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Senate

The Senate met at 10 a.m. and was called to order by the Honorable BEN SASSE, a Senator from the State of Nebraska.

PRAYER

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

Let us pray.

O God most high, we know not what a day will bring forth—sorrow or joy—but our eyes are on You.

Sustain our Senators in their work. Give them the wisdom to repay Your Grace with the currency of their gratitude. Lead them to bear the burdens of the marginalized and so fulfill the law of love.

Lord, teach them anew the meaning of faith, hope, and love. Give them even tempers that can meet upsetting things with calm serenity.

Lord, keep them from being ashamed of that which they should be proud and proud of that which they should be ashamed.

We pray in Your powerful Name. Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

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.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. HATCH).

The senior assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 25, 2017.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable BEN SASSE, a Senator from the State of Nebraska, to perform the duties of the Chair.

ORRIN G. HATCH,
President pro tempore.

Mr. SASSE thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

ISSUES BEFORE THE SENATE

Mr. McCONNELL. Mr. President, yesterday, the Senate confirmed former Georgia Governor Sonny Perdue to lead the Department of Agriculture.

We also took the next step in advancing Rod Rosenstein to serve as Deputy Attorney General. I look forward to confirming Mr. Rosenstein so he can get to work without further delay.

After we take that vote, we will be able to advance the Department of Labor nominee, Alexander Acosta. Mr. Acosta has an impressive background that will serve him well as he leads the Department on issues that can support America's employers and employees as well as the overall economy.

I am pleased Mr. Acosta has outlined his commitment to ensuring that the Department of Labor encourages, rather than hampers, job growth—a welcome change after 8 years of job-killing and opportunity-destroying rules and regulations under the Obama administration. I encourage my colleagues to support his nomination so he can begin this important work to help create jobs, enhance workforce development, and support middle-class workers.

As we advance these nominees, Senators are also continuing discussions on government funding legislation. These talks have been part of a bipartisan, bicameral process from the start, with appropriators having continued

negotiations over the State work period. I look forward to more productive conversations with Senators, our House colleagues, and the White House so we can get this important work done quite soon.

DAYS OF REMEMBRANCE CEREMONY

Mr. McCONNELL. Mr. President, many decades ago, historic tragedy befell a continent, and unimaginable horror visited a people.

Behind cold steel gates and within huddled boxcars, man's capacity for cruelty reached grim new frontiers. An inhuman campaign of extermination by an inhuman regime not only took aim at the Jewish people but also tore deep at the collective bonds of our humanity. The scars of the Holocaust continue to run deep in the sinew of our history and of our humanity. It must never be repeated. It also must never be forgotten.

Today, the President of the strongest Nation in the world will again join with survivors in the Capitol Rotunda to help ensure it never is.

Today's Days of Remembrance ceremony serves as yet another reminder of the immeasurable suffering that was inflicted upon millions of innocent men, women, and children during the Holocaust, especially the Jewish people. It also serves as a reminder of our responsibility as free people to stand against evil and defend those who are persecuted.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

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



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EXECUTIVE SESSION

EXECUTIVE CALENDAR

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume executive session to consider the following nomination, which the clerk will report.

The assistant bill clerk read the nomination of Rod J. Rosenstein, of Maryland, to be Deputy Attorney General.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 12:30 p.m. will be equally divided in the usual form.

The Democratic whip.

DAYS OF REMEMBRANCE CEREMONY

Mr. DURBIN. Mr. President, I will yield the floor if the Democratic leader arrives, but until his arrival, I would like to do two things—first, join in the comments made by the majority leader, Senator McCONNELL, relative to the Holocaust remembrance.

This is the day on which we gather in the Rotunda each year to remember the atrocities of World War II, which includes remembering the Holocaust victims, so many who were Jewish people as well as Polish people—the list goes on and on—as well as those who were gay and gypsies. This was an ethnic cleansing—the worst ever seen in the history of this world. We remember it on this day, as we should.

Mr. President, on a separate issue, before us now is the nomination of Rod Rosenstein to be the Deputy Attorney General of the United States.

The Deputy Attorney General oversees the day-to-day operations of the Department of Justice. In any circumstance, this is an important position that requires a nominee with experience, independence, management skills, and good judgment, which is especially true today.

Many of us questioned whether Attorney General Sessions was the right person to be the chief law enforcement officer of the United States of America at this moment in history. Unfortunately, many of the actions of the new Attorney General, since he was confirmed, have not erased these concerns. The Attorney General has already begun making dramatic changes at the Justice Department, including on critical issues like criminal justice, civil rights, immigration, and funding for crime prevention.

