

law enforcement deescalation training. It provides for grants and training for law enforcement deescalation tactics. It is not enough. We must do more.

In the last Congress, Senator CORY BOOKER of New Jersey led an effort to build bipartisan support for policing reform legislation that national police groups and civil rights advocates could endorse. He worked with TIM SCOTT, a Republican Senator from South Carolina.

They invited me and Senator LINDSEY GRAHAM into their deliberations. They were close to making some progress toward our goals, but even if you look at their goals, which I believe were good, they are not enough. Simply to say we are going to ban choke holds or we are going to deal with warrantless searches in a different way doesn't get to the heart of the issue. What is in the mind of these policemen when they are executing their job, doing their duty? Is it the right way to approach things?

These efforts must continue now anew. We owe it to all of the families who have lost loved ones in these horrible acts of brutality and to the families who fear that their loved ones could be next to pass a law that will help ensure justice and accountability in our policing system.

The vast majority of law enforcement officers are appalled and angered by the deaths of Mr. Nichols and others. They deserve our thanks, and I believe they will support bipartisan efforts to prevent such abuses and punish those who commit them.

As I mentioned, Tyre Nichols loved photography. He loved photographing the world as he saw it. One of his favorite images—which appears again and again in his photos—was the image of a bridge. It is time for Members of the Senate to bridge our differences and pass policing reform so that Tyre Nichols' death will not have been in vain.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

#### LAW ENFORCEMENT DE-ESCALATION TRAINING ACT

Mr. CORNYN. Madam President, the killing of Tyre Nichols has reignited a national debate about the excessive use of force by police, and rightfully so. This unarmed 29-year-old was brutally beaten by Memphis police officers with an egregious, excessive use of force.

Within the Republican conference, Senator TIM SCOTT from South Carolina has been our leader on police reform matters, and I have been proud to work with him on bills to help improve policing in our communities and public safety. One of those bills was the Law Enforcement De-Escalation Training Act, which, by the way, was just signed into law last month.

This new law will ensure that all police officers have the opportunity to acquire skills to defuse a potentially dangerous situation like the one we

saw in Memphis. Use of force should only come into play when absolutely necessary, and this legislation will provide law enforcement officers with the knowledge of what alternatives are available to them, which invariably will make their lives better and safer and also protect the life of the individual who is being detained.

This has the potential to save lives and prevent another senseless and entirely preventable tragedy like this from reoccurring.

I am glad this legislation is now the law of the land, and the Department of Justice must implement it as quickly as possible.

#### CLASSIFIED INFORMATION

Mr. CORNYN. Madam President, on another matter, last Friday I was in Austin, my home, and had the opportunity to speak at a conference that included some of the leading experts in all things dealing with declassification and government transparency.

It was cohosted by a number of academic institutions in Texas and the Public Interest Declassification Board, or PIDB.

Most of us had never heard of this group before, but the PIDB leads incredible work to help advise the President and the executive branch on ways to modernize the classification and declassification processes which safeguard our national security but also protect public trust in our institutions.

I joined an onstage conversation with my friend Will Inboden, who leads the Clements Center for National Security at the University of Texas at Austin.

We talked about the circumstances under which classification is important. Controlling access to certain sensitive information enables the United States to remain at least one step ahead of our adversaries. It also protects sources and methods that allow us to collect clandestine intelligence and protect the lives of those intelligence professionals who are engaged in collecting that information, as well as the avenues into those sources that are important to collecting this intelligence. Obviously, we don't want to jeopardize either the individuals involved or dissuade anyone from wanting to work with us in the future or to allow some of our access to dry up because it then becomes a matter of public knowledge.

But we know classification is not always the right answer. There are many circumstances in which declassification safeguards our national security.

One example is the way in which the United States Government declassified and shared information with our allies in the run-up to Russia's brutal invasion of Ukraine.

The decision to declassify some important intelligence gave Ukraine enough battlefield awareness to push back after the initial attack and save countless lives. It also unified Western response, leading to quick condemna-

tion of Russia's attack and resources for Ukrainian forces.

Declassification is an important tool with which we share information with our friends and allies around the world, but it is also another way to show the American people what their government is doing. It builds trust and transparency. It inspires confidence in the incredible work that our intelligence professionals are doing, and it equips scholars with the information they need to conduct academic research that informs decision making.

Obviously, there is a very delicate balance between transparency, which drives democratic self-governance, and secrecy, which is sometimes necessary to protect sources and methods of information that are important to protect our national security.

Policymakers and scholars have long debated this balance, but it doesn't often garner much attention in the public square. At least that was the case until recently.

Over the last several months, law enforcement have uncovered classified documents in unsecured locations. For example, documents were discovered at President Trump's home in Florida. They were uncovered at President Biden's home in Delaware and in his private office in Washington, DC. And they were found at the home of former Vice President Pence in Indiana.

All of these discoveries paint a deeply concerning picture, because those of us with access to classified information know that the only appropriate place to view classified information is in a secure setting.

Now, we have no idea—we, as Congress—no idea what these classified documents contain. We don't know who had access to them. We have no insight into the possible ramifications for national security. So there are a lot of unanswered questions that need answers.

This really addresses Congress's unique role, as a coequal branch of government, to provide oversight of the Federal Government. As elected representatives, we have the duty to our constituents and to our country to ensure their government is working for them, and oversight of the intelligence community is a big part of that job, and it is part of the system of checks and balances.

Now, in most cases, oversight happens out in the open at congressional hearings, but this is, obviously, a different sort of case. We are talking about classified documents that were never meant for public consumption.

