

would be off limits. Yet, as we speak, Chairman SHELBY and appropriators in both Chambers are trying to bring months of near stalemate to a close. Last month, a bipartisan-bicameral agreement was reached on subcommittee allocations, and talks continue this week on outstanding issues.

Thanks to the months of delay, we have a long way to go and a very short time in which to do it. I hope that our Democratic colleagues can finally stick to the terms of the budget agreement and keep partisan policy fights out of this process. That is the only way both Chambers will have a chance of being able to vote on funding bills before the end of this year.

That brings us to the USMCA. For the better part of the past year, President Trump's landmark agreement to update North American trade policy has been languishing as Speaker PELOSI and the House Democrats have indulged further and further in impeachment. There are 176,000 new Americans jobs that have sat waiting on ice as the Speaker has offered lukewarm assurances month after month that her caucus is hoping to be "on a path to yes." This week, at long last, it appears that the House Democrats may finally be willing to take action for American workers and job creators and let the House vote on the President's deal. I was pleased to hear that U.S. negotiators, led by Robert Lighthizer, were to head to Mexico today to finalize the details on this important win for the American economy. I hope this forward momentum continues.

So that is the state of play. There is a lot left to do for the American families we represent if our Democratic colleagues will simply allow it, and it will certainly take a great deal of cooperation and consent right here in the Senate if we intend to consider and pass these measures before the end of the year.

Obstruction and stalemate have brought us to the eleventh hour. I hope that, now that we are here, both Chambers will be able to set aside the Democrats' impeachment parade long enough to get the people's business finally finished.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The ACTING PRESIDENT pro tempore. 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 Patrick J. Bumatay, of California, to be United States Circuit Judge for the Ninth Circuit.

Mr. McCONNELL. Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The 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 ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Democratic leader is recognized.

INSPECTOR GENERAL REPORT

Mr. SCHUMER. Madam President, for years, President Trump has speculated wildly about a "deep state" conspiracy against his Presidency based on the claim that the FBI opened an investigation into the President's campaign with political bias, with the explicit purpose that they were out to get him.

Yesterday, the Department of Justice inspector general released a report that puts this conspiracy theory to bed. The report conclusively debunks the baseless conspiracy that the investigation into Mr. Trump's campaign and its ties to Russia originated with political bias. In fact, the report quotes the FBI Deputy General Counsel as saying that "the FBI would have been derelict in our responsibility had we not opened the case."

Let me repeat that from the No. 2 counsel at the FBI. "The FBI would have been derelict in our responsibility had we not opened the case."

Donald Trump commits so many wrongs, and when people call him on it, he blames somebody and comes up with a conspiracy. And the most amazing thing is that not just his appointees but these Senators in this Chamber—almost too many of them—just echo those crazy theories designed to divert us from the truth.

The inspector general of the Department of Justice, Michael Horowitz, has been praised for years by Members on both sides of the aisle for his integrity and for his fairness. There is no reason to doubt the report's conclusion. He has never been accused of bias before.

Attorney General Barr and LINDSEY GRAHAM praised Mr. Horowitz, but all of a sudden, they are casting aspersions on him and his report. Only political actors doubt this report—political actors like Attorney General Barr and now, it seems, as well, his handpicked Federal prosecutor, John Durham.

Attorney General Barr has all too often acted on behalf of the President's interests rather than as a neutral law enforcement officer. He almost seems a hatchet man on a political campaign rather than an Attorney General—an august position—following the rule of law and trying to shield that office from politics whenever possible. Instead, Barr loves to jump into the political pool of muck.

I was skeptical when Mr. Barr appointed John Durham simply because

Attorney General Barr had picked him. He does almost nothing in these sensitive areas that are not political. But you had some hope. Durham, some said, had a good reputation. Well, yesterday, Durham's statement confirmed our suspicions that he is not a non-political actor. No prosecutor worth his salt would release a political statement like he did while conducting an investigation. Because of issuing that statement, Durham has lost a great deal of credibility even before he issues his report. No one who is thinking of these things down the middle is going to think Durham is a dispassionate, nonpolitical observer because he has already shown himself to be, in a certain sense, a henchman of Mr. Barr and his political activities.

To emphasize the broad acceptance of the IG report, FBI Director Wray, appointed by President Trump, embraced the report.

When Director Wray asked whether he thought the FBI targeted the Trump campaign, he said I do not. And for that, not surprising, but still rather, again, low, shallow, and disgusting, President Trump lashed out this morning at the FBI Director, saying, "I do not know what the current Director of the FBI was reading, but it wasn't the one given to me."

President Trump, if you actually read the report, you would understand exactly what FBI Director Wray was talking about, and you would understand exactly why it was his duty to defend his department when they behave on a nonpolitical rule of law basis.

My friends, it is a sad state of affairs when truth tellers have no place in Trump's Washington. Anyone inside the Trump administration willing to speak truth to power—Secretary Mattis, DNI Director Coats, even Chief of Staff Kelly towards the end, and so many others—cannot survive the President's insistence on blind loyalty, cannot survive the fact that the President makes them tell lies and mistruths to continue to serve him.

If you do not act in febrile obeisance to President Trump, he will turn on you, so this quality of people in this administration is getting lower and lower and lower. Top-notch people and the ability to govern and make smart decisions and the ability to care about the truth often go hand in hand, but if you care about the truth, you are out, and so Trump loses quality people in his administration. And the only people who survive are willing to bow down to Donald, who will do just what he wants and says, even when they know it is false.

And that is why this administration is so erratic, so disjointed, so ineffective, and, at this time, so unpopular with the majority of the American people. The American people know that Mattis is a fine man. They know that Wray is a fine man. They know that they are the kind of people that, if Trump says tell a lie, they won't. But,

unfortunately, the people in this administration who remain are willing to do just that. And that said, as I said, it is a very sad state of affairs and one of the reasons this administration has such a difficult relationship with the truth.

The President conjures fictions, buys into baseless conspiracy theories told by known buyers on FOX News or somewhere else, and then anyone who contradicts him earns his scorn. Contradict him enough, if you are in the administration, you lose your job.

Now, more worry. Amazingly, this afternoon, the President and Secretary of State Pompeo will meet in secret with Russian Foreign Minister Sergei Lavrov. It shows a blinding disregard with what is going on in Congress and the world right now. Russian intelligence has been pushing the baseless theory that Ukraine interfered in the 2016 elections, not just Putin, as a way to divide the West and defend Putin.

Certain Republican Senators have stunningly repeated that falsehood around these corridors, and now, President Trump and Secretary of State Pompeo are meeting with the Russian Foreign Minister in secret. What new conspiracies are they cooking up with Lavrov today? I worry. The President has been so unable to articulate a defense of the facts uncovered in the House impeachment inquiry that he has resorted to one conspiracy after the next to explain his conduct. His allies, including Members of the Senate Republican Caucus, have elevated several of these theories.

Here in the Senate, certain members of the Grand Old Party are forming their own conspiracy caucus. Any crazy conspiracy, whether launched by Putin or some wild-eyed crazy conspiracy theorist, who manages, of course, all the time to get on FOX News and have his story or her story repeated, it is something that my colleagues just repeat even though it is clear they are false, and they know they are false.

ANGUS KING had a great op-ed last week in USA Today, which I commend to every one of my colleagues. It basically said, if what the impeachment proceeding has found is false, then where are the Trump people to refute it? Not to come up with some irrelevant conspiracy theory and bring this one and that one into it that has nothing to do with it, but actually refute the facts, where is that?

President Trump has not refuted a single fact that the impeachment inquiry has found. None of his people have been willing to come forward who would have knowledge to refute those facts if those facts were false. And so they try to create a shiny object, a diversion, and, unfortunately, too many of the news media on the right will spend time on that diversion and repeat Trump's claim that the actual facts are false.

This is the beginning of the end of the democracy, when we can't have

truth—we can disagree on the outcome of those facts, but we can't have truth of the fact—and everything is fake news, particularly those from the right who don't like the truth. When conspiracy theories that have no basis in fact govern, our democracy is at risk. It is one of the main reasons I think so many Americans believe, whatever their ideology, that President Trump should not be President.

