

S. 47

Ms. MURKOWSKI. Mr. President, we have finally completed our work on S. 47, the Natural Resources Management Act. We had a good day yesterday. We had a good day here in the U.S. Senate. We passed this significant bill—really, a landmark piece of legislation—out of the Senate by a vote of 92 to 8. That is pretty strong. You don't see a lot of that in the Senate anymore—every now and again, and this was one of those every now and agains. I appreciate all the work.

We have now sent this over to the House of Representatives, and it has some good momentum. We are looking forward to being able to work with the House. I encourage them to move quickly on this important measure and see it enacted into law.

I want to take just a few moments this afternoon, while I can, to thank so many who have been key in getting us to this point. I want to start my comments with acknowledging the former ranking member of the Energy and Natural Resources Committee, Senator CANTWELL from Washington. We have spent a lot of time together. We have spent a lot of time over the years working on these lands bills. We did it in the public forum through the committee process. We had hearings on hundreds of bills. We worked to refine and reach agreement on them and to report them from committee. So there was all of that process, which went on throughout the committee, and then the two of us sitting down with our staffs on noncommittee time, just working through these particulars, in many meetings in my office and in her office. We really did this on a bipartisan basis. We stuck together. There were times when the prospects for this package did not look so good, and then there were moments when it looked even worse than not so good. But we kind of pulled one another along. I think that is a tribute to the commitment we made as colleagues and partners in this to advance not just to a message but to a product. I truly think that is a tribute to Senator CANTWELL and her willingness to work together to find a path forward.

Then we weren't able to finish things at the end of the year. Senator CANTWELL moved over to another committee, and I had an opportunity to pick up with Senator MANCHIN. He picked up.

Here he comes in, a new ranking member, and he has a bill to help manage on the floor with some 100-plus bills. But he helped us in a way that I am most, most grateful for. He kept us on track and helped us secure a very strong final tally here.

I am also very grateful to my other corners, the chairman and ranking member of the Natural Resources Committee on the House side, Chairman GRIJALVA and Ranking Member BISHOP. I thank them for their exceptional, exceptional work on this package and look forward to working with them as we finish this out.

Next on my list are Leader MCCONNELL and Senator SCHUMER. The minority leader is here. We had a conversation on the floor just about where he is sitting—this was back in December. But the two leaders gave their commitment to take this bill up early this year. They kept that commitment. They made it happen. I thank them for what they did in recognizing that this public lands, resources, and waters bill deserved early attention in this new Congress.

I mentioned on the floor that there were many colleagues on both sides: Senator HEINRICH, Senator GARDNER, Senator DAINES from Montana, Senator WYDEN from Oregon, all of whom have been great partners here on the floor.

It is important to briefly mention the staffs, who put in the long hours—the work and the family life they gave up.

The first person on my list to recognize is my deputy chief counsel, Lucy Murfitt, who is truly an expert, a true expert on the lands issue. She has poured her heart and soul into these issues, and it is no exaggeration to say they would not have happened without her efforts.

I also thank my staff director, Brian Hughes; my chief counsel, Kellie Donnelly; the members of my lands team, Annie Hoefler, Lane Dickson, and Michelle Lane; our communications team, Nicole Daigle, Michelle Toohey, and Tonya Parish; our support staff, including Melissa Enriquez and Sean Solie; then Brianne Miller and Isaac Edwards, who basically kept the committee running while everyone else was focusing on this bill.

While I am proud of my team, we had great partners on the other side of the aisle. Sarah Venuto and Lance West joined the committee with Senator MANCHIN, and they have been great to work with. Sam Fowler, David Brooks, Rebecca Bonner, Bryan Petit, Camille Touton, Mary Louise Wagner, and Amit Ronen also played key roles.

Then on the House side, we had David Watkins and Brandon Bragato of Chairman GRIJALVA's staff, along with Parish Braden and Cody Stewart, who has now left the Hill, of Ranking Member BISHOP's staff.

I have to give a shout-out for the floor staff. Laura Dove and her team were fabulous. We also appreciate our Parliamentarians, Elizabeth McDonough and Leigh Hildebrand; Terry Van Doren with Leader MCCONNELL; and Aniela Butler at the Senate Budget Committee.

Two of the individuals who probably put the most time into this package, Heather Burnham and Christina Kennelly, are in the Office of Senate Leg Counsel. I also thank Janani Shankaran, Kim Cawley, and Aurora Swanson at CBO.

Great members, great team—we could not have done this great work without them.

To Senator SCHUMER, I say thank you for allowing me to complete this in its entirety. I appreciate your indulgence.

The PRESIDING OFFICER. The Democratic leader.

