

penalty in the Dylann Roof case because it met the requirements under the law, despite her personal feelings. That was not the case. Contemporaneous reporting by the Washington Post in 2016 noted that Attorney General Loretta Lynch approved prosecutors seeking the death penalty for Dylann Roof “over the objections of some advising her, including . . . Vanita Gupta, the head of the Justice Department’s civil rights division.”

What Ms. Gupta said was that the “prosecution and conviction” of Dylann Roof, including the application of the death penalty, “happened under [her] watch.” She misled Senators by neglecting to say that it also happened over her objection.

When asked about these contradictions in written questions, Ms. Gupta found a new way to avoid answering: She said it “would not be appropriate . . . to discuss” what she did at the Department of Justice, either on the Dylann Roof case “or on any other matter [she] worked on during [her] prior government experience.”

Further, there remain significant questions about Ms. Gupta’s temperament, about which she refuses to answer even simple questions. During her hearing, multiple members of this Committee asked her about her harsh rhetoric and her attacks on the character and integrity of sitting federal judges and members of the Senate. In response, she told the Committee that she “regrets” her rhetoric. Yet, in responses to written questions after the hearing, Ms. Gupta repeatedly and notably refused to renounce her previous attacks, such as her prior assertions that four different jurists on the Supreme Court are liars, extremists, “dangerous,” or “opposed to civil and human rights.” Instead, in response to written questions from multiple members about her attacks on senators or the federal judiciary, Ms. Gupta chose to copy-and-paste more than 40 times a generalized statement that she has either “tremendous respect” or “im-mense respect” for judges or for members of the United States Senate.

Our call for a second hearing is not due to Ms. Gupta’s substantive views—either her longstanding views or her new ones claimed only since her nomination. It’s about her lack of candor with the Committee. If her answers at the hearing were misleading about her record, and in written questions she shifted her answers again or refused to answer at all, the Senate Judiciary Committee cannot perform its role to consider her nomination.

The position of Associate Attorney General is the third-ranking position in the Department of Justice. The Associate Attorney General oversees, among other things, the civil litigation and enforcement apparatus of the United States. It is critical that the Associate Attorney General be someone who can be trusted to tell the truth. Further, the Senate must be able to trust that the testimony of public officials under oath will be truthful and complete.

Unfortunately, this is not the case with Ms. Gupta, and the Committee should immediately schedule a second hearing.

Sincerely,

Chuck Grassley, Ranking Member, Committee on the Judiciary; John Cornyn, U.S. Senator; Ted Cruz, U.S. Senator; Josh Hawley, U.S. Senator; John Kennedy, U.S. Senator; Marsha Blackburn, U.S. Senator; Lindsey O. Graham, U.S. Senator; Michael S. Lee, U.S. Senator; Ben Sasse, U.S. Senator; Tom Cotton, U.S. Senator; Thom Tillis, U.S. Senator.

Mr. COTTON. Finally, Mr. President, I have to observe something independent of Ms. Gupta herself. The dis-

charge petition filed today requires that there has been a valid, tied vote in committee. That is the rule we all agreed to in the beginning of this Congress. Yet Ms. Gupta still has not received a valid vote in the committee. In fact, during the markup of her nomination, just minutes into my 15-minute remarks, the chairman of the committee cut off my remarks midsentence and called for a vote, in violation of committee rules. I guess somehow allowing members to finish their statements, which are guaranteed under the committees rules, had somehow become inconvenient for the scheduling preferences of our Democratic colleagues, or perhaps the committee’s meeting had been mismanaged and they were worried about the 2-hour rule. It wasn’t just me. My remarks were interrupted. At least one Republican Senator didn’t have an opportunity to speak at all. The Democrats simply broke the rules and voted out Ms. Gupta’s nomination—not in accordance with Judiciary Committee rules.