Just last week, Attorney General Sessions disparaged a Federal judge from Hawaii who issued an order blocking the Trump administration's Muslim travel ban.

Attorney General Sessions said: "I really am amazed that a judge sitting on an island in the Pacific can issue an order that stops the President of the United States from what appears to be clearly his statutory and constitutional power."

Senator MAZIE HIRONO, my colleague on the Senate Judiciary Committee and the junior Senator from Hawaii,

pointed out that Hawaii was granted statehood in 1959 and called the Attorney General's comments "insulting and prejudiced."

Also, last week, Attorney General Sessions called into question the status of the Deferred Action for Childhood Arrivals Program, also known as DACA. When asked about DACA, Attorney General Sessions said: "We can't promise people who are here unlawfully that they're not going to be deported."

That is exactly what DACA is. It is a commitment to young people who were brought to the United States as children and grew up in our country that they will be protected from deportation on a temporary renewable basis. Attorney General Sessions' statement is contrary to his own administration's policy as established by President Trump and Homeland Security Secretary John Kelly, who have primary responsibility for immigration enforcement.

The last confirmed nominee for Deputy Attorney General was Sally Yates, a veteran prosecutor and U.S. attorney from Georgia. Ms. Yates displayed sound judgment as Deputy Attorney General, and she was unafraid to speak truth to power.

Ms. Yates became the Acting Attorney General at the end of the Obama administration, and when President Trump signed his unconstitutional Muslim ban Executive order on January 27, Sally Yates told the White House she could not defend the order in court because she was not convinced it was lawful. Ms. Yates was then fired by President Trump for disagreeing with him. However, multiple Federal courts agreed with Ms. Yates' position and blocked this unconstitutional Executive order. Time and history have proven Ms. Yates correct.

We need a Deputy Attorney General like Sally Yates, who is highly competent and has the independence to say no to the President and to the Attorney General when necessary.

Rod Rosenstein has served as the U.S. Attorney for the District of Maryland since 2005 under both Democratic and Republican Presidents. I do not question his experience or his competence. As a member of the Senate Judiciary Committee, I looked closely at his nomination. I asked him many questions in the hearing. I sent some followup letters, and I appreciate that he has been forthcoming in his responses.

Mr. Rosenstein has pledged to be an independent voice and has committed that he will not recommend any changes in Justice Department policies until he evaluates them, discusses them with appropriate officials, and determines that changes are warranted.

I expect he will be confirmed. Upon confirmation, Mr. Rosenstein will immediately be tasked with responsibility over critically important issues over which he will need to display both

sound judgment and independence. Four come to mind.

First is the ongoing investigation into Russia's efforts to interfere with the 2016 Presidential election to help the Trump campaign. What Russia did in our election last year was a cyber act of war against our democracy. It is imperative that we get to the bottom of what happened and make sure it never happens again. I have called for an independent, bipartisan investigation into Russia's election interference. The Republican majority of the House and Senate have resisted this call.

Instead, Republicans in Congress have referred this matter to the Intelligence Committees of both Houses, perhaps hoping it will fade away behind closed doors. I hope the Intelligence Committees will step up and conduct an investigation that is worthy of the importance of this issue, but when it comes to potential criminal acts involving Russia's election interference, the responsibility to investigate falls solely on the Justice Department.

Attorney General Sessions has had to recuse himself from the investigation because of his work for the Trump campaign and his failure to disclose his contacts with Russian officials last year. That means the Deputy Attorney General now has the responsibility over this investigation.

It will be incumbent on Mr. Rosenstein to ensure this investigation is conducted with independence, diligence, and integrity. I believe that appointing a special counsel is the best way to ensure this. I hope he will make that appointment. If Mr. Rosenstein does not appoint a special counsel, the spotlight will be on him personally to make sure the investigation is conducted properly, no matter where it leads. I hope he exercises good judgment. This investigation is too important to get wrong.

The second issue that will require independence and good judgment from the Deputy Attorney General is the Justice Department's threat to withhold Federal funding to prevent violence across America, including in the city of Chicago.

The Trump administration's message has been confusing, to say the least, when it comes to Federal efforts to prevent violence. On the one hand, President Trump, in the middle of the night, tweets "Chicago needs help," and "Send in the Feds," but then the administration threatens to cut off critical funding for violence prevention under programs like Byrne JAG unless cities agree to turn their local police departments into deportation forces.

It is pretty obvious that cutting off Federal violence prevention funding will hurt the cause of violence prevention. Do not take my word for it. Ask any law enforcement leader.

Listen to what the International Association of Chiefs of Police said: "Penalizing communities by withholding assistance funding to law enforcement