

there is no reason why Congress shouldn't be able to reach an agreement. The steady drip of information from congressional leaders is encouraging, but progress doesn't pay the bills.

Enough time has been wasted this year on partisanship and political posturing. We have reached a make-it-or-break-it moment, and there is no room for inaction. The American people are looking to us to protect their health and their livelihoods, and we cannot let them down.

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. LEAHY. 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 President, I ask unanimous consent that the order for the quorum call be rescinded.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. LEAHY. Mr. President, I am going to be speaking just a few minutes on another matter, and I believe I will have time at 1 o'clock.

With nobody else seeking the floor at the moment, I would just add to what the distinguished Senator from Texas just said. I discussed this with him off the floor after he spoke.

There is a concern about what might be in the omnibus bill and in the COVID bill, and here on a Saturday and tomorrow, Sunday, or whatever, we are finished, and we are rushing it through. I would remind everybody that we were ready to bring up the appropriations bills that make up the omnibus in July. The House of Representatives had sent over—in June, it sent over their COVID bill. We could have brought it up then. We could have started having a series of votes. It might have taken us 2 or 3 weeks to have votes every day on different parts of their proposal—Democrats' proposals, Republicans' proposals, the Appropriations' proposals—and vote them up or down. I had urged that.

Republicans have the majority in the U.S. Senate. If they didn't like proposals the Democrats had, they could vote them down. But instead they seemed almost terrified to vote.

Ah, but there was a reason. We would have had to take 2 or 3 weeks to vote all of this up or down, but we had to take, instead, the time to put through lifetime judgeships of people who have been recommended by special interest groups. That is beneath the U.S. Senate.

But, unfortunately, while these people got lifetime jobs with high pay, hundreds of thousands and millions of Americans have lost their jobs, have lost their places to live, are unable to educate their children, and hundreds of thousands have lost their lives. This is not the U.S. Senate's finest hour.

We should have been doing our job and voting these things up or down. I know some may be afraid of what they had to vote, but so what? I have cast

over 16,000 votes. Not all of them were easy, but I never thought there was any question about whether I would vote.

(Mrs. HYDE-SMITH assumed the Chair.)

#### DEPARTMENT OF JUSTICE

Now, Madam President, the hour of 1 o'clock has arrived. I will claim my time, and I am going to speak about the Department of Justice and the Office of the Attorney General.

William Barr's second tenure as Attorney General is coming to an end. At this time, it is important for the Senate to reflect upon his legacy and upon the challenges now facing the Department of Justice.

As we all know, the Office of Attorney General fills a unique role within our system of government. It was created by the Judiciary Act of 1789, and in its creation, it was obvious the Attorney General is not a traditional member of the President's Cabinet.

Supreme Court Justice James Iredell observed in 1792 that the position "is not called the Attorney General of the President, but Attorney General of the United States." This is because an Attorney General's client is not the President; the Attorney General's client is the American people—all of us, all of us.

An Attorney General's duty is not to defend the President but to uphold the rule of law and do so with integrity and independence.

Now, we know that President Trump has a very different view. He views the Office of Attorney General as an extension of his political power to be wielded like a weapon to further his agenda. He believes it exists to benefit him personally, to target his opponents, and to protect him and his friends. His view stands in stark contrast to everything the Attorney General is supposed to represent.

It came as no surprise, then, that during his nomination hearing, Mr. Barr was questioned about which type of Attorney General he would be—the President's lawyer or an impartial pursuer of justice.

Mr. Barr was adamant in that hearing that while he may sympathize with the President's policy choices, his role as a policy advisor would be distinct from that of the Nation's chief law enforcement officer. If confirmed, he assured all of us, his job would not be to protect the President.

Thirty years ago, I voted for Mr. Barr to serve as Attorney General to then-President George H. W. Bush. I had my disagreements with him at that time—in fact, several. But I voted for him.

When I heard in late 2018 that President Trump intended to nominate him for a second tenure as Attorney General, frankly, I was hopeful. After the short, yet disastrous, tenure of a totally unqualified Acting Attorney General who eagerly bent to the will of President Trump, I was hopeful that Mr. Barr would restore some independence to the office.

But after careful consideration and listening to his testimony at his nomination hearing, I voted no on his confirmation.

Mr. Barr has long-held, expansive views of Executive power. And prior to his nomination—he shared those views with the President in a bizarre, 19-page memorandum, making the case that a President can obstruct a criminal investigation with near impunity. It was clear to me that Mr. Barr's views would be weaponized by President Trump—a man who derides any limits on his authority. The President, I said at that time, needs a much tighter leash.