There must be consequences when the Democrats break the rules. Here is what the consequences are going to be in this case. I will refuse consent or time agreements for the nomination of any U.S. attorney from any State represented by a Democrat on the Judiciary Committee. What we need to have is a valid vote in committee in accordance with the committee rules, not ramming through this nomination today.

Today we are faced not only with the choice of whether Ms. Gupta is fit to be the Associate Attorney General, we are also faced with the question of whether to legitimize yet again the partisan bulldozing of the Senate’s rules if those rules are even marginally inconvenient, even in committee session. Going down this path is not going to improve the Senate.

I will be voting no, and I urge my colleagues to do the same.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I ask unanimous consent to be allowed to talk as in morning business for up to 15 minutes.

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

AFGHANISTAN

Mr. REED. Mr. President, President Biden has decided to withdraw all forces from Afghanistan by September 11, 2021. I believe this decision was one of the hardest President Biden will ever make.

As Washington Post columnist David Ignatius pointed out, “Biden’s military and intelligence advisers had presented him with three unpleasant alternatives: leave May 1 as previously agreed, even though this would probably mean the fall of the Kabul government and a return to civil war; stay for a limited period, perhaps negotiated with the Taliban, which would delay

its eventual takeover; or stay for an undefined period, which could mean a long continuation of what is already the United States longest war.”

In effect, there were no good choices. The President exercised his best judgment to endorse a path that is most likely to protect the national security interests of the United States.

I believe there were several factors over 20 years of conflict in Afghanistan that shaped the President’s decision. The most critical miscalculation over the past 20 years was the Bush administration’s decision to invade Iraq.

We took our eye off the ball in Afghanistan at a crucial time and instead pursued a war of choice in Iraq. The attacks by al-Qaida on September 11 galvanized the world. The authorization for use of military force passed the Senate 98 to nothing, while the French newspaper *Le Monde* proclaimed, “We are all Americans.” Most notably, for the first time, NATO invoked article 5 of its charter, which calls upon its members to take action on behalf of any member nation which is attacked. The world was with us.

But before we could really gain momentum in Afghanistan, the United States diverted to an unnecessary war of choice in Iraq. As journalist Steve Coll wrote in his definitive history of the war in Afghanistan, months after 9/11, “On November 21, 2001, then Central Commander Tommy Franks, who was planning our operations against Tora Bora, took a call from Donald Rumsfeld, who ordered him to start working on the plan for the invasion of Iraq. Rumsfeld told him to have something ready within a week.”

As a consequence, General Franks’ attention was being forced elsewhere. As journalist Susan Glasser wrote in the Washington Post, in the Battle of Tora Bora, “corrupt warlords allowed bin Laden to escape, while special forces pleaded with the Pentagon to let them get in the fight.” As we now know, Osama bin Laden, the leader of al-Qaida and the mastermind of the 9/11 attacks, was not captured for another decade. This decision wasted a period when the Taliban was routed and the Afghan population was welcoming.

More recently, President Biden inherited a flawed agreement from the Trump administration. Known as the Doha agreement, it required the United States, its allies, and coalition partners to withdraw all military forces by May 1, 2021. Nondiplomatic civilian personnel, private security contractors, trainers, and advisers were also required to leave. In effect, the entire international presence that has been the foundation for almost two decades of the Afghanistan effort was to disappear on May 1. In exchange, the Taliban agreed not to attack the United States or its allies and promised not to allow “other individuals or groups, including al-Qaida, to use the soil of Afghanistan to threaten the security of the United States and its allies.”

The only really verifiable condition on the Taliban of the Trump agreement was that the Taliban would not attack the United States or its allies. The remaining conditions were unenforceable and very, very difficult to certify. As General McKenzie, the commander of Central Command, testified to the Armed Services Committee just a few weeks after the agreement was concluded: “We don’t need to trust them; we don’t need to like them; we don’t need to believe anything they say. We need to observe what they do.”