Mr. SCHUMER. Mr. President, let me thank the chair of the Energy Committee, the senior Senator from Alaska, for the wonderful work she always does around here. She has the respect of Members on both sides of the aisle. She tries to do the right thing and ends up there so often. This lands bill wouldn't have happened without a lot of the people she mentioned, but at the top of the list would certainly, certainly, be the senior Senator from Alaska.

Once again, I tip my hat to the junior Senator from Washington State, who worked so long and hard on this. The two of them were a great team, and JOE MANCHIN filled in when he became ranking member. We are all very glad that this wonderful lands bill, with so many good things in it, will, barring any unforeseen mishap, become law very soon.

NOMINATION OF WILLIAM BARR

Mr. President, I rise this afternoon to address the nomination of Mr. William Barr to be the next Attorney General of the United States.

We take all these nominations very seriously. Each member of the President's Cabinet holds immense influence within our government, with the power to affect the lives of millions. At this moment in time, the Attorney General might be the very most critical of all of the Cabinet officials in our government.

Not only will the Attorney General assume the traditional responsibilities of the office, but the next Attorney General would also oversee one of the most sensitive investigations in our Nation's history—the special counsel's investigation into Russian influence in the 2016 elections. Just to say those words, “Russian influence in the 2016 elections,” makes your hair stand on end a little bit.

Under normal circumstances, the position of Attorney General demands an individual of unimpeachable integrity, impartiality, and independence. Under these circumstances, that bar is more important and probably higher than ever. Why? Because as we have all seen, President Trump has demonstrated utter contempt for the rule of law. He has expressed a view of the Department of Justice that is completely counter to the history of this grand Department as an independent Agency of the law. Rather, he views the Justice Department as an Agency that should protect him personally and one he can compel to protect his friends and prosecute his enemies. That sounds like a third-world country, not the United States of America.

In the process of attempting to discredit the special counsel's investigation, the President has run roughshod over the norms of the executive branch's relationship with the Justice Department. President Trump has demeaned the public servants of the Justice Department. He has questioned its

motives, up to and including the up-grading and belittling of the former Attorney General on Twitter—an Attorney General that he himself appointed.

As the special counsel continues to investigate the connections between the most senior members of the Trump administration and the Kremlin, it is an extraordinarily important and extraordinarily dangerous moment for the Justice Department. That is the maelstrom into which the next Attorney General will step.

Certainly, Mr. Barr is intelligent. Certainly, Mr. Barr has experience. In fact, he already did the job. Let me say that I have always respected his public service and believed him to be a good man, but what so many of us find lacking in Mr. Barr's nomination this time around is his fundamental lack of awareness about the moment we are in.

Only a few months ago, it was uncovered that he authored an unsolicited memo to the Justice Department criticizing—criticizing—the special counsel's investigation. He wasn't involved with the Justice Department in any capacity at the time. He was a private attorney. He could not have had access to any of the facts in the case. Yet he decided to write this memo, which, in addition to making un evidenced claims about the investigation, outlined an extremely broad—in my judgment—overreaching vision of Executive power. Writing that memo showed poor judgment and, worse, it showed bias at a time when the country could not afford either in its Attorney General.

I felt the memo alone was disqualifying at a time when we have a President who scorns the rule of law, but I believed Mr. Barr deserved the chance to change my mind so I met with him privately a few weeks ago. Our conversation focused on three questions.

First, I asked him very directly if he would recuse himself if the ethics officials at the Justice Department said he should. He would not commit to doing this. Instead, he said he would make his own decision.

Second, I asked him if he would release the special counsel's full report on Russian influence in the 2016 election, with, of course, appropriate redactions that the intelligence services would require. His response was to say: "I'm for transparency." That is not good enough.

He is a good lawyer. Everyone knows when you can make an ironclad commitment or when you have words that seem good but don't make such a commitment. To say you are for transparency doesn't say very much. I asked for an unequivocal and public commitment to release the report. He would not give that assurance.

Finally, I asked Mr. Barr to commit that he would not interfere in any way with the special counsel's investigation, whether by denying subpoenas, limiting the scope of the investigation, or restricting funding. He referred to the special counsel regulations and said he wanted to see Mueller finish his

investigation. Again, that is not good enough—not with any President and certainly not with this one.

With this President, we need an Attorney General who can assure the Senate and the American public that he will stand up to a President who is dead set on protecting his political interests above all norms and rules of conduct. The President wants a Roy Cohn to be his Attorney General, but this moment calls for another Elliot Richardson.

The next Attorney General must be a public servant in the truest sense, with the integrity, the force of will, and the independence to navigate the Justice Department—and maybe our democracy—through treacherous waters.

Mr. Barr's attitude of "leave it to me" is not good enough—not for any nominee and certainly not for a nominee President Trump has chosen.