The conspiracy theories are not harmless. They are sinister. They are insidious. They erode the democratic fabric of this country. They erode our fidelity of truth which is at the basis of democracy, and they help Putin sow discord in our country. Conspiracies need to stop. If the White House would like to submit evidence or offer witnesses to make the President's case, please do so. They haven't done it once. Instead, the White House is blocking documents and withholding witnesses who could potentially defend the President's action, a surefire sign, as ANGUS KING said in his op-ed, that the President has something to hide.

Given that the House announced it would write two Articles of Impeachment this morning, the White House's refusal to rebut the evidence under oath is something not lost on the Members of the U.S. Senate who could soon be judges and jurors in a Senate trial.

NATIONAL DEFENSE AUTHORIZATION ACT

Madam President, on another happier subject, over the weekend, negotiations on the annual defense bill concluded. There are lots of things missing in that bill, things that should have been included but were blocked by the Republican majority in the Senate. But there is one very good thing, among a few others. I am proud that the bill will now provide all Federal employees with 12 weeks of paid parental leave, something Democrats have pursued for a long time.

Once the NDAA is passed—hopefully in the coming week—1 million Federal employees will no longer have to choose between caring for a newborn and putting food on the table. This is huge, huge news. It will make the lives of millions of families better if you have a newborn baby that needs care, he or she. I just had a grandson who turned 1. I know just exactly what it is like. If both mom and dad work or it is a single-parent family, what is that family going to do?

It is one of the nerve-racking decisions that impedes on the joy of the new birth. Well, in many other countries, there is something called paid family leave where you can take off 3 months and raise the child in those early days when he or she is helpless. In the United States, some private companies are progressively doing it, but not enough. Well, now all Federal employees will get that opportunity with parental leave. It recognizes the changes in the world.

When I was growing up, my mom stayed at home while my dad went to work, who was an exterminator. That

is not the norm anymore. Most families have two working parents, and we have lots of single parents who bear the load of raising a family. All it takes is one serious illness, complication, or accident to wreak financial havoc on that family.

It is no surprise that paid family leave ranks near the top of voters' concerns. The United States is the only developed nation in the world that does not guarantee paid leave for parents of newborns or newly adopted. I hope that, after we pass parental leave for Federal employees, employees in the private sector will take notice and they will act as well. If this spreads throughout America, as often Federal policies do, it will be a great thing for our parents and our children.

Today, only 16 percent of workers in the private sector have access to paid leave. Studies overwhelmingly show that, when working parents can take care of their families without the fear of losing jobs, families are better off, and the economy is better off as well. So I am glad that the long push we have made on this side of the aisle for parental leave has been secured for all family workers. I hope it will become a reality soon for all workers, and I want to thank my colleagues who helped make this a reality.

NET NEUTRALITY

Madam President, on net neutrality, this Saturday marks the second anniversary of the FCC's party-line decision to repeal the net neutrality rules. To restore the safeguards of a free and open net that those rules protected, today my colleagues Senators MARKEY, CANTWELL, and WYDEN will ask the Senate's consent to pass the Save the Internet Act, which codifies net neutrality in a similar manner to last year's Congressional Review Act, which passed the Senate with strong bipartisan support.

I thank those Senators and so many others for their leadership on this important and sometimes overlooked issue. Net neutrality is based on a very simple idea, that the internet, just like our phones, our highways, our power sources, is a public good that all Americans should have access to without discrimination, whether you are a big company or a startup, a rural school or an individual consumer just like water companies can't discriminate if they come to their customers and say, oh, I am going to charge you \$10 for a day's use of water, but I am going to charge your neighbor down the street \$100. That would be unfair. We would not allow it. The same thing should be true with the internet.

Under the Obama administration, net neutrality rules prevented moneyed groups from getting preferential treatment. We should return to it. The administration has, unfortunately, sided with big special interests and repealed it. Senator MARKEY's legislation would restore the rules of the world that protect a free and open internet.

I thank my colleagues for bringing this to the Senate's attention today.

I yield the floor.

The ACTING PRESIDENT pro tempore. The majority whip.

Mr. THUNE. Madam President, it should come as no surprise that I might have a different point of view than the Democrat leader when it comes to the issue of net neutrality. If you look at what has happened since the FCC ruled on this, there were all these terrible apocalyptic predictions that were made about how speeds were going to slow down, the internet was going to slow to a crawl, and you wouldn't be able to do basic applications anymore, none of which have happened.

Obviously, we all believe—I certainly do, and I think most of my colleagues on this side believe—that if you want to have an open and free internet, that is a good thing, and if there are concerns about blocking or throttling or slowing speeds in some way, the Congress should be heard from on that because what we have had now for several years is this ping-pong effect. When one party is in power, they change the rules to suit their desires, and then the other party comes to power and changes it. Then you have all this litigation that goes on in the courts, which doesn't help anybody. All that does is bog things down and generates a tremendous amount of cost, and nobody's interests are served by that.

So if there is a concern, and I have articulated this on many occasions to my colleagues on the other side, to work with us on a legislative solution where Congress can step in and put clear rules of the road in place when it comes to the internet—making sure we have an open and free internet—we are prepared to do that, but that is not something the Democrats have been interested in doing.

They would rather have this heavy hand of government that slows this innovation down, all these wonderful things that are happening in our economy right now—the race to 5G, which obviously is critically important to so many sectors of our economy—could be dramatically impeded if you had the heavy hand of government, the heavy hand of regulation, which has been advocated by our colleagues on the Democratic side for some time, if that became the norm.

When President Trump was elected, and Chairman Pai was made Chairman of the FCC, and we had a Republican FCC which did away with the heavy-handed regulations of the previous administration, we heard all these apocalyptic predictions coming from the Democrats about all of the horrible things that were going to happen to the internet. I can tell you that my experience, I think, is like most Americans. I can continue to download applications. I can continue to scroll and to see the things I want to see and to toggle back and forth between different websites in a way that I did before. It just flat hasn't happened. So they are trying to come up with a solution for a problem that does not exist.

That said, we would be happy to work with them. We want to put clear rules of the road in place, but that is not what they want. They want the heavy hand of government and the heavy hand of regulation strangling what has been one of the most remarkable economic miracles of the last half century, if you look at what the internet has done in terms of productivity in this country.

APPROPRIATIONS

Madam President, I am very pleased to hear that a deal has been reached to finally advance the 2020 fiscal year National Defense Authorization Act.

Every year, Congress takes up the National Defense Authorization Act to authorize funding for our military and our national defense. Like last year's NDAA, this year's bill focuses on rebuilding our military and ensuring that we are prepared to meet 21st century threats.

While many take it for granted that we have the strongest military in the world, in recent years, our military advantage over near-peer adversaries has eroded. Budgetary impasses, combined with increased operational demands, left our military undermanned, under-equipped, and ill-prepared for the conflicts of the 21st century.

In November of 2018, the bipartisan National Defense Strategy Commission released a report warning that our readiness had eroded to the point where we might struggle to win a war against a major power like Russia or China, and the Commission noted that we would be especially vulnerable if we were ever called on to fight a war on two fronts. That is not a good position to be in. Restoring our readiness has been and must continue to be our top priority.

This year's National Defense Authorization Act continues our efforts to rebuild our military. It invests in the planes, the combat vehicles, and the ships of the future, including the Joint Strike Fighter and the future B-21 bomber, which will be based at Ellsworth Air Force Base in my home State of South Dakota. It authorizes funding for research and development and advanced technology. It also focuses on ensuring that we are equipped to meet new threats on new fronts, including in the space and cyber domains. Of course, this bill invests in our most valuable resource—our men and women in uniform.

The National Defense Authorization Act authorizes a 3.1-percent pay increase for our troops, which is the largest increase in a decade. This is not only something our troops have earned, it is also an important way to increase retention in an All-Volunteer Force.

