

CONCLUSION OF MORNING
BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to resume consideration of the following nomination, which the clerk will report.

The legislative clerk read the nomination of Peter Joseph Phipps, of Pennsylvania, to be United States Circuit Judge for the Third Circuit.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

ELECTION SECURITY

Mr. WYDEN. Mr. President, I stand here this afternoon in a state of disbelief. Last Wednesday, my colleagues and I in the Congress were briefed on the state of election security in America.

I am prohibited from talking about the details of that classified briefing, but the message from my Republican colleagues after that elections security meeting was very clear: Nothing to see here. One Senator said it is clear the Federal Government is doing “everything you can do.” The top Republican on the House Homeland Security Committee said: “I wouldn’t say we’ve got a need for more election security legislation.” A Member of the House Republican leadership said: “The agencies have the tools they need, and I am confident they are addressing the threats.”

It is case closed for those Republicans—mission accomplished. My Republican colleagues were just so satisfied that the foundation of our democracy is in good hands. Election security is not a problem for those colleagues I just quoted.

It was to my enormous shock this weekend when I picked up my phone, and I read the following headline: “Old Software makes new electoral systems ripe for hacking.”

Over the weekend, I said: Gosh, that just can’t possibly be right. After all, my Republican colleagues said after the classified briefing that election security issues were in good shape. I just kept reading, and as it turns out, according to an exhaustive analysis by the Associated Press, the vast majority of 10,000 election jurisdictions nationwide use election management systems that run on old software that is soon going to be out of date and ripe for exploitation by hackers.

According to the Associated Press, Pennsylvania, Wisconsin, Michigan, Florida, Iowa, Indiana, Arizona, and North Carolina, among others, are all at risk. Even the State of Georgia, which just passed legislation to buy new voting machines, is on track to buy equipment that suffers from this significant cyber security weakness. Worse, two of the three largest voting machine companies, ES&S and Hart, don’t make election systems that are free from this vulnerability. Many election officials will be buying election systems that will be out of date the moment they start using it.

I am reading this story, and I am thinking to myself: Maybe—just maybe—this Trump administration hasn’t solved the election security issue.

Now, colleagues, I am being a little bit disingenuous here. I have actually known about this problem for some time. In fact, I wrote to the Election Assistance Commission about it because, of course, our elections weren’t secure last week, and they sure as heck aren’t secure this week. Anybody who says otherwise is either selling you a voting machine or simply has a malicious intent toward our elections.

Russia attacked our democracy on every front in 2016, including voter registration databases and election software vendors. I am a member of the Senate Intelligence Committee, and I can’t talk about classified matters, but it is public record that there were attacks on our election infrastructure in 2018.

Our colleague Senator RUBIO of Florida even said that hackers were “in a position” to alter voter rolls in 2016. In April, the FBI Director said that 2018 was, “just kind of a dress rehearsal for the big show in 2020.”

I will say, as I have been saying at home at townhall meetings across my home State, that in 2020 I believe the hostile foreign actors are going to make 2016 look like small potatoes, and I am not just talking about the Russians here.

What the Associated Press revealed this weekend should be chilling for anybody fighting to protect our elections from foreign interference, but it is certainly not the first indication Americans have gotten that our elections are vulnerable.

Last year, the journalist, Kim Zetter, and the New York Times reported that ES&S had installed remote access software and wireless modems in election equipment for years. I believe that is about the worst thing you can do in terms of election security in America, short of putting American ballot boxes on a Moscow street.

Special Counsel Robert Mueller revealed in his report that an election software vendor was actually hacked by Russia in the summer of 2016. The public still doesn’t know enough about what happened there or what the government did to investigate. This is another area where I am seeking to exca-

vate the facts. My colleagues, particularly my colleague from Minnesota, Senator KLOBUCHAR, and my colleague from Rhode Island, Senator REED, are doing the same.

VR Systems, the company Mr. Mueller was referring to, sold e-pollbooks to a county in North Carolina. I am talking now about the systems that workers used to check voters in at a precinct. It happened that several of the VR Systems e-pollbooks used by Durham County in North Carolina malfunctioned on election day in 2016. The problem was so bad that one precinct had to shut down completely for several hours.

Last month, I asked the FBI what happened; is anybody investigating? It sure looks like no Federal Agency has been out there looking at these malfunctioning e-pollbooks. It wasn’t until last month that the Department of Homeland Security announced it would finally perform a forensic examination of the Durham County machines. That is not good enough. It is critical to secure our political parties, our campaigns, and the votes of Americans.

In 2015 and 2016, Russia hacked two Democratic campaign committees. Russian hackers also stole emails from John Podesta, Secretary Clinton’s campaign manager. The Russian Government then leaked Democratic emails to influence the Presidential and, reportedly, House races in six States.

As I have emphasized at every part of my investigation, every part of my efforts, this is not a problem reserved for one political party. The National Republican Party committees have also all been hacked in the past, as well as the campaigns of Senator GRAHAM and our late colleague John McCain.

Political campaigns don’t have the expertise or resources to protect themselves from foreign government hackers. They ought to be in a position to get assistance, and if Congress doesn’t act, they are going to get hacked again in 2020.

That is why I introduced legislation earlier this year, the Federal Campaign Cybersecurity Assistance Act, to secure campaigns and State parties. This would apply to both Democrats and Republicans. The bill turns the party committees, like the Democratic National Committee and the Republican National Committee, into an “IT department” for their campaigns, State parties, and candidates. The parties will be able to give campaigns professionally managed, secured laptops, cell phones, and emails, which are much harder to hack. I think it is in the interest of our country, voters, Democrats, and Republicans to pass that bill.