The authorship of the memo, followed by the inability to commit to release the report or let the investigation continue unimpeded—those are three strikes. Mr. Barr should be out. He does not recognize or appreciate the moment we are in. Again, his "leave it to me" attitude does not measure where we are with a President like this.

Now, I hope I am wrong. I hope Mr. Barr, who we know is likely to be confirmed—our Republican colleagues show none of the independence that is required—will rise to the occasion, but I remain unconvinced that Barr is prepared to meet this moment. So I will be voting, with strong conviction, no on this amendment. I hope Mr. Barr disproves my view, but his words make me very much worried that this will not happen.

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

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

Mr. BOOKER. Mr. President, I rise today to speak on the nomination of William Barr to be the next Attorney General of the United States of America.

Last Thursday, I voted against his nomination in the Senate Judiciary Committee, as did nine of my fellow Committee Members. I voted against his nomination because of some very serious concerns I have with his record on everything from criminal justice to environmental justice, to defending the economic rights of Americans, the rights of immigrants, LGBTQ rights, and women's rights.

I want to go through those concerns here on the floor today, but I also want to be clear that Mr. Barr has been nominated at a time of extraordinary challenge when it comes to defending rights in this country. This is a crisis.

We are in a moment in history when, after years of attacks on civil rights by this President and Attorney General Jeff Sessions, some of our most fundamental democratic principles—the rule of law, separation of powers, equal protection under the law—are hanging in the balance. We now face a full-blown crisis when it comes to rolling back the rights of Americans.

From community to community across the country, we see what it looks like when the Department of Justice fails to pursue justice for all Americans.

It looks like hate crimes in this country are on the rise for the third year in a row but a Department of Justice that rolls back protections for LGBTQ Americans instead of strengthening them.

It looks like more than one-third of all the LGBTQ youth in the country missing school because they feel unsafe but a DOJ that refuses to fight for them and protect them against State laws that target transgender students.

It looks like unchecked voter suppression of Black Americans in Georgia, Native Americans in North Dakota, and the voter ID and voter purge laws across the country that tried to target and suppress minority voters but a Justice Department that has stood by and failed to take on one single voting rights case during the last 2 years.

It looks like communities that are being poisoned by corporate polluters pushing their costs of doing business onto neighborhoods least able to defend themselves, making their land and air and water toxic but a DOJ that has made it easier for polluters to get settlement agreements while cutting its own enforcement capacity to hold those corporate polluters accountable.

It looks like corporate malfeasance continuing to target the most vulnerable while DOJ enforcement of corporate penalties drops by 90 percent during the first 2 years of the Trump administration.

It looks like doubling down on the failed war on drugs, which is known to be not a war on drugs but a war on the American people—disproportionately low-income Americans, disproportionately mentally ill Americans, disproportionately addicted Americans, and disproportionately Black and Brown people—which is exactly what Jeff Sessions did when he directed all Federal prosecutors to "charge and pursue the most serious, readily provable offense" and seek the highest penalties in nonviolent drug crimes.

It looks like unarmed Black men being killed by officers in their own homes and backyards, Americans of color being disproportionately stopped and arrested without adequate systems of accountability, but having a DOJ that limits the use of consent decrees that can prevent systemic abuses of power by law enforcement and can actually help to make law enforcement better, more accountable, more effective, rebuilding and repairing the trust

between law enforcement and communities necessary to create safe and strong communities.

Of course, it looks like children fleeing violence, being ripped from the arms of their parents, of their mothers at the southern border, 6-year-olds being thrown into cages, and an untold number of children who still have not been reunited with their families because of the DOJ's so-called zero-tolerance policy.

Right now we see a Justice Department whose leadership over the past 2 years has failed countless communities, from low-income Americans who are being victimized by large corporations with bad actors to individual Americans who are trying to have their basic, fundamental rights protected.

The Justice Department has failed the American people, and, most of all, it has failed to seek that ideal we all hold dear, which is equal justice under the law. That is why, at this moment in history, during this crisis of conscience, during this crisis of moral leadership, we need an Attorney General who grasps the urgency of the moment, who is aware of the impact of the Department of Justice on communities across this country, and who is willing and prepared to protect our most fundamental rights in every community for every American. That is the ideal of justice; that is the ideal of patriotism.

What is patriotism but love of country? You cannot love your country unless you love your fellow country men and women. What does love look like in public? Justice, justice, justice.

I appreciate that Mr. Barr took the time to sit down and meet with me. It was after the hearings; yet at my request, he finally agreed to come and meet with me. There was no staff in the room. It was an honorable gesture—a gesture of courtesy. We had a chance to have dialogue about his record, his experiences, his perspectives as well as mine. I appreciate that. It is a constructive first step.