This year's National Defense Authorization Act also focuses on addressing the recent significant health and safety issues with private on-base housing. It contains measures to support military spouses seeking employment and increased access to childcare on military installations.

I am glad we are finally on track to get this important legislation done. The final bill, of course, like most legislation, is not perfect, but it will help ensure that our military receives the resources it needs to meet current threats and to prepare for the threats of the future.

I am also encouraged by the fact that it looks like Democrats have decided to work with us to get fiscal year 2020 Defense appropriations passed before Christmas.

Needless to say, the 2020 Defense appropriations bill, like the authorization bill which I just referenced, is critical legislation that authorizes the funding for current and future military priorities. It provides funding to support that pay increase for the men and women who keep us safe. It provides the funding for the weapons and equipment our troops need right now to carry out their missions, and it provides funding for the equipment and technology our military would need to defeat the threats of the future.

It provides funding for missile defense, for research and development, for ships, for planes, and for combat vehicles to update our aging fleets. It also provides funding for our allies, including \$250 million in military assistance for Ukraine. This is a critical national security bill, and it needs to be enacted as soon as possible.

It is unfortunate that we couldn't get this legislation done sooner, before the start of the new fiscal year in October. Delaying defense funding has left our military short of the resources it needs and unable to start important new projects. So I am glad that, at long last, the Democrats are finally willing to work with us on this important legislation. It is time to get this bill done so we can get our men and women in uniform the resources they need without further delay, as well as uphold our national security commitments to our friends and to our allies.

I hope negotiations will continue to move forward and that we can get this legislation to the President's desk within the next 2 weeks, before the Christmas holiday.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. SCOTT of Florida). Without objection, it is so ordered.

WYOMING WOMEN'S SUFFRAGE DAY

Mr. BARRASSO. Mr. President, I come to the floor as we celebrate today, in Wyoming, the 150th anniversary of Wyoming's women's right to vote—150 years. Before we even became a State, women were voting in Wyoming. Today, at our State capital building in Cheyenne, there is a huge celebration of people from around the

State and around the country celebrating this historic day.

Many people watching today may not know the history of what happened 150 years ago. Yesterday afternoon, Senator ENZI spoke on the Senate floor and outlined some of that history. I am so proud of my home State's amazing record in advancing this entire issue and concern and allowance of women's voting.

Women in Wyoming were the first in the Nation to use the right to vote. That is a fact. Wyoming women have been voting for 150 years. On December 10, 1869, Wyoming took a giant leap forward for women's equality. We are called the Equality State. This is a lot of the reason why.

Wyoming Governor Mark Gordon, in a ceremony this morning at our State capital in Cheyenne, is proclaiming today Wyoming Women's Suffrage Day. Wyoming is the first place in the country to pass a law securing women's right to vote, as well as the right not just to vote but to hold public office.

The people of Wyoming spoke loud and clear 150 years ago today. We stood with women 50 years ahead of the rest of the Nation. Wyoming was a territory back then. Our State had not yet joined the Union. That didn't happen until 1890. Still, that is when we earned the proud name of the Equality State.

Wyoming earned far more than the name. By leading the fight for women's rights, Wyoming has forever earned a hallowed place in the books of history. Nobody embodies that legacy more than Wyoming's Louisa Ann Swain. On September 6, 1870, Louisa Swain of Laramie, WY, became the first woman in the United States to vote in the general election. By casting her historic ballot, she claimed a great victory for women everywhere.

It is a tremendous heritage that we celebrate today. Wyoming truly is the Nation's trailblazer for women's equality. In fact, "Equal Rights" is our State motto.

On November 19, the Senate unanimously passed the Wyoming Women's Suffrage Day resolution. Senator ENZI and I cosponsored the resolution to commemorate today's 150th anniversary. Now the entire Nation can join in celebrating Wyoming's groundbreaking law.

Then, 20 years after the law's passage, Wyoming refused to enter the Union as a State unless we had equal voting rights, men and women. There was a big fight about it in Wyoming and in the Nation's Capital. When standing on principle became a major sticking point, Wyoming stuck to its guns on women's equality and actually ended up delaying becoming a State over this very issue.

On March 26 of 1890, Wyoming statehood legislation narrowly passed the U.S. House of Representatives. The measure passed the Senate a few months later, but part of the debate on the floor of the House of Representatives had to do with Wyoming women

actually voting in our then territory and now State.

President Benjamin Harrison signed Wyoming's statehood into law on July 10, 1890, upholding women's rights. Wyoming was technically the 44th State to enter the Union, but Wyoming really is the first State when it comes to women's equality. Wyoming put women first even before statehood.

Back home, 2019 is the "Year of Wyoming Women." Our State is paying tribute to our strong women leaders. We had the great honor of electing the first woman Governor, Wyoming's 14th Governor, Nellie Tayloe Ross. Wyoming boasts many more female firsts. These include the first woman to serve on a jury and the first female justice of the peace, Esther Hobart Morris. Wyoming also claims the first all-female city government. These pioneering women leaders were elected in 1920 in Jackson, WY. The Jackson press dubbed them "the petticoat government." So we celebrate 150 years of equal rights in Wyoming and 100 years for women nationwide.

In 1919, Congress passed the 19th Amendment to the Constitution, granting women's suffrage. This hard-fought legislative victory would ensure women's full participation in our democracy.

To mark this 100th anniversary, President Trump recently signed into law the Women's Suffrage Centennial Commemorative Coin Act. I had the privilege of cosponsoring this legislation that was introduced by Senator MARSHA BLACKBURN from Tennessee. The bill passed unanimously in the Senate. I made sure that Wyoming's Esther Hobart Morris was among the suffragettes honored in this legislation.

All Americans owe an enormous debt of gratitude to the Nation's extraordinary women leaders of the past, the present, and today as we pause to remember where it all started 150 years ago in the trailblazing State of Wyoming, the Equality State.

HEALTHCARE

Mr. President, now I would like to turn to a different topic. I come to the floor today as the Democrats in the House and in the Senate are obsessed with obstruction because they are obsessed over impeachment and are obstructing everything else.

We have only a week left to fund the government, to pass "America First" trade deals, and to support our military. Still, there is another priority issue that we need to address. We must provide relief, in my opinion, from costly ObamaCare taxes. There are several of those that are impacting our citizens around the country.

Last week, the Centers for Medicaid and Medicare released a report on healthcare spending. The report finds that health insurance costs grew in 2018 by a larger number than they had the year before.

Why does CMS believe that the rates of insurance actually have gone up additionally? Well, it is because of a couple of taxes.

One is the health insurance tax, or the HIT tax. It is in the Obama healthcare law. It is an unfair tax that has increased insurance premiums for small business owners and for seniors. That is why I have been a longtime opponent of this health insurance tax. Democrats need to help us get rid of the tax. They need to end it.

The second ObamaCare tax we must repeal is the so-called Cadillac health plan tax. The Cadillac tax affects millions of Americans who are covered through work, especially union workers. On December 5, a broad group of unions and employers wrote the Senate leaders urging a repeal.

This is what they said. The union leaders and supporters urged the repeal, and this is what they wrote to the Senate leaders:

The consequences of inaction are serious. Many millions of working Americans will pay more out of pocket . . . or face reduced health coverage.

We need to end this Cadillac tax now.

The third tax we need to repeal is the medical device tax. Really, it is a tax on innovation. The medical device tax is going to restrict patients' access to new lifesaving technologies.

Without congressional action, the health insurance tax and the medical device tax are going to take effect again in 2020 and the Cadillac tax in 2022. It is time to repeal these punishing taxes. We need to do this to protect patients and working families all across the country.

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

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

AGRICULTURE

Mr. GARDNER. Mr. President, I come before the Senate today to recognize a historic milestone in the Colorado agricultural community. The Colorado farm bureau is celebrating 100 years of representing farmers, ranchers, rural communities, and every aspect of agriculture in Colorado.

I grew up in the Eastern Plains, the very heart of agriculture. In fact, the county I grew up in is one of the largest corn-producing counties in the country and, certainly, economically speaking, one of the top agricultural communities in the State.