By any measure, the last 2 years have been worse than I feared. Time and again, Attorney General Barr has acted in the best interests of Donald Trump, not in the best interests of the country. He has intervened and he has overruled career prosecutors only in cases to benefit the President and his friends. He has departed from Department norms. He has misrepresented the Department's work. He has eroded public trust in the Department as a result. I will speak to just a handful of examples.

In late 2019, a jury, with overwhelming evidence, convicted former Trump campaign adviser Roger Stone for obstructing a bipartisan congressional investigation and lying under oath and witness tampering. The evidence was overwhelming. The jury convicted him. So, consistent with sentencing guidelines that apply to everybody, prosecutors recommended a 7- to 9-year sentence.

President Trump immediately took to Twitter to criticize the prosecution, and just hours later—after he had tweeted his objections—Attorney General Barr intervened. He overruled the prosecutors. He disregarded the sentencing guidelines that are supposed to apply to anybody.

What happened next reminded me of something Judge Michael Mukasey said when he testified in support of Mr. Barr at his confirmation hearing. Judge Mukasey said if Mr. Barr ever failed to serve with independence, he would "find a mound of resignations on his desk." Well, in this instance, all four career prosecutors withdrew from the case. In fact, two resigned from the Justice Department altogether. And at sentencing, Judge Amy Berman Jackson took the rare step of defending both the career prosecutors and their sentencing recommendation. She stated that it was "true to the record" and "in accordance with law and [Department of Justice] policy."

Attorney General Barr's intervention left me with just one question: Could anyone, other than the President's close friend—a man who, according to Judge Jackson, broke the law and "was prosecuted for covering up for the President"—receive such leniency from the Attorney General? I think the answer is pretty obvious. If you are a

friend of the President, the Attorney General is going to try to cover for you.

Then there is former National Security Advisor Michael Flynn. The Attorney General's intervention in the Flynn case went a step further. Despite the fact that Flynn had twice pled guilty—pled guilty—to lying to the FBI, Mr. Barr's Justice Department moved to dismiss the case altogether, prompting the lead prosecutors to withdraw.

The sentencing judge, Emmet Sullivan, ordered a review of the motion to drop the charges. He appointed a former Federal judge, John Gleeson, to serve as an amicus curiae. Well, Judge Gleeson didn't mince words. He advised the court that Mr. Barr's grounds for seeking dismissal were "conclusively disproven" and amounted to an "unconvincing effort to disguise as legitimate a decision to dismiss that is based solely on the fact that Flynn is a political ally of President Trump." Not long afterward, President Trump fully pardoned Mr. Flynn from his conviction of the crime of lying.

Now, many of Attorney General Barr's departures from Department norms originated with his now-infamous handling of the special counsel's report on Russian interference. The Mueller report amounted to a 448-page presentment of misconduct that reached the highest levels of the Trump campaign and administration. But the Attorney General's summary of the report—in fact, the only information he allowed the public to seek for weeks—left Americans with the opposite impression: The report effectively exonerated the President, even though it did not.

Special Counsel Mueller wrote to the Attorney General at the time, concerned that the Attorney General failed to capture his conclusion and created confusion that undermined public confidence in the investigation.

Indeed, that appears to have been the Attorney General's intent, and many others agreed. Federal Judge Reggie Walton wrote that the inconsistencies between his statements and the report "cause the Court to seriously question whether Attorney General Barr made a calculated attempt to influence public discourse about the Mueller Report in favor of President Trump despite certain findings in the redacted version of the Mueller Report to the contrary." This remarkable statement from a sitting Federal judge about a sitting Attorney General is about as damning as it gets.

Soon after, the Attorney General began falsely claiming that the investigation was started "without any basis" and was politically motivated. That is despite the fact that an exhaustive inspector general's report refuted both of his claims.

The Attorney General was not content with simply mischaracterizing the Russia investigation. He launched counterinvestigations into the Justice

Department's own investigators. He personally traveled to Italy in a desperate attempt to dig up exculpatory evidence. Ignoring Department policies, he regularly commented on the ongoing investigation led by U.S. Attorney John Durham. And documents from the Durham investigation were even shared with the White House, according to the President's Chief of Staff. Then Durham's top aide abruptly resigned, reportedly due to pressure to release their findings before the election. In other words, they just broke all procedures because they wanted to help Donald Trump.

On top of that, the Attorney General did all this while he was ignoring a subpoena from the House of Representatives to obtain an unredacted copy of the Mueller report.

In fact, Attorney General Barr has evaded transparency. He has impeded once-standard congressional oversight, no matter the topic. He refused to testify before the House. He was held in contempt for refusing to respond to House subpoenas related to the administration's pretextual justification for adding a citizenship question to the census. He supported efforts to cover up President Trump's Ukraine scandal, for which the President was impeached. He supported the unprecedented purging of multiple independent inspectors general, and he rebuffed congressional oversight at every turn.