That is why we have the Senate Select Committee on Intelligence that I serve on and the House Committee on Intelligence, both of which were created after the Church Committee made recommendations about oversight that needed to be put in place over the intelligence community—both the police, the community itself, to make sure that those tools were not abused, but also to restore public confidence that

that oversight was occurring and that abuses were not occurring at the same time.

The Senate Intelligence Committee is one of the most bipartisan on Capitol Hill, and I credit our leadership for keeping us above the political fray.

Chairman WARNER, a Democrat from Virginia, and Vice Chairman RUBIO, a Republican from Florida, operate arm in arm to lead the kind of oversight that I believe helps instill confidence in the intelligence community and in our intelligence professionals.

The committee has a responsibility to examine the facts of these cases and understand the potential risk it could create for national security.

Unfortunately, in a hearing we had with the Director of National Intelligence, we seem to have hit a brick wall, at least initially. Despite the high profile nature of these discoveries, the Biden administration will not allow Congress to perform its constitutional oversight duties.

Back in August, Senator WARNER and Senator RUBIO sent a letter to the Director of National Intelligence and the Attorney General requesting the classified documents that were seized at Mar-a-Lago.

Members of the Intelligence Committee are accustomed to reviewing, handling, and protecting classified information. It is something we do on virtually a daily basis. This document request was not to make this public. This was a request for committee members to review the documents in a classified setting. The administration refused.

In the months since, classified documents have been discovered at more locations, and, again, the administration has refused to provide access to this intelligence.

The Justice Department, as we know, has appointed special counsel to oversee two of these probes, but yet they refuse to share the documents or any information about them.

Now, it is one thing in an investigation conducted by law enforcement to say: We are going to protect the person being investigated, and we are going to protect the integrity of the investigation by not making that public. We understand that, but this is something far different.

When a current and former President of the United States and a former Vice President of the United States have classified documents in unsecured settings, we need to know who had access to it, what the intelligence reports contain, not because we are curious or we want to interfere with an investigation by the Justice Department but because we have an independent constitutional responsibility to protect the national security of the United States and to protect the intelligence community from unjustified criticism.

Several years ago, the Intelligence Committee investigated Russia's efforts to interfere with the 2016 election. This was a case like now, where special

counsel was appointed, but Congress did not have to wait. It wasn't forced to wait for that inquiry to be completed by former FBI Director Mueller. Those investigations happened concurrently. The special counsel's investigation happened at the same time as the Senate Intelligence Committee's investigation occurred. These investigations—both that of the Intelligence Committee and that of the Department of Justice—should happen concurrently now as well.

As I said last week, the Director of National Intelligence, Director Haines, testified before the Intelligence Committee. I was eager to learn more in a secure setting, protected from public dissemination, what was going on with these documents, what they meant, and who produced them. Were they stale or were they current intelligence? What sort of access did our adversaries have to them, and what did they learn if they did get access to them that we need to know about and prepare for?

I don't think any of our colleagues expected a full analysis of these documents, but I was alarmed by the complete lack of transparency by the Director of National Intelligence to the oversight committees in Congress like the Senate Select Committee on Intelligence. Without going into detail, Director Haines essentially said that once the Department of Justice initiated its investigation, her office stood down and did not inquire any further as to what these documents contained. So far, the Department of Justice refuses to share details of these intelligence products that were discovered at these unsecured locations.

As I said, we have no idea what is in these documents, who could have seen them, or how big of a risk it creates for national security, but we do need the answers to those questions that only a review in a classified setting in a secure facility by the oversight committees—we need the answers that only that sort of inquiry will reveal.

We could have a major national security risk on our hands or it could be a nothing burger, but the Department needs to be expedient and fully transparent in sharing this information with Congress and the intelligence community, again, in a classified secure setting, not for public dissemination.

If you worry about leaks, which are rampant here in Washington, DC, I must say, the record of the Senate Select Committee on Intelligence is pretty darn good when it comes to no leaks.

Senator RUBIO and Senator WARNER have been clear that the Department of Justice will not stonewall Congress. This is not a partisan matter. It is not tenable for the position of the Department of Justice and for the Biden administration to take that position. As policymakers with an independent constitutional responsibility, we need to know the full details so we can conduct the risk assessment and determine how best to respond. President Biden's De-

partment of Justice cannot stand in the way of Congress's constitutional oversight role.

Now, many in the press have said: Well, what sort of things might the Senators on the Intelligence Committee do to compel the cooperation of the Department of Justice?

Well, I hope we don't have to go there. I hope this produces a negotiation that will address the concerns both of the Department of Justice and of the Senate Select Committee on Intelligence. It is well known what sort of tools are available to Congress—things like appropriations, things like nominations—but I sincerely hope it doesn't come to that. But we have a job to do, and we are going to do it, with the cooperation of the Biden administration or without their cooperation.

So all options are on the table to ensure not that we get to see what we want to see for political or other inappropriate reasons but to make sure our national security is not at risk.

Again, this is a bipartisan desire to see these documents and evaluate the risk they could pose to our security. It is time for the administration to cooperate with us in that effort.

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.

#### UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. SCHUMER. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider PN62, Roger Israel Zakheim; that the time until 5:30 p.m. be equally divided in the usual form on the nomination; that upon the use or yielding back of time, the Senate vote on the nomination without intervening action or debate; that if confirmed, at a time to be determined by the majority leader, in consultation with the Republican leader, the Senate proceed to executive session to consider PN61, Joseph Lee Falk; that there be 10 minutes for debate, equally divided in the usual form on the nomination; that upon the use or yielding back of time, the Senate vote on the nomination without intervening action or debate; that if either nomination is not confirmed, all action with respect to both nominations be vitiated.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.