

It also, I think, will empower or allow us to consider something that we really have considered as consistently as the issue of sexual assault, and that is the indications that racial bias is such that all felonies must be taken out of the hands of commanders, not just those related to individual sexual assault or sexual harassment cases or other related sexual conduct or misconduct—I should rightly advocate this.

Again, I think if we want to go ahead and make a fundamental change, committee consideration can only assist that change by getting broad viewpoints of those who are in favor of it, those who may be opposed to, and those who may seek changes.

And if the committee reports to the floor, there will be opportunity on the floor, once again, to engage in debate and comment.

I think we will try our best to come to a solution that is the best solution. I say that with a commitment to try my best to do so.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mrs. GILLIBRAND. Madam President, one of the concerns I have is that we have been studying this issue and debating this issue for years.

We have had several floor debates. We had two floor debates because we only got to vote on it twice. Both times, we had the majority of the Senate promoting this provision.

What we have is a record of our allies already making this change, not for the issue of sexual assault in the military but for the issue of defendants' rights. The UK, Israel, Germany, Netherlands, Australia all took serious crimes, a bright-line of felonies out of the chain of command because they believed that a defendant had a right to basic civil liberties. When they did so, they did not see a diminution in command control or the ability to have good order and discipline within the ranks. And they wrote to one of the many panels that we have had over the past 10 years—that information—to tell them that this is a change we have made. And the UK even said this was a change that our commanders basically didn't notice.

So this is not some untested, out-of-the-box idea. This is an idea that is supported by the survivors, by veterans, by commanders, by experts in military justice, and by our allies. I believe that our servicemembers deserve a criminal justice system worthy of the sacrifices they make.

Last, I do not think this is a moment to defer to the committee. The committee has failed survivors over the last 10 years, and I do not think it is in their purview to make this ultimate decision. When we had a vote on the "don't ask, don't tell" repeal—something that was similarly a generational change—it was done on a floor vote, an up-or-down vote, and we had that vote twice. It was called twice because the

first time Republicans refused to participate in the vote. We called it again, and we had the 60 votes we needed to overcome a filibuster.

I believe this vote is also a once-in-a-generation vote that needs the review and the vote of the entire Senate because, not only does the Congress have the responsibility to oversee the military and the entire executive branch, but this whole body has the ability to oversee individual committees if they aren't going far enough when the moment demands it.

I believe this is some such time. We are here for a time such as this. We should do our job. We should vote on this measure, and it should be an up-or-down floor vote.

I yield the floor.

Mr. REED. Just a point of clarification, my recollection of the "don't ask, don't tell" process was that it was, in fact, considered by the committee. The language that was ultimately adopted was the committee language; that because of objections to the issue, the NDAA was filibustered consistently and in order to try to break free, in terms of passing both pieces of legislation, the "don't ask, don't tell" was removed separately. That was after a complete committee process, as well as consideration of the NDAA on the floor.

At that point, as Senator GILLIBRAND indicated, after two attempts, there were sufficient votes to pass "don't ask, don't tell," but it was duly considered in the committee.

Again, if the power of the ideas, the compelling data that they have is such, I don't know why they are concerned about allowing the full members of the committee, not just a subcommittee, to decide what should be in the final mark.

In addition to that, I think in this process—and, in fact, I think you find it on every committee—ideas, perspectives, insights are gained that would otherwise be lost. What we are trying to do is follow the procedure of the Senate, which is to present to this floor a bill that has been carefully examined by people who have dedicated a great deal of their Senate service to the Armed Services Committee, and do so with the input of the Secretary of Defense because all of this has to be implemented by the Department of Defense. And at that point, if there are still difficulties and issues, then, the Senate floor is available for amendments.

Again, I would suggest that we can make real progress in the committee. We can get legislation that is not only bipartisan but, hopefully, unanimous or nearly unanimous, and that would be a very powerful signal to our colleagues both in the House and to everyone else that this legislation will, in fact, become law.

I yield the floor.