I appreciate his willingness to listen to me and talk about his record of mass incarceration. I even appreciate his willingness to accept the book I gave him—I hope he reads it—titled “The New Jim Crow” by Michelle Alexander.

I continue to have concerns about Mr. Barr's ability and willingness to be the kind of Attorney General this country needs at this pivotal moment in American history. I am concerned because throughout his career, time and again, and during his confirmation process, Mr. Barr has demonstrated not only that he holds troubling views but also that he has an alarming lack of knowledge about the crises that make our justice system so broken right now, at a time when the United States continues to lead the globe, to lead the planet Earth and all of humanity in the sheer number of people we incarcerate.

One out of every four people incarcerated on the planet Earth is right here

in the United States, the land of the free. One out of every three incarcerated women on the planet Earth is right here in America, the land of the free. I say, again, that they are not the wealthy; they are not the privileged. As my friend Bryan Stevenson says: We have a nation that treats you better if you're rich and guilty than if you're poor and innocent.

Since 1980, our prison population in this country alone has grown on the Federal level by 800 percent. You can tell a lot about a nation by whom they incarcerate. In Russia they incarcerate political prisoners. In Turkey they incarcerate members of the media. In this country we incarcerate the poor. We incarcerate Americans with mental illnesses, Americans with disabilities, Americans who are survivors of sexual assault, Americans who are struggling with addiction, people who have faced harm and need help, who often in the system get hurt and experience retribution and not restorative justice. We have a nation where we are locking people up for doing things that two of the last three Presidents admitted to doing.

Mr. Barr has a record of actively pushing the policies that have led to mass incarceration, that have driven up our Nation's prison populations at a time when we need an Attorney General who is willing to follow the lead of this body, which passed criminal justice reform.

When Mr. Barr served as Attorney General during the first Bush administration, he literally wrote the book on mass incarceration. He commissioned a report titled “The Case for More Incarceration” and wrote the forward endorsing it. He is an architect of the criminal justice system that is so disproportionate—out of proportionality—that is ruthless, doing things that other countries, until this body acted, called torture, like juvenile solitary confinement.

At his hearing, Mr. Barr said he recognized that some things have changed over the last quarter century, but he failed to explain how his views on criminal justice have actually evolved. He was describing more of what he was seeing this body and others do, but he didn't talk about his own evolution. He didn't say: Hey, that was my perspective then, and it has changed now.

On the issue of implicit racial bias, I asked him if he acknowledged its well-documented existence in our criminal justice system. Implicit racial bias has been pointed out by both sides of the aisle in this body, by big city police chiefs and a former FBI Director. Time and again, it has been documented by university studies. It is actually in our Justice Department's policies to train people in implicit racial bias. This isn't something that is new. This is something we understand.

When asked about it, Mr. Barr said:

I have not studied the issue of implicit racial bias in our criminal justice system. . . . Therefore, I have not become sufficiently fa-

miliar with the issue to say whether such bias exists.

I find this incredibly alarming. There are widely documented instances of racial disparities throughout our criminal justice system from police stops to sentencing, to charges. Racial bias exists even in our school pipeline; with Black kids and White kids having committed the same infractions in school, African-American kids are more likely to be suspended for them.

There is no difference, for example, between Blacks and Whites in the United States of America for using drugs—no differences for Blacks, Whites, Latinos. We have a drug problem in America, and it is equally seen, regardless of race. Whites are more likely than Blacks, in many studies, to deal drugs. Yet, despite this, we live in a country where Blacks are about three times more likely to be arrested for using drugs and almost four times more likely to be arrested for selling drugs.

What does it do when you apply a justice system to certain communities and not to others? It has a multiplier effect of impact. It affects voting rights because States still eliminate the right to vote for nonviolent drug charges. It is called felony disenfranchisement. It affects economic opportunity because if you have one criminal conviction for doing the same things that past Presidents have admitted to doing and Members of this body have admitted to doing, then you can't get a job, you can't get business licenses. Doors are shut to you; opportunity is closed. When you have a justice system that disproportionately impacts certain Americans, those communities then face serious, serious consequences.

As a Villanova study shows, overall, we would have about 20 percent less poverty in America if our incarceration rates were the same as those of our industrial peers. Poverty is more inflicted on those communities of color when they are more likely to be arrested, charged, and convicted because of the existence of implicit racial bias.

But the nominee for the top law enforcement position in our country says he is not sure “whether such bias exists.”

This should be deeply troubling to all Americans because we believe in an ideal of equal justice under the law. This should be troubling to all Americans because we believe, as King said, “Injustice anywhere is a threat to justice everywhere.”

This should be deeply troubling to all Americans because there is a deep lack of faith that people have in our criminal justice system. They are losing faith that they will receive equal treatment.

When the justice system does not operate in good faith, it is hampered in doing its most sacred duty.