Our livelihood, our neighbors—everything—depend on agriculture. In fact, when there is a downturn in agriculture, it is not just the next day that our community feels that. It is that next hour that the community feels the impact. It is the same with a good agriculture economy. It is not just tomorrow that we will feel the impact, but immediately we will feel the impact.

I grew up working in a family farm equipment dealership where you got to

know everybody in the community, not because of the kind of operation they had but because of the kind of person they were, the kind of relationships you built, and then, of course, the opportunities to do business in those communities.

There are ebbs and flows, good times and bad times, times of prosperity and times of difficult predicaments in rural America, in agriculture. In the 1980s, I grew up watching one of the hardest times agriculture faced—watching a number of banks face foreclosures, a number of farmers face foreclosures. I watched as people I knew my whole life sold their farms, gave up farming, and closed their businesses.

It wasn't that long ago—in fact, just a few years ago—that we saw some of the highest priced commodities this country had ever seen for a very long time. The golden years of agriculture occurred just a couple of years ago because of all-time high prices. That is not the situation we are facing today.

Once you have worked in the agriculture industry, I think you develop a very deep understanding and appreciation for the men and women who have our farmers' backs through the good times and the bad times, like the Colorado Farm Bureau. The Farm Bureau plays a vital role in the wellbeing of all aspects of agriculture. It gives rural communities a prominent voice when the government is debating policies that impact their farms, their finances, and their families.

The Colorado Farm Bureau began in 1919, when a group of farmers, ranchers, veterinarians, rural doctors, shopkeepers, and tradesmen in 10 local counties met to form what was termed a "Farm Bureau." Their goal was to make the business of farming more profitable and the community a better place to live. The organization struggled through the years and almost died out in the 1930s.

In the late 1930s and early 1940s, a group of people across Colorado organized to breathe new life into that Farm Bureau in Colorado. Ezra Alishouse, C.J. Phillips, Arthur Andersen, and others sold memberships to rebuild the organization.

As a group of farmers naturally would, the Farm Bureau persisted and grew. They grew the Farm Bureau to become the largest farm organization in the State of Colorado and expanded the support they provided to ag communities throughout the State.

In the 1940s, farmers and ranchers were having a difficult time insuring their operations. So the Colorado Farm Bureau created a farm insurance casualty company. They began offering farm insurance in 1948. Later in the 1950s, they began offering life insurance for those in the agriculture community.

Today, the Colorado Farm Bureau represents 23,000 member families, 45 local county Farm Bureaus, and is one of the largest farmer-led organizations in the State of Colorado. The Colorado

Farm Bureau has a simple mission: to promote and protect the future of agriculture and rural values.

They show people the agriculture industry up close, why it is important to all of us, and the success of our rural communities.

The Farm Bureau offers leadership training for young professionals, scholarships, college programs, health and safety trainings, helpful resources to farmers, and support when it is needed the most. Through the Colorado Farm Bureau Foundation, the Farm Bureau has raised hundreds of thousands of dollars to support victims of natural disasters in Colorado, whether that is a drought or whether that is severe blizzards.

They represent, improve, and promote all aspects of agriculture in Colorado and have helped to develop the industry into the economic powerhouse it is and one of the strongest drivers of Colorado's economy.

Every year I have been honored to join the Colorado Farm Bureau and have the Colorado Farm Bureau join me on our annual farm tour. That is a tradition I first started when I came to the House of Representatives. Every fall we would go to the Eastern Plains of Colorado and the Western Slope of Colorado and talk to everyone from peach growers in Palisade to corn growers in Kiowa and beyond, and we had opportunities to learn how we can help every nook and cranny of the State when it comes to agriculture.

This year, we have traveled to 15 different counties across Colorado, visiting family farms, ranches, and agricultural businesses. We held roundtables with locally elected officials. We went to a wind farm and talked about the impact that renewable energy is having in positive aspects for our farmers and ranchers.

This farm tour wouldn't be possible without the Farm Bureau and the others who helped put it together and make sure we see these important issues that we are facing. In the past, we have turned to them for their expertise in policy, their insights, experience, and their partnerships as we champion efforts that will help and benefit rural Colorado. They have been a great partner in providing agricultural producers with the resources and certainty they need to protect private property rights, to protect our waterways, to ensure that farmers are treated fairly in the Tax Code, and, recently, in helping to relocate the headquarters of the Bureau of Land Management to Grand Junction.

The Farm Bureau is a regular presence in Washington. I think all of us know that. Colorado Farm Bureau members have played an important role in developing policy. They are not afraid to get their hands dirty and of the hard work it takes to get good legislation passed.

The Colorado Farm Bureau takes on difficult issues and has a real impact on people's lives. Their dedicated work

and their willingness to take on difficult issues has also earned them national recognition. In 2005, the Colorado Farm Bureau was recognized by the Department of the Interior in Washington for their work at the Colorado Department of Natural Resources to protect the mountain plover.

This created a win-win partnership that the government and the private sector could work in together to preemptively protect the species without listing it on the Endangered Species Act.

The Colorado Farm Bureau was instrumental in opening up 300,000 acres of land for data collection and research on the mountain plover's nesting and population status. Through that effort, they were able to avoid listing, develop better management practices, and help to grow the mountain plover population.

I look forward to continuing to hear from Colorado Farm Bureau members and farmers and ranchers across our State, as this Chamber—this body—debates new trade opportunities, new agricultural policies, and anything that could impact farmers back home.

Their contributions will be especially valuable as we continue to open up new markets for Colorado producers, invest in rural communities, and manage our public lands.

Last month, the Senate passed a resolution I introduced with my colleague, Senator BENNET, celebrating this historic 100th anniversary, recognizing all of the Colorado Farm Bureau's past, present, and future efforts to promote and advocate farm and ranch interests.

I ask my colleagues in the Senate to join me today in celebrating the Colorado Farm Bureaus's rich history and contributions to the ag industry, not just in Colorado but across the United States. Congratulations to the Colorado Farm Bureau for your 100 years of being a strong voice for farmers, ranchers, and our rural communities in the "Centennial State" and for all your work to protect the Colorado way of life. I look forward to continuing our work together with the Farm Bureau in seeing what we can accomplish for the next 100 years of agriculture in Colorado.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

NOMINATION OF LAWRENCE VANDYKE

Mr. TESTER. Mr. President, it is no secret that the Senate doesn't do much around here, except for confirming judges. But looking at the records of the folks we are confirming to the Federal bench, it is clear we have forgotten even how to do that.

The Founding Fathers were incredibly visionary. When they set up the Federal judiciary, they hoped to insulate it from political influence. How? By giving them lifetime appointments, with the advice and consent of the Senate. In doing so, they gave the Senators the most solemn of responsibilities we have in this body: evaluating

judicial nominees on their independence, their fairness, their temperament, and their judgment.

Unfortunately, these days, the Republican majority seems to have thrown qualifications out the window. Instead, they give out lifetime appointments to the court like candy. This doesn't prevent partisanship from influencing our judicial system; it ensures partisanship. The latest example is Lawrence VanDyke's nomination to the Ninth Circuit Court of Appeals, which has jurisdiction over Montana.

Mr. VanDyke is a familiar face to Montanans because he grew up and attended school in the great State of Montana. He also served as Montana's solicitor general before resigning to run an unsuccessful race for the State supreme court.

Montanans can separate the wheat from the chaff pretty well, and after examining his record and judgment, they found Mr. VanDyke unqualified to serve on the State's highest court. Montanans rejected him overwhelmingly at the ballot box, but now the majority leader wants to give him a lifetime seat on the bench.

Once you start to dig into Mr. VanDyke's extreme record, it is not hard to see why folks in my State were concerned about his ability to be fair and independent. This is a man who believes a government should insert itself between a woman and her doctor when she is trying to make private healthcare decisions. This is a man who, as Montana's solicitor general, worked to oppose same-sex marriage and questioned the ability of same-sex partners to properly raise children. This is a man who supports opening our public lands to mining and drilling.