I am going to close my remarks where I began, this extraordinary information that was compiled by the Associated Press that demonstrates that out-of-date software is going to be

used by election officials all over the country unless something is done about it. As a result, I have asked the Election Assistance Commission what they are going to do to stop the proliferation of out-of-date, insecure software.

A lot of people tell me, don't stay up waiting for much.

Earlier this year, I asked the Department of Homeland Security how many States used voting machines with old, insecure software on Election Day in November of 2018. They said they didn't know. I will say it again. The Agency in charge of protecting our election infrastructure against cyber threats has no idea how many vulnerable voting machines are out there right now. That is a big problem.

An even bigger problem is the inadequate laws. Right now, there are no mandatory Federal cyber security standards for elections. There is no law or regulation that says States can't use insecure machines. It is perfectly legal for the biggest voting machine company in America—and these voting machine companies basically think they are above the law; they wouldn't even answer basic questions when I asked them—to sell a small county equipment that every cyber security expert in America knows is insecure. It is perfectly legal for a county clerk to put the outcome of a Presidential election at risk by buying insecure machines.

I will just say to my colleagues, I don't think this has anything to do with Democrats or Republicans. I believe it is an out-and-out scandal—an out-and-out scandal that does a disservice to our country and particularly the sacred right to make sure that all Americans can vote and have their vote counted.

Congress has poured hundreds of millions of dollars into election technology since 2016, but without required cyber security standards, a huge portion of that money is going to go towards voting machines and election systems that are not much better than the insecure systems they are replacing.

The Congress must do better. Voluntary standards or just saying to the local governments "We are just going to let you do your own thing" will not cut it on cyber security. It is up to the Congress to get serious, finally, about providing for the security of our elections.

I have been pushing hard for hand-marked paper ballots and risk-limiting audits as key defenses against the hackers. The hackers are, in effect, burglars out there knocking on windows just looking for an opportunity to exploit. We need a stronger defense against these hackers, and it is critical.

In addition to the hand-marked paper ballots and the risk-limiting audits, it is critical for Congress to pass legislation giving the Federal Government the authority to require basic cyber security for election infrastructure. In

my view, anything less is waiving a white flag to foreign hackers.

By blocking any and all election security legislation, I believe Donald Trump and the majority here in the Senate are in effect rolling out the red carpet for all of the hostile foreign actors I have mentioned here and saying: Look, there are holes in our cyber security. Come on in, and interfere in our democracy.

We are better than that. I am going to be working with Democrats and Republicans to ensure that—especially in light of the developments that were reported on just in the last 72 hours about the out-of-date software that we are seeing in our voting machines all across the country—I am going to work with Democrats and Republicans to put the security and the integrity of our votes—a process that is sacred in our country—first.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

(Ms. ERNST assumed the Chair.)

Mrs. HYDE-SMITH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Peter Joseph Phipps, of Pennsylvania, to be United States Circuit Judge for the Third Circuit.

Mitch McConnell, Roger F. Wicker, John Barrasso, David Perdue, James E. Risch, Mike Crapo, Roy Blunt, Johnny Isakson, Shelley Moore Capito, Pat Roberts, John Cornyn, John Hoeven, Steve Daines, John Boozman, Thom Tillis, Kevin Cramer, Richard Burr.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Peter Joseph Phipps, of Pennsylvania, to be United States Circuit Judge for the Third Circuit, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Kansas (Mr. MORAN), the Senator from Kentucky (Mr. PAUL), and the Senator from Nebraska (Mr. SASSE).

Further, if present and voting, the Senator from Kansas (Mr. MORAN) would have voted "yea."

Mr. DURBIN. I announce that the Senator from Colorado (Mr. BENNET),

the Senator from New Jersey (Mr. BOOKER), the Senator from New York (Mrs. GILLIBRAND), and the Senator from Minnesota (Ms. KLOBUCHAR) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 53, nays 40, as follows:

[Rollcall Vote No. 204 Ex.]

YEAS—53

Alexander	Fischer	Perdue
Barrasso	Gardner	Portman
Blackburn	Graham	Risch
Blunt	Grassley	Roberts
Boozman	Hawley	Romney
Braun	Hoeven	Rounds
Burr	Hyde-Smith	Rubio
Capito	Inhofe	Scott (FL)
Cassidy	Isakson	Scott (SC)
Collins	Johnson	Shelby
Cornyn	Jones	Sinema
Cotton	Kennedy	Sullivan
Cramer	Lankford	Thune
Crapo	Lee	Tillis
Cruz	Manchin	Toomey
Daines	McConnell	Wicker
Enzi	McSally	Young
Ernst	Murkowski	

NAYS—40

Baldwin	Heinrich	Schatz
Blumenthal	Hirono	Schumer
Brown	Kaine	Shaheen
Cantwell	King	Smith
Cardin	Leahy	Stabenow
Carper	Markey	Tester
Casey	Menendez	Udall
Coons	Merkley	Van Hollen
Cortez Masto	Murphy	Warner
Duckworth	Murray	Warren
Durbin	Peters	Whitehouse
Feinstein	Reed	Wyden
Harris	Rosen	
Hassan	Sanders	

NOT VOTING—7

Bennet	Klobuchar	Sasse
Booker	Moran	
Gillibrand	Paul	

The PRESIDING OFFICER. On this vote, the yeas are 53, the nays are 40.

The motion is agreed to.

The PRESIDING OFFICER. The majority leader.

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to legislative session and be in 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.

BICENTENNIAL OF HART COUNTY

Mr. MCCONNELL. Mr. President, earlier this year, Hart County in my home State began a yearlong celebration of its bicentennial anniversary. This southcentral county is the proud home to an abundance of Kentucky history and culture. As they mark this impressive milestone, the people of Hart County, KY, are also ready to lead our Commonwealth toward its bright future.

The county was established in 1819 and named for a brave Kentuckian,