Right now there is a lack of belief that people will be treated fairly, a lack of belief that the system works

the way it is supposed to. Mr. Barr's response and his record show me that he will do nothing to address these legitimate concerns in communities all across this country. At a time when he could be a leader, a champion, a light of justice and hope for those who have lost hope, for those who have lost faith, for those who feel left out and left behind, he almost doubles down with a dangerous lack of knowledge about what we all know exists.

If confirmed, Mr. Barr would also be charged with implementing what this body collectively has done to start to reform, for the first time in American history, mass incarceration and increased sentencing.

For the first time since 1994's crime bill, we in this body, with wisdom and in a bipartisan way, have started to go back to more proportionate sentencing. Through the FIRST STEP Act, this body put more justice back into our justice system. It is the first step, but it is the first step in the right direction in decades in our country's history.

I am proud of what we did together. The bipartisan criminal justice reform that this body just passed into law, by an overwhelming vote, is incredible, but it is critical that the FIRST STEP Act be fully and fairly implemented by the Justice Department. Mr. Barr has not demonstrated his commitment to the law or to fixing any part of the broken criminal justice system I have outlined.

Then, of course, we have industries, from the private prison industry to phone companies charging exorbitant fees in prisons and jails, making a profit off of these injustices, making a profit off policies that penalize and criminalize low-income communities and communities of color and that target refugees of color.

What is happening in our country's criminal justice system today is a human rights crisis. Think about a justice system right now that has people sitting in prison for months before they even get a trial because they can't afford bail or a lawyer. We have a human rights crisis in this country.

We need an Attorney General who recognizes the problem and has a willingness to do something about it, not one who says they are not sure we even have a crisis. This is an extraordinarily challenging time in our history. This Nation was formed under ideals of justice and fairness and equality. It was formed at a time when we mutually pledged to each other—as it says in our Declaration of Independence—“our lives, our fortunes, and our sacred honor.” This is a country where we are all in this together. This is a country where our values and ideals have to be real for all and not just a select few.

After 2 years, we have seen the Justice Department's relentless attacks on basic fundamental rights by our President and Attorney General. We now need an Attorney General who will work to uphold the values that are most in danger. We need an Attorney

General who will fight for equal justice for all, not just the privileged few. We need an Attorney General who knows the difference between ensuring justice is done and does not automatically seek the harshest penalty in every case, with a blind eye to circumstances, or facts, or extenuating circumstances.

We need an Attorney General who will stand up for all of our children, LGBTQ rights, for voting rights, environmental justice, and a fairer justice system. We need an Attorney General who will refocus on the mission of the Department of Justice in seeking justice for every young person who is afraid to go to school because of prejudice and policies that discriminate. We need one who is seeking justice for every elderly man who lived through Jim Crow only to be blocked from exercising his voting rights because of racially targeted voter ID laws.

We need an Attorney General who is seeking justice for Americans who have become entrapped in our broken criminal justice system, whether it is a kid from a community like the one I live in who is being targeted by our ineffective drug laws or kids who have been picked up on the southern border and thrown into a privately run detention center.

We need an Attorney General who is seeking justice for communities whose soil, air, and water are being polluted by massive corporations and that feel no one will fight for them. We need an Attorney General who will live up to the purpose of the Justice Department. This is the call of our country. This is the leadership we need. This is the Attorney General we must insist on, one who will seek justice for everyone in every community from the gulf coast to the Great Lakes, from sea to shining sea.

Mr. Barr has not demonstrated that he understands the fierce urgency of this moment in our history and the imperative for the Attorney General to be deeply disturbed by injustice and to urgently seek justice. For this main reason, I will be voting against his nomination, but if confirmed, I will perform my constitutional duty and provide oversight and accountability. I will continue to work to ensure that our Justice Department lives up to its demands.

I hope this Attorney General, should he be confirmed, learns, sees the vulnerable, understands the challenges of the meek, and understands communities in crisis; that he gets to know people; that he reaches out and sits down with folks to learn and to develop a more courageous empathy, but I will not wait on that.

I will fight every day to make sure our Justice Department seeks justice. If Mr. Barr tries to double down on the failures of a broken criminal justice system, tries to roll back basic rights, or fails to protect voting rights and civil rights, I will fight against his efforts at every step. I will fight for jus-

tice that doesn't just take the side of the powerful few but seeks justice for all Americans. That is our obligation—all of us. Whether you sit in this body or you sit in communities across this country, we have gotten to where we are because we all sought justice. Even if it didn't affect our families directly, we knew the call of our country must be about all of us understanding that injustice for one is an injustice for all.