What we have observed is alarming. While the Taliban may have adhered to one aspect of the deal by not attacking U.S. forces, they have violated the spirit of the agreement, as overall violence is on the rise.

The Special Inspector General for Afghan Reconstruction assessed that enemy attacks against Afghan security forces and civilians increased by 50 percent in the third quarter of 2020. Former Acting Special Representative for Afghanistan and Pakistan Laurel Miller described “an uptick in targeted assassinations [which] has sent shock waves through urban areas.” In mid-March, Secretary of Defense Austin noted that, after meeting with Afghan President Ghani, “It’s obvious that the level of violence remains pretty high in the country.”

Additionally, a United Nations report from last fall concluded that the relationship between al-Qaida and the Taliban had not been substantially changed by the February 2020 agreement between the Taliban and the United States. The U.N. assessment noted, alarmingly, that “al-Qaida has been operating covertly in Afghanistan while still maintaining close relations with the Taliban” and that the group is, in their words, “quietly gaining strength in Afghanistan while continuing to operate with the Taliban under their protection.”

Beyond the substance of the Trump agreement, the manner in which it was concluded was also deeply flawed. To begin with, the Trump administration concluded a deal with the Taliban, a fundamentalist group using the name “Islamic Emirate of Afghanistan.” Even though the agreement states that the United States does not recognize such a state, its very formulation is a propaganda boon for the Taliban.

As former Pakistani Ambassador to the United States Husain Haqqani noted: “Allowing the Taliban to refer to themselves as the Islamic Emirate, even in parentheses, allows them to build the narrative that they forced the U.S. to negotiate an exit from Afghanistan just as the mujahideen had forced the Soviets out. If the administration is eager to withdraw U.S. troops from Afghanistan, it would have done better to announce a no-deal exit than allowing the Taliban such a huge propaganda victory.”

Additionally, the Trump agreement was completed exclusively between the Trump administration and the Taliban.

There was no involvement of the Afghan Government, reversing the longstanding position of the United States, which prioritized an “Afghan-led, Afghan-owned reconciliation process.” Further, there was no visible involvement of our NATO allies who went into Afghanistan after we were attacked on September 11, 2001, when article 5 of the NATO charter was invoked for the first time.

As the Afghan Study Group noted, the group led ably by General Dunford and our previous colleague Senator Ayotte: “Our NATO allies in particular have been steadfast in their support and have shared the sacrifice; over 1,000 coalition troops have been killed since 2001.” The Trump administration negotiated their exit without their say, without their involvement. There was no involvement either by regional partners despite potentially significant consequences for security in the region. As the Afghan Study Group further noted: “An unstable Afghanistan risks destabilizing the region through continued trade in illicit drugs, the attraction of extremist ideologies and the possible exacerbation of the rivalry between India and Pakistan, two nuclear-armed powers.”

Trump’s go-it-alone, rush-to-the-exits mentality led to a deal where the Taliban emerged as the key benefactor. The United States, its allies, and partners won very little from the Trump deal.

Now, we are approaching 20 years of warfare in Afghanistan, spanning over three different Presidential administrations or, perhaps more accurately, 1 year of warfare repeated 20 times as we rotated troops in and out of Afghanistan. In addition to the disastrous pivot to Iraq and the flawed agreement with the Taliban, despite all our efforts over multiple administrations, we have been unable to build an effective fighting force that could defeat the Taliban and hold territory. Afghan soldiers have fought bravely despite continuing pressure and massive casualties, and several components have emerged as particularly capable, such as the Afghan special security forces, but after 20 years, this is not sufficient progress.

As the Afghan Study Group assessed: “The ongoing lack of capacity and inefficiency of the [Afghan National Defense and Security Forces or] ANDSF limit its strategic options against the Taliban. As a result, the ANDSF is generally on the defensive to provide security for much of the population.” We were never able to change the “checkpoint mentality” of the Afghan forces. Their focus on static positions, as much for appearance as for tactical advantage, still persists today, making them extremely vulnerable to a more agile Taliban.

