rock, Arizona; J. Michael Chavarria, Santa Clara Pueblo, Espanola, New Mexico; and Cody Desautel, Confederated Tribes of the Colville Reservation, Nespelem, Washington.

# 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

Senate Chamber

**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

House Chamber

**Program for Thursday:** House will meet in a Pro Form session at 2:30 p.m.

Congressional Record

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