Mrs. GILLIBRAND. Madam President, I would simply state that we have already established that this is some-

thing that should become law. We already have 63 Senators on a bipartisan basis supporting this reform.

This is not something that is new to the committee. We have been debating this issue for 8 years. I have asked for a vote every one of those 8 years and have only been given one twice. We had the majority of the Senate on both of those votes. So this bill has been filibustered for 8 years. This bill has been refused to be allowed to be part of the NDAA for a long time. This is not a new issue. These are not new facts. These are things that we have been wrestling with and failing. So I believe it is time this measure comes to the floor.

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

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

#### NOMINATION OF KRISTEN M. CLARKE

Mr. BLUMENTHAL. Madam President, in just hours, we will be voting on the nomination of Kristen Clarke to be Assistant Attorney General for the Civil Rights Division in the United States Department of Justice.

I am proud tonight to advocate for her, not that she needs my voice in her support. She is a brilliant leader and advocate. She has dedicated her entire career to protecting the civil rights of all Americans, and she has an extraordinary record to show for it.

She reminds me of the legal warriors in the Department of Justice during the 1950s and 1960s and 1970s who battled for the rule of law in supporting children who were trying to gain entry to desegregated schools, in voters who sought to uphold the franchise, and in men and women who challenged the denial of their rights in the South and throughout the country. The Department of Justice became a beacon of law enforcement in its upholding of the civil rights of America, and she is in that great tradition—fierce and fearless, strong and unyielding and tenacious in defending and advocating for the rights and liberties of Americans when they are denied those rights and liberties guaranteed under the Constitution and our statutes.

She served as the civil rights chief for the New York Attorney General in the civil rights bureau. She served as assistant counsel for the NAACP Legal Defense and Education Fund. She served as a Federal prosecutor during the Bush administration in the Civil Rights Division's Criminal Section and Voting Section, the very divisions that she has been nominated now to lead.

She knows these issues. She knows civil rights and civil liberty issues and law because she has worked on them for more than two decades. She cares about these issues because her life has

been dedicated to them, and she understands these issues on a deeply personal level. She knows them inside and out because she served to fight for them inside and out of the DOJ, inside and out of the New York Attorney General's Office, inside and out of the organization whose mission is to protect them, and she is the daughter of immigrants who grew up in the Nation's largest public housing complex. She is also the mother of a 16-year-old son, who is growing up in this moment of reckoning for racial justice, equality, and equity in America.

If memory serves me, she also once took a field trip to the Hartford area, in Connecticut, and watched a then comparatively young State attorney general who was arguing in court in a desegregation case. Now, I have no illusions that this experience played any part in her desire to use her extraordinary skills and talents and gifts and education as a public servant and lawyer for the public good, but that has been her career, and that is exactly what we need now at the helm of the Civil Rights Division.

There is no excuse for waiting another moment to confirm her to this most important post. She is the civil rights chief for this moment because we are in a moment of reckoning. Justice, equity, and equality are on the line now, and her strength and tenacity meet this moment.

Unfortunately, there are some on the other side who have used Ms. Clarke's nomination to make baseless allegations against her, including allegations that she supports abolishing the police. To support this distortion, they have repeatedly invoked a 2020 op-ed written by Ms. Clarke and published by Newsweek. I want to meet that article head on because, at our Judiciary Committee's markup just 2 weeks ago, Senator CRUZ selectively excerpted portions of that op-ed, claiming that they demonstrated that Ms. Clarke "explicitly" advocated abolishing the police.

There is only one problem with this argument: Ms. Clarke never wrote that. It just isn't true. Ms. Clarke's piece is a thoughtful call to rethink how we approach law enforcement in a country that is going through a moment in which thousands of Americans have called out for real reform, real change, real action.

I have been proud to be involved in peaceful demonstrations and rallies throughout the State of Connecticut—probably 20 or maybe more of them over the last summer—when young people led these public calls for justice in policing, justice in housing, justice in the workplace, and justice in healthcare—all of them implicated in this moment.