Now, this may not bother some of my friends on the other side of the aisle now, but the political winds have already shifted, and it harms all of us when congressional prerogatives are so blatantly disregarded.

While Attorney General Barr has defended President Trump at seemingly every turn, he went a step further in September by attempting to literally defend the President's personal interests. The Attorney General moved to intervene and dismiss a civil defamation case that alleged that President Trump lied about a decades-old sexual assault. A Federal court flatly rejected the attempt.

Attorney General Barr's interventions on behalf of the President extended beyond legal issues to PR issues as well. At the height of a national reckoning on issues of racial injustice, the White House stated it was the Attorney General who ordered the clearing of peaceful protesters in Lafayette Square. Barr denied he gave the order, but he did not deny that he encouraged it. Peaceful protesters were cleared with rubber bullets and tear gas so that the President could stage a photo op in front of St. John's Church. It was a grotesque display of unnecessary force.

Most recently, the Attorney General's obedience to the President resulted in him falsely claiming that mail-in ballots, which have been used since the Civil War and relied upon by millions of Americans during this pandemic, "opened the floodgates" to widespread fraud.

Voting experts described his claims as farcical. In echoing the President's

conspiracy theories, the Attorney General revealed how little he knew about basic election laws and the safeguards in place. His apparent intent was not to inform the public but to sow doubt among the public in the integrity of their vote.

Attorney General Barr then rewrote the Department's policy on election-related investigations, prompting the head of the Department's election crimes branch to resign his post in protest.

For each of these actions, Attorney General Barr was publicly badgered by President Trump to act—publicly badgered by President Trump to act. Now, it may be that Attorney General Barr believes he withstood the pressure. There may be some lines he declined to cross, such as fabricating evidence of widespread voter fraud, but we can never excuse all the lines he did cross.

Critically, when a President pressures an Attorney General to serve their personal interests, it is all the more incumbent on the Nation's top law enforcement officer to avoid any appearance of impropriety and refuse the request—not to meet him halfway.

Now, it brings me no joy to say this. I have known Attorney General Barr for a long time, but he has failed in his duty to impartially and equally uphold the rule of law. The Attorney General represents the United States and all of its 330 million Americans. Too often, the Attorney General felt he was going to only represent the interests of just one person.

By serving as a yes-man when the law and the country and the Department needed him to say no, Attorney General Barr has damaged the hallowed office that he has temporarily occupied.

Now the hard work to repair the damage has to begin. In November, the country voted, the American people voted, to take the country in a different direction.

I served alongside President-Elect Biden for decades in the Senate and on the Judiciary Committee. He understands the unique role of the Justice Department. I am convinced that President-Elect Biden would never rely on the Justice Department to do his personal bidding the way President Trump has. No matter whom the President-elect chooses as the next Attorney General, I have no doubt that he or she will operate with the utmost integrity, guided by the law and the facts.

So as we begin to close the book on this dark chapter in our Nation's history, with a pandemic that has left more than 310,000 Americans dead, with the outgoing President's relentless attacks on the foundations of our democracy, I am hopeful that brighter days are ahead. I am confident we will again have government leaders focused on following the evidence and adhering to the rule of law, pursuing equal justice, and acting in the best interests of the Nation—all of us, not just of one person.

The thousands of hard-working, dedicated men and women of the Justice Department deserve at least this much, as do all Americans. Indeed, the founding principles and traditions of the 230-year-old Office of the Attorney General demand nothing less.

If there is nobody else seeking the floor right at the moment, let me just mention a personal observation. As a young law student at Georgetown, I was invited, along with three or four other law students from different leading law schools, to meet with the then-Attorney General. We were probably diverse in our opinions, but we were asked to be there because of our academic standing in our classes.

I remember sitting there with the Attorney General like it was yesterday. He talked about the meaning of the Department of Justice and how we have to represent the whole country, how it has to stand for the law.

One of us—and it may have been the young law student from Vermont—asked the question: What if you had somebody who had broken the law but they were close to the President? What would you do?

He said: If they had broken the law, we would prosecute them. He said: I might not be welcome at family gatherings for a while thereafter. He said that because that Attorney General was Robert Kennedy. His brother was the President. And actually that happened—a man very close and important to his brother's election as President. The matter was brought to Attorney General Kennedy, recommending his prosecution, and of course he was prosecuted. That is what an Attorney General should be.

I declined his offer to join the Department of Justice because my wife, myself, and I wanted to go back home to Vermont, and I thought probably I would never be involved with law enforcement after that.