By the way, our public lands contribute more than \$7 billion to our economy. Nonetheless, open it up, drill it, and mine it. And this is a man who ridiculed Montana's deep belief that corporations are not people. He argued in favor of unchecked money flowing into our elections. He believed that corporations were people and, in fact, his race for supreme court in Montana received over \$600,000 in outside spending—\$170,000 from the Koch brothers alone.

My guess is that some of my friends on the other side of the aisle view Mr. VanDyke's extreme positions as an asset, not an issue. They may point to the fact that he claimed he would be objective during his confirmation hearing.

The fact is, we cannot trust Mr. VanDyke to put aside his past positions and give everyone who comes before his court a fair shake, to be fair and impartial.

Mr. VanDyke has never been a judge, and he was rated as "not qualified" by the nonpartisan, nonpolitical American Bar Association.

By the way, this isn't the first nominee who has come up who has been rated as "not qualified." I asked a lawyer friend of mine what that means,

and he said, basically, if you can't achieve a "qualified" rating by the American Bar Association, you are a train wreck. That is what Mr. VanDyke is.

His nomination is opposed by over 200 conservation, education, civil rights, and other organizations. He is also opposed by six former Montana Supreme Court justices, folks that Montanans did elect to sit on the highest court in our State. They wrote of Mr. VanDyke:

It is doubtful that he understands that judicial decisions must be based solely on the facts of the case and on the law. . . . We strongly believe that Mr. VanDyke has demonstrated that he has neither the qualifications nor the temperament to serve as a federal court of appeals judge.

His coworkers from his time as Montana's solicitor general seem to agree. A former assistant attorney general who worked with VanDyke wrote privately to his colleagues:

Ever since he has arrived, Mr. VanDyke has been arrogant and disrespectful to others, both in and outside of this office. He avoids work. He does not have the skills to perform, nor desire to learn how to perform, the work of a lawyer. Now that he has resigned—

That was when he resigned to run for the supreme court—

and refuses to work on cases assigned to him, while remaining on the payroll for the next several months.

In fact, even Mr. VanDyke doesn't consider himself qualified to perform the basic duties of a lawyer. He once explained in an email that he has no experience in discovery, experts, stipulations, or in meeting and conferring with opposing counsel.

I am no lawyer, but those sound like the tasks that someone up for a lifetime judicial appointment should know how to do.

Let me put it this way. If I were looking for a contractor to do work on my farm and the contractor had these kinds of qualifications, I would not hire him for 1 minute, much less give him a job for a lifetime.

I spend more time in Washington, DC, than I would like, which is how I know there is no shortage of lawyers around here and around the country. There is absolutely no reason that we can't find someone better suited to this position than Lawrence VanDyke.

I know it is too much to hope that the Senate will act with as much common sense as the folks in Montana do, but I do expect us to have the decency to respect the will of Montana voters and reject Mr. VanDyke for a seat on the Ninth Circuit Court of Appeals.

I urge my colleagues to take a look at the record, to take a look at what he has done, to know it will not be a fair and impartial court if he is put on it, and I urge my colleagues to oppose his nomination.

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.

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

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

Mrs. MURRAY. Mr. President, I ask unanimous consent to speak as in morning business.

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

OVER-THE-COUNTER MONOGRAPH SAFETY,
INNOVATION, AND REFORM ACT

Mrs. MURRAY. Mr. President, last week, when I joined my colleagues to recognize Senator ISAKSON, I mentioned that when Johnny says he is going to get something done, you know it will get done. The bill we are getting ready to pass today in a few hours, the Over-the-Counter Monograph Safety, Innovation, and Reform Act, which he has worked on with Senator CASEY, proves it once again.

Every day, people head to their local pharmacy or retail store for over-the-counter medications to deal with a cough or a sore throat or a stomach ache. Every day, parents across the country turn to the medicine cabinet after someone comes home with a scrape or a bug bite or poison ivy. Every day, there are countless other health concerns people look to treat quickly, safely, and effectively with over-the-counter drugs. That is why this legislation is so important.

The pace of scientific discovery seems to speed up every day, but the over-the-counter monograph system—the system for how these drugs are regulated and brought to market—has not kept pace. The current system has not changed, actually, since 1972, and it sorely needs to. Right now, even after the science has made clear that small changes to the monograph, or recipe, for an over-the-counter drug might make it safer or more effective, it can take years for those changes to be approved under the current outdated process. Even small changes to a drug label, including changes regarding important new safety information, can be held up for years.

The Over-the-Counter Monograph Safety, Innovation, and Reform Act takes long-needed steps to address this problem and streamline the way over-the-counter drugs are regulated and brought to market. These changes will allow the Food and Drug Administration to do more to protect public health and make sure over-the-counter drugs, ingredients, and labels reflect the latest science. It will also encourage the development of new products to better meet the needs of patients. The legislation allows the FDA to collect user fees for reviewing over-the-counter drugs to make sure it has the resources it needs to do this important job.

Many families rely on over-the-counter drugs each day for a lot of different reasons. It is very important that these medications and the labels we turn to for information about them are safe, that they are effective, and

that they are as up-to-date with the latest science as possible. Thanks to the efforts of Senator ISAKSON and Senator CASEY, this bill we will vote on this afternoon will help accomplish that by updating the over-the-counter monograph system for the first time in decades. I know how important this bill has been to Senator ISAKSON and how he has worked so hard on it for many years. I want to tell him how grateful I am. I want him to know that I am particularly grateful for his commitment to getting this done for families back in Georgia and across the country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

UNANIMOUS CONSENT REQUEST—S. 682

Mr. MARKEY. Mr. President, today I rise in defense of net neutrality. This week marks the 2-year anniversary of the Trump FCC's wrongheaded decision to repeal net neutrality.

First, let's be clear about what we are discussing today. Net neutrality is just another way of saying nondiscrimination. That is what it is all about. It is just another way of saying that big companies online can't discriminate against individual consumers; that large companies can't discriminate against smaller companies and startups; that corporations can't stifle speech online; that once you pay your monthly internet service bill, you can go anywhere you want on the internet without Charter or Comcast or AT&T or Verizon slowing down or blocking your path to a website of your choosing.

Despite all this, 2 years ago this week, the Trump Federal Communications Commission voted to throw out net neutrality at the behest of the broadband barons. Since then, we have watched as countless citizens, companies, and activists have continued to stand up and demand that net neutrality be restored.

This spring, the House of Representatives took an important step in passing the Save the Internet Act. My legislation in the Senate would overturn the Trump administration FCC's decision and restore net neutrality protections. In the Senate, we have already successfully passed the same proposal on a bipartisan basis.

In April of 2018, my Congressional Review Act resolution passed in the Senate by a bipartisan vote of 52 to 47. We debated net neutrality, and the Senate decided to join the majority of Americans and support a free and open internet. In that vote, we sent a message to President Trump about what it means to have an internet free of corporate control and open to all who want to communicate, engage, and innovate. We made clear that this Congress won't fall for President Trump's special interest agenda that just wants to block, slow down, or discriminate against content online just to charge Americans more on their cable and internet bills.

Unfortunately, the rules for a Congressional Review Act that allow just 30 Senators to force the majority to schedule a vote is not an option in this Congress because the right to bring a Congressional Review Act resolution to the floor has a time limit on it, which has now expired. So, instead, today we once again call for an immediate vote on the Save the Internet Act.

Already, in June, our Republican colleagues failed to listen to the voices of their constituents and blocked a vote from happening. Sadly, the Republicans plan to stonewall us again and to block this vote. This is yet another example of the Republican Party refusing to side with the ordinary people in our country—families, small businesses, startups, entrepreneurs, anyone with an idea who needs the internet to get it off the ground.

Under Senator MCCONNELL's leadership, the Republicans have buried this bill in their legislative graveyard. Instead of passing legislation, instead of acting on legislation which already passed in the Senate in 2018 and which passed the House of Representatives this April, Leader MCCONNELL has done little but confirm unqualified, extreme-right nominees for the Trump administration.