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. BLUMENTHAL. 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. BLUMENTHAL. Mr. President, in just a matter of hours, we are expected to vote on the nomination of William Barr to be Attorney General of the United States. This office is one of paramount importance to the people of this country, and as a former U.S. attorney, the chief Federal prosecutor in Connecticut, I have deep respect—indeed, reverence—for this office and the legal authority it commands and the moral powers it embodies.

So the stakes of this nomination, especially at this point in our history, could not be higher.

I believe William Barr should not be confirmed, and it has more to do with the role of the Attorney General of the United States than with his specific positions or policies on issues where we may disagree.

I do disagree with William Barr on positions he has taken on civil rights, women's healthcare, reproductive rights, and the powers of the Presidency.

At this moment in time, at this hour of our history, an imperial Presidency, such as envisioned by many of the doctrines that William Barr has espoused, in my view, would be an absolute catastrophe. Giving the President the power, in effect, to override statutes or refuse to enforce them or disregard Supreme Court precedent, especially with this President, would be a recipe for disaster.

An imperial Presidency at any point in our history is unwise. At this moment in our history, it would be catastrophic. That view of a unitary Executive and all that comes with it is one of the reasons I would have reservations about this nominee, but for me, the transcendent issue—as it was with Jeff Sessions, our former colleague—is whether this nominee will be the people's lawyer or the President's lawyer. Will he put first the interests of the American people or of President Donald Trump? Will he have foremost in mind the public interests or the personal interests of the President who appointed him?

Unfortunately, I am left with deep concerns, doubts, and questions that

are disqualifying. The best example is his position on the release and disclosure of the special counsel's report. There were doubts—and there continue to be—among some of my colleagues about whether he will, in fact, allow the special counsel to do his job. He said that he would resist firing the special counsel and that he would allow Robert Mueller to finish his investigation, but he was pretty careful to avoid specifically committing that he would permit subpoenas to be issued, indictments to be brought, resources to be provided, and other essential factors that go into the effectiveness of the special counsel.

Even giving him the benefit of the doubt on those issues, there remains his refusal to commit that he will provide the evidence and findings of the special counsel directly to Congress and directly to the American people. For me, that refusal to commit is one of the factors that are disqualifying.

The American people want transparency for the special counsel, as they do in their government generally. Just yesterday, the Washington Post released a poll indicating that 81 percent of Americans believe the Mueller report should be released. That number includes 79 percent of Republicans. The simple, stark fact is, the public has a right to know. The American people paid for the special counsel's report. They deserve to know everything that is in it, and they deserve not only the conclusion but also the findings of fact and his prosecutorial decisions and the underlying evidence that he considered in making those decisions. The clear specter arises that he will choose to bring no indictment against the President or other officials and that there will be no disclosure of the report, which would be tantamount to a cover-up. What we may be watching is the Saturday Night Massacre in slow motion.

The reason this issue is of such paramount importance to this nomination relates to the obligation that the Attorney General has to promote transparency. In his responses to me, he said he would follow all the rules and regulations without delving into all the words and technical issues relating to those rules and regulations. The simple fact is, they provide near complete discretion to the Attorney General.

The American public has a right to see the Mueller report, not the Barr report. We have a right to see not what William Barr in his discretion permits us to know but, in fact, what the findings and evidence are—the Mueller report, not the Barr report. My fear is that despite his very vague references to wanting transparency, his refusal to commit to making that report public reveals his state of mind: that he will abridge, edit, conceal, redact parts of the report that may be embarrassing to the President. In effect, he will act as the President's lawyer, not as the people's lawyer.

During a hearing, I asked William Barr point blank, if he were presented

with evidence beyond a reasonable doubt that the President committed a crime, would he approve an indictment. He declined to answer the question directly or clearly. He pointed to two Office of Legal Counsel opinions saying that a sitting President cannot be indicted. I asked what he thought, not what the OLC thought. Would he permit an indictment against a President if presented with incontrovertible evidence of criminal wrongdoing? And he said he saw no reason to change the policy embodied in those OLC memos. The assumption is wildly held that Robert Mueller will follow those OLC memos, and William Barr confirmed those assumptions.

There is also Department of Justice policy that prosecutors do not speak publicly about people they are investigating but are not prepared to indict. I followed those policies as U.S. attorney. I know them well. In the normal case, they are fully applicable, but these two policies taken in combination lead to a truly frightening outcome: If the President cannot be indicted but has committed crimes, the American people may never know. That is, in effect, tantamount to a coverup. The American people may never know about that proof beyond a reasonable doubt. They may never see those findings in evidence. They may never have the benefit of the full report. Even though it may leak in dribs and drabs, in parts, they will never have the full and complete picture.

That is why I believe so strongly in the legislation that Senator GRASSLEY and I have offered to require transparency. It is called the Special Counsel Transparency Act. It would require that there be a report. If the special counsel is transferred or fired or if he resigns or at any point completes his investigation, there would be a report, and it would be required that that report be provided to the American people. It would be mandatory, not discretionary.