Moreover, two decades later, the Afghan forces still have no organic logistical capabilities. An assessment by the Department of Defense from last June noted: “All components of the Afghan National Defense and Security

Forces will . . . continue to rely over the long term on contracted logistic support and on the United States for the vast majority of the funding needed to sustain combat operations.” As I recall the agreement that the Trump administration negotiated, it requires the withdrawal of all contracted logistical support, and as Napoleon once commented, “An army moves on its stomach.” Without a logistical capability and without a tactically capable army, with few exceptions, the ability of the Government of Afghanistan and the military of Afghanistan to resist the Taliban is highly questionable. We should be looking seriously at ourselves because, for 20 years of efforts and billions of dollars, I would have hoped that we would have seen a credible, decisive, effective Afghan force.

Another crucial factor contributing immensely to the Taliban’s success has been the inability of the United States to eliminate the sanctuary the Taliban was granted in Pakistan. Center for Strategic and International Studies terrorism expert Seth Jones wrote in 2018: “The Taliban’s . . . sanctuary in Pakistan and state support from organizations like [Inter-Services Intelligence or] ISI have been essential to their war effort, and the U.S. failure to undermine this safe haven may be Washington’s most significant mistake [of the war].” As the Afghan Study Group notes, these “sanctuaries are essential to the viability of the insurgency.”

Additionally, Pakistan’s ISI aided and abetted the Taliban while opportunistically cooperating with the United States. As Brookings scholar Vanda Felbab-Brown assessed in 2018: “Pakistan provided direct military and intelligence aid . . . resulting in the deaths of U.S. soldiers, Afghan security personnel, and civilians, plus significant destabilization of Afghanistan.” This support to the Taliban runs counter to Pakistani cooperation with the United States, including, as they have, allowing the use of airspace and other infrastructure for which the United States provided significant funding. As the Afghan Study Group noted: “Pakistan has played both sides of the field.”

These dynamics further play out against a complex environment in Pakistan, which has implications for the national security of the United States, its allies, and partners. Pakistan is simultaneously fragile and armed with nuclear weapons, making its vulnerability particularly dangerous. To add to this toxic mix, Pakistan is in a longstanding struggle with its neighbor, India, which is also armed with nuclear weapons. As Seth Jones described: “Pakistan and India have long been involved in a balance-of-power struggle in South Asia. Both lay claim to the Kashmir region, and have fought three wars over Kashmir since 1947. Afghanistan is not the ultimate objective of either country but rather an arena for competition in what has

long been called the ‘great game.’” While bogged down politically and militarily in daily crises in Afghanistan and Iraq, the United States, over multiple administrations, has been unable to focus the necessary attention on Pakistan. Therefore, these problems have only gotten worse.

Another factor shaping the President’s decision is that the United States and its coalition partners were never able to develop an Afghan Government that could gain the confidence of the people, especially beyond the cities, and provide basic services, including security, education, healthcare, and justice. A study by the World Bank in late 2019 found that 55 percent of Afghans were living below the poverty line, with even basic civilian services underfunded. The lack of the government’s ability to meet such needs erodes the people’s support for the government.

Afghanistan has also been undermined by profound corruption. The Afghan Study Group assessed that corruption has “delegitimized the existing government and created grievances that are exploited by the Taliban to gain support and, at times, legitimacy.” Corruption is a national security concern that further erodes the ability of the government to build faith and trust.

Additionally, the leadership of the Afghan Government is seen as being removed from the populace. This makes it harder to understand the needs of the people and to govern effectively. A prime example of this conundrum is the current President, Ashraf Ghani. Ghani was reelected after a 5-month delay in the polling results and following a longstanding dispute with his political rival. While Ghani is a serious scholar and technocrat who literally wrote a book on fixing failed states, he appears unable to fix his own state. As the *New York Times* reported just last week, “From most advantage points, Mr. Ghani—well qualified for his job and deeply credentialed, with Johns Hopkins, Berkeley, Columbia, the World Bank, and the United Nations in his background—is thoroughly isolated. A serious author with a first class intellect, he is dependent on the counsel of a handful, unwilling to even watch television news, those who know him say, and losing allies fast.”