Just listen to some of the bills that Senate Republicans refuse to act on that have already moved through the House of Representatives this year: the Violence Against Women's Act, voting and democracy reform, gun background checks, paycheck fairness, and the Paris climate agreement. The answer from the Republican leadership is no, no, no. That is what continues to happen. Net neutrality is part of that chorus of "noes" that the Republicans aim at legislation the American people want and need to have passed here in the Senate.

But the Senate majority leader and his Republican colleagues can keep populating the legislative graveyard at their political peril because this is the agenda the American people want to see the Senate debating. They want to see these laws put on the books to protect families in this country. The issues they are blocking are enormously popular, and most have bipartisan support. Net neutrality is one of those issues.

The Save the Internet Act—the bill we are debating today—does exactly what the American people want. It restores the rules that ensure families aren't subjected to higher prices, slower internet speeds, and even blocked websites because the big internet providers want to pump up their profits. That is what today's fight is all about. It is a fight for innovation; for entrepreneurialism; for the American economy; a fight for free speech, which is the cornerstone of our democracy; and a fight for the most powerful platform for commerce and communications in the history of the planet.

Some will argue that since the Trump FCC ripped away the net neu-

trality rules, everything has been just fine, but we are not falling for that. As the legal challenges over this issue have taken place over the last 2 years, internet providers have had every incentive to keep a low profile, to keep things as they were. But ultimately, the question before the Senate today is whether consumers trust their internet companies to do the right thing without being told they have to. We know that consumers rightfully don't trust the broadband barons.

It is time we do the right thing for the American people. We can start with passing the Save the Internet Act and protecting the internet as we know it. The American people want action now. The Democrats are committed to fighting on their behalf. Net neutrality just stands for nondiscrimination online. You can't be biased against a smaller voice, a smaller company, a startup; it is not allowed. That is what net neutrality says to all the big broadband giants—you cannot discriminate. Net neutrality is something that is at the heart of what the 21st century should stand for in this internet age.

I urge my colleagues to support this motion.

I yield to the great leader of the State of Washington, Senator CANTWELL.

Ms. CANTWELL. Mr. President, I rise today to join my colleague from Massachusetts, who has been a leader on this important issue of net neutrality. I want to speak and back up what he said today about why it is so important and that we need to fight to protect a free and open internet, before I do, I would just like to mention that yesterday we filed a bill dealing with trade enforcement.

The reason I bring that up is because today there is going to be a lot of discussion about trade writ large. It is very important that in the trade discussion, we also have trade enforcement. Much of what we filed yesterday is what we hope to see in an agreement that is now being unveiled, and this builds on capacity building, which is very important. We want to make sure we have the enforcement capabilities at USTR and now the capacity and enforcement in Mexico to make these agreements work in the future. I look forward to discussing that with my colleagues.

I am really here to talk about how 2 years ago, the Trump administration, basically, with the FCC at the helm, repealed net neutrality and put Big Cable in charge of our internet future. Despite 83 percent of all Americans and a majority of Independents, Democrats, and Republicans supporting a free and open internet—that means making sure they weren't charged excessive rates—the FCC chose to side with cable companies.

Not long after, Verizon throttled the broadband service of Santa Clara firefighters in California when they were in the midst of fighting the massive Mendocino Complex Fire in 2018. Despite firefighters' urgent pleas to stop

the throttling, Verizon refused to do so.

For those who don't understand what throttling is, we are always concerned that without rules of the road, companies would slow down some access to internet sites. This is so important because we don't want an internet that is based on how much you pay for faster broadband access.

We think that to slow down important sites like public service sites or any sites or to base an internet on how much you pay is the wrong direction. More importantly, we need to make sure we are policing this. Even today, as we have no Federal agency with clear authority to adopt hard and fast rules to keep that situation from happening again, we need to keep fighting.

Another example is that wireless carriers have been accused of potentially throttling subscribers to Netflix, YouTube, and Sprint and allegedly interfering with Skype services. Again, that is another example of why we have to keep our message about a free and open internet no matter where we look, where we live, or where we are accessing the internet.

It is long past time for the Senate to vote on the Save the Internet Act—something on which our colleague from Massachusetts has been a leader.

Our bill would restore the protections for a free and open internet that were had by the Obama FCC in 2015, which would mean no blocking, throttling, or paid prioritization would be allowed. The FCC would have the flexible legal standards by which to address concerns that would arise from these big cable companies' threats to a free and open internet.

Again, I thank the Senator from Massachusetts for his leadership—persistent both in the House and the Senate—in stressing how important this is.

As my colleagues know, these issues are going to be very important in the future, not just with regard to privacy, which the Senator has also been a leader on—and I very much appreciate that the hometown newspaper wrote a glowing endorsement of the legislation he and I have just recently introduced on privacy—but in understanding that in the information age, you have to give consumers rights, that you have to give them the right to privacy, and that you have to give them the right to a free and open internet that is not controlled in speed and that is not controlled by one's saying, If you pay us more, we will give you access. This is going to be a key communication tool for the 21st century, and it needs to be open.

I thank my colleague for raising this important issue, and I will continue to work with him and our other colleagues to make it the law of the land.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, our ranking member on the Committee on Commerce, Science, and Transpor-

tation has always framed the issue of net neutrality and consumer rights appropriately.

I am going to speak for just a few minutes. Then, on behalf of our side—on behalf of the Democratic caucus—Senator MARKEY, our friend from Massachusetts, will propound a unanimous consent request. I note that the chairman of the committee is here, and we will have a bit of discussion.

Let me give a bit of history on this.

Senator MARKEY introduced the first net neutrality bill as a Member of the other Chamber, and I introduced the first net neutrality bill in the U.S. Senate. Right out of the gate, I think it is important for people to understand what this issue is all about. Real net neutrality empowers consumers. After they pay their internet access fees, they get to go where they want, when they want, and how they want. What Ajit Pai and Donald Trump want is something very different. They want an internet policy that lets Big Cable get what it wants, when Big Cable wants it, and how Big Cable wants it. That is the difference here.

Who is in the driver's seat?

Senator MARKEY, Senator CANTWELL, and I say that this is what the beauty of the internet has always been about, which is really simple. The consumer is in the driver's seat. We don't have an information aristocracy with lanes and all kinds of favoritism for the powerful and the influential. It is where the student, the small business, and the person without power and clout gets the same fair shake as everybody else.

What we have said is we want to keep the consumer in the driver's seat, and Mr. Pai and Donald Trump want a different notion of internet freedom. What they really want to say is that internet freedom is Big Cable freedom. That is their idea about how we ought to approach the internet. At the end of the day, if the policy here is about letting Big Cable rig the internet in favor of those who can afford to pay more and shake down everybody else, people will have a choice to do that, but that is not the choice Senator MARKEY and I are going to make.

Cable companies are already tricking people into buying so-called unlimited service plans that limit their service. People have uncovered the way they have throttled service for particular users, including for first responders in times of emergency. Megamergers that involve telecom and entertainment companies also limit competition and threaten to balkanize the internet.

We are talking about fracturing the internet into small bundles that cost big money. That is the vision the cable companies have—not net neutrality—by which you head in a direction whereby consumers pay a lot more for entertainment and information and small businesses scratch their heads and ask: How in the world am I going to compete with the big guys online? Fortunately, the courts recently said the Trump administration can't overrule States on net neutrality.

I look forward to being in my home State of Oregon in a couple of days and having town meetings. What I like the most is when people speak up on issues like fairness and net neutrality, and I am going to hear about it this weekend. Other States have policies like Oregon's as well.

Here in Congress, on this side of the aisle—and you will see it when Senator MARKEY offers his proposal in a moment—we are going to keep up the fight to protect consumers from Ajit Pai and the Trump FCC. We still have that vision of the original internet that Senator MARKEY and I talked about when he offered the first proposal in the House and I offered the first proposal in the Senate. What could be more simple than putting the consumer in the driver's seat? You can say where you want to go, when you want, and how you want. Now we are talking today—years later—about the cable companies being able to say they are going to decide those very issues.