I believe this issue is a transcendent one in this era—the public's right to know the truth about the 2016 election and the President's responsibility for any obstruction of justice or any collusion with the Russians. Again, it is about the public's right to know and about the Attorney General's responsibility for enabling the public's right to know. His answers were evasive and deeply troubling, and instead of providing straightforward and forthcoming answers, he was, in effect, evading and avoiding the question.

In addition to the special counsel's investigation, there are at least two U.S. Attorney's Offices—the Southern District of New York and the Eastern District of Virginia—that have concurrent investigations into Trump campaign activities during this same period of time and beyond. In the Southern District of New York, the President has been essentially named as an unindicted coconspirator. He is individual No. 1, an unindicted cocon-

spirator. That is a distinction he shares with only one other President—Richard Nixon.

The unencumbered continuation of these investigations is of vital public interest. That is why I asked Mr. Barr whether he would impose any restrictions on these prosecutors. Again his answer was evasive and deeply troubling. Instead of issuing a simple no, he stated that the Attorney General has the responsibility and discretion to supervise U.S. attorneys, and he declined to say that he would defer to them. He declined in the hearing, and he did again in our private meeting. That answer gives me no confidence that, if confirmed, William Barr will avoid interfering in the investigations now underway in those two additional jurisdictions, where, in fact, they may pose an even more dire danger that his culpability will be revealed and perhaps prosecuted. It should not give the public any greater degree of confidence either.

On other issues—the emoluments clause, for example. When I asked him, he said: I haven't even looked up the word "emolument." That is a direct quote. There are a number of very high-profile cases against the President involving the emoluments clause of the U.S. Constitution because the President has been violating it. The chief anti-corruption provision in Federal law is the emoluments clause. Litigation is underway. Decisions have been rendered in the district courts in favor of the standing of 200 of us Members of Congress who have challenged the President's lawbreaking. I am proud that that case—*Blumenthal v. Trump*; *Blumenthal and Nadler v. Trump*—is proceeding. William Barr has a responsibility to know about that case and to say whether he would recuse himself from it since he was appointed by the defendant in that case, and if not, what justification there can be for continuing to make decisions about it.

Again, William Barr is a distinguished attorney. He has a strong background and qualifications. He served in this position before. He has very impressive credentials. He and I differ on issues of policy, but the main question relates to disclosure and transparency, to fidelity and priority, to the American people's interests—putting them unquestionably above the President's. Because I have such deep reservations and concerns about his determination to do so, I will oppose him as Attorney General, and I urge my colleagues to do the same.

I yield the floor.

THE PRESIDING OFFICER (Mrs. BLACKBURN). The Senator from West Virginia.

Mr. MANCHIN. Madam President, I ask unanimous consent to enter into a colloquy with the Senators from Ohio, West Virginia, Virginia, and Pennsylvania.

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

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Mr. MANCHIN. Madam President, once again, I stand here on behalf of our hard-working and patriotic coal miners. We have been here before, and we are going to stay here until we get the job done.

Right now, retired coal miners' healthcare, pensions, and black lung benefits are on the chopping block again, and, once again, there are 1,200 new coal miners and dependents who will lose their healthcare coverage due to coal company bankruptcies. This could happen later this month if the court, as expected, allows Westmoreland to shed their Coal Act liabilities.

This has happened time after time because of the bankruptcy laws—the inadequate bankruptcy laws—to protect the hard-working men and women who do all the work.

At the end of last year, Westmoreland indicated they would provide 8 months of healthcare funding to the UMWA, but there was a condition. It was dependent upon the sale of certain mines for which they have received no qualified bids, according to documents filed in court.

Our broken bankruptcy laws are about to let another coal company shirk their responsibilities and get out of paying for healthcare and pensions the coal miners have earned and deserved. They have worked for this. They have negotiated. They are not asking for a handout. They are asking to get what they paid for, what they negotiated for, and what they didn't take home to their families.

We have to keep our promise that was signed into law in the Krug-Lewis agreement. This goes back to 1946—1946. It is the only one of its kind. The agreement makes sure we protect our patriotic coal miners' healthcare and pensions.

We have the chance today to pass my bill that was cosponsored with my colleagues, the American Miners Act, that will ensure that none of these coal miners or their beneficiaries would lose their healthcare, pensions, or black lung benefits.

The American Miners Act uses the same funding mechanism that the Miners Protection Act did to protect retired miners' healthcare. It is the same funding mechanism Congress has used time and again to protect our miners' hard-earned healthcare after our bankruptcy courts have ripped them away. This is not going to be a drain on the Treasury. It does not cost the taxpayers money. We have pay-fors, and this will be taken care of, as we have taken care of our healthcare benefits.