But even if President Ghani was a strong leader, it would likely not be enough. The instability of the central government, which has been fueled by rival factions seeking power resulting in inconclusive elections, has led to unwieldy power sharing arrangements. Beyond challenges between those political officials and technocrats who want to serve the government and may have competing visions, there is the fundamental tension between those trying to achieve the complex task of governing Afghanistan in Kabul and the Taliban, who have a single focus: ejecting foreign forces. There also appears to be a lack of willingness by the government

to seriously negotiate with the Taliban and make tough choices that could have obtained, perhaps, a lasting peace deal.

The Afghan Government also remains unable to generate revenue to fund its operations. Instead, it relies almost solely on foreign contributions. This includes an average of \$5 billion in security assistance, along with \$3.5 billion in civilian assistance from the United States and the international donors each year. The World Bank assessed in late 2019 that even if there was a peace agreement between the Afghan Government and the Taliban, Afghanistan would still need as much as \$7 billion a year from foreign forces to sustain its most basic spending.

With all of these complex dynamics at play, it underscores a further, albeit profoundly unsatisfactory conclusion facing the President. The alternative to withdrawal was not the status quo. More U.S. and NATO forces would have been required for self defense and especially if there was another attempt to “surge” forces to degrade the Taliban. It appears that the President concluded that more troops might buy more time and casualties, but more time would not create a government that could defeat the Taliban and effectively govern Afghanistan. As the old Afghan saying goes: “You have all the watches; we have all the time.”

It is important to emphasize, though, that the President’s decision should be seen as a transition, not closure. We still have vital security interests in the region. Afghanistan is not in the rearview mirror. Pakistan is not in the rearview mirror. There is a high probability that without NATO and U.S. support, the Afghan security forces will degrade and collapse, which will ultimately cause the Afghan Government to collapse. The Trump administration’s agreement with the Taliban included the departure of all security personnel, logisticians, and contractors, which means that when the United States leaves, the international presence that, again, is the foundation for Afghan resistance is removed. The intelligence community’s Annual Threat Assessment for 2021 noted: “The Afghan government will struggle to hold the Taliban at bay if the coalition withdraws support.” And according to the *New York Times*, American intelligence agencies assessed that if U.S. troops leave before a peace deal is reached between the Afghan Government and the Taliban, Afghanistan “could fall largely under the control of the Taliban within two or three years after the withdrawal of international forces.” We have already seen evidence of this trend even prior to the full withdrawal. The International Crisis Group assessed that “as U.S. force levels have fallen, battlefield dynamics have steadily shifted in the insurgents’ favor.” Dexter Filkins described: “Since 2001, the main arena of conflict in Afghanistan has been the countryside: the government held the cities,

while the Taliban fought to control the villages and the towns, particularly in the south, their heartland. But by early this year, the paradigm had begun to fall apart. The Taliban were entrenched across the north; their shadow government had begun to creep into the cities.”

Another possibility, either in the interim or a permanent fact, is that the country could fracture with local warlords and the Taliban controlling different territory. This would further intensify conflict, increase instability, and create second order effects, such as the flow of internationally displaced persons and refugees. The International Crisis Group noted that the likelihood of fracture increases “if U.S. and other funding declines” and that it has the possibility of pulling Afghanistan’s neighbors and other regional powers into backing proxies in a multisided struggle. Again, the Afghan Study Group warned: “Any scenario in which the state collapses, as it did in 1992, will make it considerably more difficult for the United States to ensure its fundamental national security interests.”