I am very pleased—and I think it is very appropriate—that after years of leadership on this issue in both the other body and in the U.S. Senate that Senator MARKEY is going to speak for our caucus on this issue and call for the Senate to pass his legislation so as to have a truly free and open internet for the entire country.

If you don't get the Markey proposal, what you are going to see are big cable companies that will, bit by bit, little by little, keep ratcheting up the cost of internet access. By the way, their strategy is to do that little by little because they are hoping nobody will ever complain and that nobody will notice. Senator MARKEY and I and our caucus have figured out that the cable companies are trying to disguise price hikes and data limits in the end by flashing discounts on bundles of content. What the cable people are talking about is a bad deal for consumers, and it is a bad deal because Ajit Pai and Donald Trump want to put Big Cable profits over the interests of the typical American.

With my full support, I appreciate Senator MARKEY's offering this legislation today. In going forward, we are going to be working with him to keep up this fight, and I look forward to the discussion.

I notice that my colleague from the end of the alphabet and my friend, the chairman of the committee, is here, and we will have a little back-and-forth.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. MARKEY. Mr. President, I agree with every word Senator WYDEN has just spoken on the Senate floor, and I thank him for his leadership in going back to 2006, which was when we first introduced into the U.S. Congress legislation on net neutrality. We did it then because it was important, and we are doing it today because it is critically important.

The question is really whether the internet is going to be free and open or whether it is going to have the principles of nondiscrimination. Smaller voices, smaller companies, startup companies, and individuals in our society must be protected on the internet in the future. That is what net neutrality is all about.

We are on the right side of history on this issue. Every day that goes by further instructs us as to how central the internet is in our country and on the planet. Ultimately, it has to be open, and it has to be free. It cannot have nondiscrimination built into it because a small handful of huge companies decide they have a right to discriminate.

I thank the Senator from Oregon, and I thank our leader on the Committee on Commerce, Science, and Transportation, Senator CANTWELL of Washington State, for their great leadership on this issue.

Mr. President, as in legislative session, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be discharged from further consideration of S. 682; further, that the Senate proceed to its immediate consideration, the bill be considered read a third time and passed, and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from Mississippi.

Mr. WICKER. Mr. President, in reserving the right to object, let me disagree fundamentally with my friends on the other side of the aisle about who is on the right side of history.

I would simply offer to my distinguished colleagues and to other Members of the body that we need only to look at what has happened during the past 2 years under the Ajit Pai-Donald Trump FCC and compare it to what happened to the internet under the approach being advocated by my colleagues today.

In 2015, President Obama's FCC ordered the imposition of title II regulations to the internet. They called this net neutrality. Basically, what it amounted to was a Big Government, Depression-era set of regulations that gave bureaucrats control over virtually every aspect of the internet. They implemented this in 2015, and investment decreased dramatically during the next 2 years. This was the first time in the history of the internet that broadband investment decreased outside of the time of a recession. It was bad for the internet, bad for the public, and bad for small businesses and startups. I wonder if it is from this that the Save the Internet Act would save us. If they want to save us from innovation and growth, then perhaps the Save the Internet Act would get the job done, for we had no growth during that time and less innovation.

Two years ago, the new FCC came in and did away with some of these Big Government, Depression-era regula-

tions that scared off investment, particularly the Depression-era title II regulation, as if the internet were going to be governed like a utility company from the 1930s and 1940s. It did away with them.

Since that time—in the 2 years of America's operating under what my friends would end with this legislation—more Americans have been connected to the internet than ever before. We have faster internet speeds than ever before. Now, in States like my home State of Mississippi and all across the great heartland of America, more rural Americans get more internet at faster speeds.

We have two choices today—the one from 4 years ago that led to less growth and a recession in the growth of the internet or the one from the past 2 years, whereby we have been better off than ever before.

I will agree with my colleagues in one respect. We should have no discrimination online, and we don't have discrimination online today. There are no lanes, as my friends on the other side of the aisle have said. There is no favoritism in what we are doing. We just have prosperity and huge growth in the internet.

If my friends on the other side of the aisle want to join us in enacting a permanent statute so we don't go back and forth between a regime of Democratic-controlled FCCs and Republican-controlled FCCs, if they would like to help us in that regard, statutorily place nondiscrimination online in the law, free and open internet in the law outside of the regulation of something that we have imposed on another part of our economy half a century ago, then I hope they will join in the bipartisan effort that Senator SINEMA and I are participating in—the Senate Net Neutrality Bipartisan Working Group. I would hope they would want to join us in that regard.

We can make the statute better, but I would certainly offer to my colleagues the facts, and the facts are that the past 2 years have been a time of great growth of the internet. The previous 2 years, under depression-era rules, were a time of dramatically decreased investment.

For that reason, I do object to the unanimous consent request offered by the distinguished Senator from Massachusetts.

The PRESIDING OFFICER (Mr. CRUZ). Objection is heard.

The Senator from Massachusetts.

Mr. MARKEY. Mr. President, what we just heard from the majority is, in fact, a false narrative that contends that we have to choose between broadband deployment and net neutrality, and if we don't put net neutrality back on the books, there will be internet fast and slow lanes. That is what is about to happen if we don't act out here on the Senate floor. Innovation will be stifled, consumers will have to pay higher prices, the internet will not be as we have known it in the past.

So I absolutely feel that what just happened is a disservice to consumers and innovators in our country; that they should be allowed to have net neutrality as their protection, and I think, again, that we are on the right side of history in propounding this legislation to be brought out here, and, ultimately, today history was not served well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. WICKER. Mr. President, I would simply say in response to my good friend from Massachusetts: Where are the fast and slow lanes? They may happen sometimes. We have been warned for 2 years this is going to happen. It hasn't happened.

What has happened is the greatest growth in the internet that we have seen, as opposed to the stifled growth we had during the 2 years of title II regulation under the Obama administration.

I want to work with them on non-discrimination online. Everyone wants a fair and open internet, but I think everyone also wants the great growth we have had over the past 2 years, and we can have it with a bipartisan bill like the one Senator SINEMA and I are working on and unlike the idea of putting us under depression-era rules.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

OVER-THE-COUNTER MONOGRAPH SAFETY, INNOVATION, AND REFORM ACT

Mr. ALEXANDER. Mr. President, every year, Americans make nearly 3 billion trips to the drugstore, pharmacies, convenience stores to pick up over-the-counter products such as allergy medicines, children's cough syrup, or simple pain medicines such as aspirin.

As the Senate Health, Education, Labor, and Pensions Committee was working on the 21st Century Cures Act in 2016, I asked Janet Woodcock, the Director of the Center for Drug Evaluation and Research at the Food and Drug Administration: Are there any changes that really need to be made in the FDA's law? This is a train—referring to the 21st century cures legislation—that is likely to get to the station. If you have something that really needs to be done for the benefit of American consumers that you haven't been able to get done, tell us what it is, and we will put it on the train.

Well, Ms. Woodcock, who has been at the FDA for a while, came back to me and said the over-the-counter monograph.

Now, what that means is these are the rules that govern how all drugs sold in pharmacies, other than prescription drugs, are approved—the allergy medicines, the cough syrups, the simple pain medicines. Those haven't been changed since the 1970s, nearly 50 years ago.

Today the Senate, after all that time, nearly a half century, will modernize these rules by passing legislation proposed by Senator ISAKSON and

Senator CASEY. It is called the Over-the-Counter Monograph Safety, Innovation and Reform Act.

I am sure it will get a big vote of approval, and like a lot of other very important things that are done in the Senate that are very, very difficult to do, it will look easy.

It hasn't been easy. It has taken a long time—nearly a half century. It was the one thing that the FDA said we just can't get done. That was in 2016, 3 years ago, and now Senator ISAKSON and Senator CASEY are getting it done.

It is the most important law affecting the safety, innovation, and cost of over-the-counter drugs since the 1970s.