I am asking you to keep the promise just the way we did when we passed the Miners Protection Act and saved the healthcare for 22,600 miners. We need to finish this job. Save the healthcare of these miners suffering from new bankruptcies, protect the pensions of 87,000 miners nationwide, and do it by passing the American Miners Act, which would also ensure the future of

the Black Lung Trust Fund, a lifeline for the growing number of miners with black lung.

I don't know if you all understand the background or if you have heard about what happened, but with the passage of the bills we are working on, it cuts the black lung fund from \$1.10 down to 50 cents. You would think that if you were reducing it, we had found a cure, and there is less need for the money to save our coal miners and to heal them. That is contrary to what is happening. If anything, it is exacerbating, and it is growing quicker, faster, and younger people are getting this horrible disease more than ever before.

What we are asking for—my colleagues on both sides of the aisle—is to join us here today to demonstrate our commitment to our promise. That is all it is.

I am asking the President of the United States, President Trump, please join in, Mr. President. I know you know the miners. I know you have spoken eloquently about the miners and your support for the miners. This is one way to truly support the miners, to make sure they get what they worked for and what they have earned—what they worked for and what they have earned. We have it paid for. It does not add one penny to the Nation's debt. Everything is ready to go. Please call Senator MCCONNELL and tell him to put this on the agenda. You put it on the agenda, Mr. President, and you have Senator MCCONNELL put in the amendment—a Senator from Kentucky who has an awful lot of coal miners in his State also. I will assure you we will get it passed, and we will do the job we should have done a long time ago for the people and families who have given everything they have, who have patriotically committed themselves to the energy this country has needed, and who have defended this country every step of the way.

With that, I yield to my friend from Ohio, Senator BROWN.

Mr. BROWN. Madam President, I say thank you to Senator MANCHIN. We are joined by Senator CAPITO, Senator WARREN, and I know, in spirit, a number of others. I think Senator CASEY will be here in a few minutes. I join them to remind this body—it is a constant reminder—that more than 86,000 miners—86,000 miners—are on the verge of facing massive cuts to the pensions and healthcare they earned.

This body doesn't always remember what collective bargaining is all about. Collective bargaining is when union members sit down and give up wages today to have something for the future, to have healthcare and to have retirement in the future.

Of those 86,000 miners, 1,200 miners and their families could lose their healthcare this month because of the Westmoreland and Mission Coal bankruptcies. The bankruptcy courts could allow these corporations to “shed their liabilities,” which is a fancy way of saying walk away from paying miners

the pensions and the healthcare benefits they absolutely earned.

Senator MANCHIN is working to fix this. I thank him for his efforts, and I thank others in this body. We know the mine workers aren't alone. The retirement security of hundreds of thousands of teamsters, ironworkers, carpenters, bakery workers, and so many other retirees is at risk.

We know this affects, in my State alone, 250 businesses, mostly small construction and transportation companies, 60,000 workers in my State alone, and the health of communities. Mine worker communities are especially hurt by this because so many of them live in the same community—local stores and local businesses.

As we know, Congress pretty much tried to ignore these workers and these retirees. Senator MANCHIN and I saw that day after day and week after week, but they fought back. We saw workers rally. They rallied in very hot weather on the Capitol lawn, and they rallied in very cold weather on the Capitol lawn. They rallied. They called. They wrote letters. We have seen those camo UMWA T-shirts around the Capitol. Many of them are veterans. They fought for their country. We owe it to them to fight for them.

We made progress on the bipartisan Pensions Committee that Senator MANCHIN and I sat on. Thanks to Senator PORTMAN, also from my State, and members of both parties who put in months of good work in good faith on this.

I am committed to these miners and workers. We will not give up. That is why I brought Rita Lewis as my guest to the State of the Union Address down the hall last week. Rita Lewis is the widow of Butch Lewis, the teamster who died from a heart attack a couple of years ago, in large part, we think—she thinks, his family thinks brought on by the pressure of fighting for his union, his Teamsters 100—1 million members around the country.

It is about the dignity of work. When work has dignity, we honor the retirement security people have earned.

As I said, people in this town don't always understand the collective bargaining process. People give up money today to earn those pensions. If you love your country, you fight for people who make it work, people like these mineworkers.

Mr. MANCHIN. Madam President, I want to mention one more thing and then I will turn it over to my colleague, my friend from West Virginia, Senator CAPITO.

The reason this is so urgent, our miners' pensions are in dire need. It goes first. They come to insolvency by 2022. What happens is we are one bankruptcy away—one bankruptcy from one coal company—of this thing tumbling down in 2019. When it starts tumbling, then you have the Central States that will come right behind it, the PBGC becomes insolvent, and then we have serious problems. That is why we are