If the Taliban reestablishes its emirate in Afghanistan, it would likely result in erasing all the progress that has been made toward building democracy and particularly the rights of women and girls. As Seth Jones, again, wrote in a recent article published by the Combating Terrorism Center at West Point, “The Taliban is in many ways a different organization from the one that governed Afghanistan in the 1990s. Yet most of their leaders are nevertheless committed to an extreme interpretation of Islam that is not shared by many Afghans, an autocratic political system that eschews democracy, and the persistence of relations with terrorist groups like al-Qa’ida.”

If NATO and the United States depart, another consequence is increasing pressure to limit or end international aid. Afghanistan cannot fund itself and, even under the best case scenario, would require \$7 billion from international donors annually. It will be extremely difficult to administer programs and provide aid on the ground without oversight, and that, too, would very well lead to smaller international donations. Furthermore, the entire budget of the Afghan Ministry of Defense is paid for by international contributions. If soldiers are not getting paid, it would have a profound impact on national security.

Another likely consequence of withdrawal, which has been previously discussed, is the creation of a vacuum that allows the resurgence of terrorist groups, including al-Qaida and ISIS of the Khorasan Province. As the Afghan Study Group also pointed out, these groups are “for now limited by the military presence of the United States and its allies, which allows the threat to be monitored and, when necessary, disrupted, while also enabling Afghan Security Forces to continue to put

pressure on these groups.” However, the group warned: “During its deliberations, the Study Group was advised that a complete U.S. withdrawal without a peace agreement would allow these groups to gradually rebuild their capabilities in the Afghanistan Pakistan region such that they might be able to attack the U.S. homeland within eighteen to thirty six months.” This timeline is short, alarming, and has direct implications for our national security.

Also, an immediate concern as the United States begins to withdraw is an increase in attacks from Afghan forces against the United States and coalition forces, commonly referred to as “green on blue attacks.” Finally, we must anticipate a flood of refugees as Afghans flee the chaos. In addition, we must do our part to aid those Afghans who have aided us.

Given these facts and given the President’s difficult decision to leave Afghanistan, I believe we must take serious actions to mitigate these threats. The withdrawal of U.S. forces should not mean an end to our counterterrorism efforts. Most importantly, we must ensure that Afghanistan will not be a source of planning, plotting, or projection of terrorist attacks around the globe, including against our homeland.

Instead, we must transition to a new type of presence leaving the country but staying in the region in a meaningful capacity. We must build an anti terrorism infrastructure on the periphery of Afghanistan. We must continue to direct the proper level of attention, intelligence, and resources to evaluate the evolving terrorist threat in the region. This also includes closer cooperation with our allies and partners.

We must continue to engage regional powers diplomatically, and the Biden administration has already begun to reinvigorate that process. We must use the power of our alliances and particularly those in the region who would endure severe consequences and instability from sharing a border with a failed Afghanistan. Working in cooperation, the United States and its allies and regional partners must be a check on potential instability.

President Biden is committed to ensuring that this is not a forever war. But he has also made it clear he won’t allow Afghanistan to become a safe haven for terrorism. Our mission to protect the homeland remains. Our duty to do so remains. As we go forward, this is a moment of transition, not of closure; this is a moment to do all we can to protect this country and hopefully ensure a safer region.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

#### MOTION TO DISCHARGE

Mr. LEE. Mr. President, I stand today in opposition to this illegitimate motion to discharge the nomination of Vanita Gupta to become the Associate Attorney General of the United States.

I say that this motion to discharge is illegitimate because it was—because

the Senate Judiciary Committee and its chairman decided unilaterally to ram through a vote on Ms. Gupta in violation of the rules and precedents of the Senate Judiciary Committee.

As has been the longstanding tradition in the Judiciary Committee, members were debating the nomination of Vanita Gupta and expected that everyone would be given the opportunity to speak.

But in the middle of a speech being delivered by one of the Judiciary Committee’s members, Senator COTTON from Arkansas, the chairman of the committee, Senator DURBIN, cut him off and unilaterally proceeded to a vote, effectively nuking the committee rules that should have allowed Senator COTTON and others to speak.