The fact is the word "abolition" appears only once in the entire op-ed. That word appears once in the op-ed—"abolition"—when it is used to describe the huge range of views held by others, activists and local governments. That is it. That word "aboli-

tion" is used to describe the views of others, not her views.

Senator CRUZ has also distorted her record in another way in claiming she had written a provocative email comparing the police to the Ku Klux Klan. That is simply not true. In reality, the passage Senator CRUZ quoted was written by someone else—an activist—in an essay that Ms. Clarke had simply forwarded in an email. In the email, the subject line includes the actual author's name, and the essay is signed at the end by the author.

Had Senator CRUZ bothered to look at the entirety of the email and of that document instead of cherry-picking a line to fit his preconceived narrative, he would have known, and it would have been truer to the facts here. Ms. Clarke no more wrote the words Senator CRUZ attributed to her than he did.

At a time when the country faces a moment of reckoning over racial justice, the Civil Rights Division needs someone with Ms. Clarke's knowledge, skill, dexterity of thinking, life experience, heart, and dedication because these challenges are immense and they need to be addressed. She is the person for this moment. That is exactly what she will do, address the need for equity and equality in civil rights enforcement. She will be tenacious but thoughtful and insightful and true to the law, serving the rule of law. She is a dedicated and devoted public servant, committed to equal justice, civil rights, and the rule of law.

I have seen that firsthand, and I know I am not the only one who thinks so. The letters the Judiciary Committee has received in support of her nomination reflect a broad, professionally and ideologically diverse coalition of individuals and organizations that know that she is, without a doubt, eminently qualified for this position.

That support includes law enforcement, like the Major Cities Chiefs Association, the National Organization of Black Law Enforcement Executives, the National Association of Women Law Enforcement Executives, the Hispanic American Police Command Officers Association, and 71 former attorneys general from red States and blue States.

The National Organization of Black Law Enforcement Executives wrote:

Ms. Clarke has displayed the qualities of leadership, empathy, excellence, and persistence in supporting and defending the U.S. Constitution while ensuring equal protection and justice for all Americans.

The 71 former attorneys general wrote:

Kristen Clarke is someone with immense credibility among community leaders in each of our states—she has handled cases of hate crimes, constitutional policing, human trafficking, and voting rights, and, most recently, has done effective work on violent extremism and the threat that it poses to our citizens.

I believe strongly that Kristen Clarke should be confirmed right away, without delay, and I encourage all of

my colleagues to see the baseless allegations against her for what they are—a distortion—and I urge them to support her nomination. I have confronted those allegations. They are unworthy of repetition, but I think my colleagues should know the truth behind them. The Civil Rights Division and the American people need Kristen Clarke.

For me, this vote feels very personal. Two of my four children are graduating literally today and during this week from law school. I hope they will use the great gifts that they have, the skills that they have acquired, and the advocacy that they have been learning to advance the public interests in the way that Kristen Clarke has done throughout her extraordinary career. I hope they will regard her as a role model because she has sought justice.

She has fought to uphold the rights of people who are vulnerable, Americans who are voiceless, and ordinary Americans, who all too often have been denied their rights. She has stood up for them; she has spoken out; and I hope we will confirm her tomorrow with a bipartisan vote.

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

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

## LEGISLATIVE SESSION

### MORNING BUSINESS

Mr. SCHUMER. Madam President, I ask unanimous consent that the Senate proceed to legislative session for a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

## ADDITIONAL STATEMENTS

### REMEMBERING DR. PETER B. LYONS

● Mr. HEINRICH. Mr. President, it is my honor to recognize the life of Dr. Peter B. Lyons, a steadfast and selfless public servant, who over the course of an unparalleled and distinguished career at Los Alamos National Laboratory, the U.S. Senate, the Nuclear Regulatory Commission, and the U.S. Department of Energy, made numerous contributions to the field of nuclear physics, to the State of New Mexico, and to our country's nuclear energy community.

In 2010, Dr. Lyons was confirmed as the Assistant Secretary for Nuclear Energy at the U.S. Department of Energy. As Assistant Secretary, he focused on incorporating modeling and