A few years later, I was with the State's attorney of a county that had about a quarter of our population, and I was quickly faced with prosecuting leading Democrats and leading Republicans in our State.

I remembered what Attorney General Kennedy said. A prosecutor has to represent everybody. A prosecutor has to uphold the law. And I prosecuted those people. I have never regretted that.

I have always been supportive of Attorneys General who uphold the law—uphold the law because they are there to represent all Americans.

As long as I am in the Senate, I will always speak out when an Attorney General does not do the job they are supposed to do and when the Attorney General does not apply the law equally and fairly to all people—applying the law, not politics.

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

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

#### PENSIONS

Mr. BROWN. Madam President, another Congress is ending, a President's term is coming to a close, and, yet again, this Senate, the President, Washington have failed to address the pension crisis facing far too many workers.

The American people are tired of waiting for us to do our jobs, and they are tired of being told by Leader McConnell and President Trump: You are on your own.

The House has twice passed legislation that would address the multiemployer pension crisis, but under Leader McConnell the Senate has failed these Americans. As for the White House, I don't even think President Trump knows, much less cares, about the multiemployer pension crisis.

We ought to be working to support all the workers and retirees around the country whose lives have been upended during this pandemic, and that should include more than a million Americans in multiemployer pension system. After a lifetime of hard work and service to our country, they have already waited too long for Congress to do its job and to protect the benefits that these workers earned through a lifetime of work.

We have been trying to solve this crisis for years. The House has done its part. They passed the solution multiple times now. MITCH McCONNELL, the leader of the Senate, is deliberately blocking it, and his party and his Members and the President support him in blocking it.

Senate Republicans said this week that after a year of negotiating and talking to stakeholders, they made substantial progress toward a common ground, but then they released legislation that walked back all the progress that we had made. It is a betrayal of the people whom we serve.

This pension crisis affects retirees across the country of all political parties. Unions, chambers of commerce, and small businesses pretty much all agree that we need to get this done. Unfortunately, MITCH McCONNELL doesn't.

There is no excuse for Senate Republicans standing in the way of a deal. This only gets more expensive the longer we wait. The longer we wait, the harder it will be to solve this. We waited year after year after year while Senator McConnell has simply twiddled his thumbs.

The public health crisis and the economic crisis we are facing right now are not happening in a vacuum. The damage caused by the pandemic and the President's failures is layered on top of all the existing problems in our country, including the crisis facing these workers and retirees who are in danger of losing the retirement secu-

rity that they earned. I always emphasize "that they earned."

These pension plans were already in danger. Now the economic emergency we are in has put them in a worse position. We are talking about retirees who did everything right. They spent years working on assembly lines, bagging groceries, driving trucks, working construction—working hard to keep our economy going. Money came out of every single one of their paychecks to earn these pensions.

People in this town don't understand the collective bargaining process. People give up dollars today at the bargaining table for the promise of a secure retirement with good healthcare and a pension. Think about that. These workers are sitting around a table with their representatives, bargaining, collectively bargaining with management, saying: OK, we will take a smaller salary. We will take a smaller hourly wage today so that money will go into pensions and healthcare.

Yet because this Senate won't act, because Senator McConnell never calls us together to do this—to take care of workers—these workers are losing parts of their pension.

This crisis in my State affects thousands of people. It affects the massive Central States Pension Plan, the Bricklayers Local 7, the Iron Workers Local 17, the Ohio Southwest Carpenters Pension Plan, the Bakers and Confectioners Pension Plan, and on and on and on and on.

It touches every single State from Mississippi to Ohio, from Massachusetts to California—every State in this country. We are talking about our entire multiemployer pension system. If it collapses, it won't just be retirees who will feel the pain. Current workers will be stuck paying into pensions they will never receive.

Small businesses will be left drowning in pension liabilities they can't afford to pay—small businesses that have been in the family for generations. And there are a number of them in Ohio, businesses that people in this body will have heard of that make products they use. Small businesses and family businesses could face bankruptcy. Workers will lose jobs as businesses are forced to close up shop.

The effects will ripple across the entire country at a time when we can least afford it. We knew before the pandemic that this system could collapse. It is more likely to fail now. That is why the Senate must act.

We know who will get hurt the most if the system collapses. It is not Wall Street. It is never Wall Street when it comes to Senator McConnell. It is never Wall Street that gets hurt. It is small businesses. It is their employees. It is the people who make this country work. Their lives, their livelihoods will be devastated if Congress fails again.

Workers and retirees in Ohio and around the country have rallied in the name of Butch Lewis, a great Ohioan who helped lead this fight, who passed