Never, in the more than 10 years that I have served on the Judiciary Committee, have I seen a chairman of that committee so blatantly, brazenly violate rule and principle and precedent in this way. This behavior is not only unusual, but it is inexcusable.

Lengthy debate in committee markups is actually much more common than some in this Chamber might have you believe. For example, Democrats filibustered the nomination of former Attorney General Jeff Sessions for so long that then-Chairman CHUCK GRASSLEY was forced to delay a consideration of his nomination until the next markup.

You have got that right. Chairman GRASSLEY actually followed the committee rules and allowed for all of our colleagues to speak, notwithstanding the fact that they disagreed with him, notwithstanding the fact that it was contentious, notwithstanding the fact that he didn’t like what they were saying.

And by doing so, he was forced—because he was complying with the rules and the precedents of the Senate—to delay the consideration of Attorney General Sessions’ nomination. But that is what he did. He did that instead because it was preferable to an act of unilaterally forcing a vote and thereby nuking the Judiciary Committee’s rules.

Now, to put this in context, we need to understand that Judiciary Committee rule IV states:

The Chair shall enter a non-debatable motion to bring a matter before the Committee to a vote. If there is objection to bringing a matter to a vote without further debate, a roll call vote of the Committee shall be taken, and debate shall be terminated if the motion to bring the matter to a vote without further debate passes with twelve votes in the affirmative, one of which must be cast by the minority.

Rule IV essentially preserves the right of minority members to speak.

Chairman DURBIN decided to nuke that part of rule IV in particular because he knew that he didn’t have 12 votes to prematurely end debate.

Now, when you are in the majority, it can be tempting to run right past certain rules, knocking things over in the process in order to get your party’s

nominees confirmed. But I think it is important for us to resist that temptation in order to protect the rules of our institution from partisan passions.

Following these rules, respecting minority prerogatives, is precisely what allows us to maintain bipartisan cooperation in the Senate and lower the partisan tensions in our country. This is all the more important when we consider that there is no true majority in the Senate, and there is no majority at all on the Senate Judiciary Committee.

Unfortunately, with this breach, it looks like some of my colleagues might prefer convenience over debate. I find that most unfortunate, especially because I have worked with so many of them on a bipartisan basis on so many issues.

Now, some of my colleagues may claim that Republicans have done this very thing many times. That, however, is not the case. On multiple occasions, we allowed for extended debate and even delayed reporting of matters before the committee, like Attorney General Sessions’ nomination and the Crossfire Hurricane subpoenas, until the next markup. When we set votes with the consent of the majority, the chairman followed committee precedent and did so through a rollcall vote—again, consistent with committee precedent.

#### NOMINATION OF VANITA GUPTA

Now, you might ask why Republicans felt so strongly about speaking on Ms. Gupta’s nomination before the vote was cast in the committee markup. Well, it might have something to do with the fact that Ms. Gupta’s answers to questions were troubling to many members on the committee, including answers to questions regarding a wide range of topics, including the legalization of narcotics, eliminating qualified immunity, defunding police, the death penalty, among many others, and the fact that it appears that many of those answers were inconsistent with her past statements, and in other cases, difficult to defend.

When before the Judiciary Committee, Ms. Gupta provided answers to questions regarding some of these evolving positions. Many of those answers were less than compelling—indeed, she seemed to be intending to distance herself from fairly radical positions that she had, in fact, taken in the past.

Before the same committee, the Senate Judiciary Committee, the very same Judiciary Committee that recently had this markup vote that ended in a violation of the Senate rules—before that very same committee last year, on June 16, 2020, Ms. Gupta testified under oath that leaders must “heed calls . . . to decrease police budgets and the scope, role, and responsibility of police in our lives.” When asked about her advocacy for defunding the police, Ms. Gupta said that she “disagreed” with that characterization.