It is a great testament to Senator ISAKSON's leadership and legislative skill. He, of course, is leaving the Senate at the end of this year, and this is a fitting tribute to his work.

In the same way, I thank Senator CASEY of Pennsylvania for his excellent work, in bipartisan fashion, with Senator ISAKSON on this bill. They both deserve great credit and thanks for getting this update across the finish line. It may look easy, but what they have done is something that hasn't been changed for nearly a half century and that the Food and Drug Administration said was the one thing that needed to be done to help consumers to affect the availability, the safety, the cost, and the innovation of drugs that are sold across the counter that are not prescription drugs.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

HEALTHCARE

Ms. HASSAN. Mr. President, I rise to join my Democratic colleagues who have come to the floor in recent weeks to share stories from our constituents about the need to protect and improve healthcare.

Throughout the last 3 years, the Trump administration and Republicans in Congress have been relentless in their attempts to undermine our healthcare system, and their efforts have increased costs and made it harder for patients to access the care they and their families need.

Instead of working to improve our healthcare system and ensure that it is actually working for patients, this administration and some of my Republican colleagues have actively sought to do the opposite, and that has very real implications for the people we serve.

Take, for example, Cassandra Van Kuren of Manchester, NH. Cassandra is a 26-year-old who is passionate about fitness and staying healthy. That is why it was so devastating that a week before she turned 25, she got the news that she had been diagnosed with type 1 diabetes.

Cassandra's life had been turned upside down, and after her diagnosis, she was immediately hit with another shocking blow: the costs associated with her condition.

Within the first week of her diagnosis, she was forced to max out her

credit card, and to this day she is still paying back all of the bills she accumulated within her first month of being diagnosed.

Soon after, she lost her job because she missed so much work. She then went to work with her husband at the gym they own in Manchester and was able to get health insurance through the business.

Still, the costs remain enormous. On average, Cassandra has to spend \$150 a month on insulin costs alone after insurance. Her premium is over \$400 per month, and every 3 months she accumulates bills of over \$500 due to the cost of appointments and equipment. And, sadly, Cassandra and her husband are nervous about starting a family because their costs for care would grow even higher. The amount of insulin a woman with type 1 diabetes needs increases three times when she is pregnant.

Cassandra's story is an example of why we need to improve our healthcare system and also why we can't afford to allow Washington Republicans to pull us backward.

The administration is backing a partisan lawsuit—the result of which we will know soon—which would take healthcare away from millions of Americans, gut protections for pre-existing conditions, end Medicaid expansion, and eliminate the requirement that insurers must cover prescription drugs, maternity care, mental healthcare, substance abuse treatment, and so much more.

With the support of Senate Republicans, the administration has promoted what are appropriately referred to as junk health insurance plans. These junk plans allow insurance companies to discriminate against Americans who experience preexisting conditions, and they also leave patients with higher healthcare costs and worse insurance coverage.

The administration has opposed certain efforts to lower the costs of prescription drugs, in particular, allowing Medicare to negotiate prices on life-saving drugs, including insulin. These actions are unacceptable.

Families in New Hampshire and all across the country cannot afford these reckless attacks on their healthcare, and they want us to work together on constructive bipartisan solutions that improve their lives and lower their costs, not this constant uncertainty and sabotage.

The efforts of people like Cassandra, who have shared their stories in an attempt to shine a light on the challenges that patients are experiencing, are incredibly important. No one should have to share their most deeply personal healthcare stories and plead for lawmakers not to undermine their health coverage, but that is where we are. I am incredibly grateful for those who have had the courage to speak out. I will continue to share their stories, and I will continue working with anyone who is serious about actually im-

proving our healthcare system, not undermining them.

Thank you.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

NOMINATION OF LAWRENCE VANDYKE

Ms. ROSEN. Mr. President, I stand here today in opposition to the nomination of Lawrence VanDyke to the Ninth Circuit Court of Appeals in Nevada, and I stand here today because I think we can all agree—no matter where you are from—that Federal judges in our States should come from our communities, and they should reflect our communities.

It is unfortunate to see this Chamber disregard Nevada's voice and move forward with Mr. VanDyke's nomination. The State of Nevada has numerous qualified lawyers and judges who have done good work and have good reputations in our communities, who are non-partisan, and who would make excellent additions to the Ninth Circuit. But the White House didn't nominate any of these qualified individuals for the Ninth Circuit. Instead, the President nominated Lawrence VanDyke, a man who wasn't born in Nevada, didn't grow up in Nevada, didn't go to school in Nevada, and doesn't live in Nevada now. He hasn't even set foot in Nevada for over a year.

This administration has nominated someone to serve on the Nevada seat of the Ninth Circuit who—and let me be clear—is not a Nevadan. Mr. VanDyke is, however, a Washington, DC, lawyer and failed political candidate from Montana who was nominated to further his and this administration's extreme political views.

His nomination is being imposed on the people of Nevada, despite the many qualified individuals in our own State—individuals who are respected on both sides of the aisle.

As if Mr. VanDyke's lack of any meaningful connection to the State of Nevada wasn't enough, Mr. VanDyke is not even qualified to hold this post, according to the American Bar Association. In reviewing this nominee and speaking with dozens upon dozens of his former colleagues, the ABA found Mr. VanDyke specifically “not qualified” to serve in this role. The ABA has made that finding for only 3 percent of President Trump's judicial nominees, and Mr. VanDyke is the first in a small group whose nomination will move forward without—let me repeat: without—the support of either Senator representing the State where he will sit on the bench if confirmed. That we would allow someone who is not qualified to hold a lifetime position in such a critically important role is, frankly, absurd, and it is something no Senator should support, no matter the party of the President who nominated them.

The ABA's report found Mr. VanDyke to be lacking in knowledge of day-to-day practice, including procedural rules. The report found Mr. VanDyke to be lacking humility and an open

mind, and the ABA's report found Mr. VanDyke to be lacking a commitment to the truth.

In order to see how the ABA came to this conclusion, one only needs to look at Mr. VanDyke's record of pursuing an ideological agenda instead of working for the people and defending the law. In his past role as attorney general of Montana, he filed many politically driven briefs, including one asking the Supreme Court to strike down *Roe v. Wade* altogether, a view that is out of step with the views of Nevadans. He even signed the State onto one brief without reading it, by his own admission.

Mr. VanDyke has also made controversial and appalling statements about LGBTQ Americans, writing this: "[There is] ample reason for concern that same-sex marriage will hurt families, and consequentially children and society."

Mr. VanDyke was given every opportunity to disavow this statement and repeatedly declined to do so. Allowing Mr. VanDyke to serve on the Ninth Circuit would put at risk the rights of thousands of LGBTQ Americans to employment, healthcare, housing, and basic equal treatment in what is often the court of last resort.

Surely you must agree, no matter who is President or who controls the Senate, you would want qualified judges with connections to the State who will be fair to your constituents and not use cases to advance their personal ideological agenda.

I oppose the nomination of Mr. VanDyke, and if it is withdrawn or voted down, I will be ready at a moment's notice to work with this White House in finding a fair, qualified, and non-partisan nominee from Nevada. The people of my home State and yours deserve nothing less.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:33 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mrs. CAPITO).

EXECUTIVE CALENDAR—Continued

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Bumatay nomination?

Mr. HEINRICH. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

Mr. DURBIN. I announce that the Senator from Colorado (Mr. BENNETT), the Senator from New Jersey (Mr. BOOKER), the Senator from California (Ms. HARRIS), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator

from Vermont (Mr. SANDERS), the Senator from Virginia (Mr. WARNER), and the Senator from Massachusetts (Ms. WARREN) are necessarily absent.

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

The result was announced—yeas 53, nays 40, as follows:

[Rollcall Vote No. 387 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	Sasse
Cassidy	Isakson	Scott (FL)
Collins	Johnson	Scott (SC)
Cornyn	Kennedy	Shelby
Cotton	Lankford	Sullivan
Cramer	Lee	Thune
Crapo	McConnell	Tillis
Cruz	McSally	Toomey
Daines	Moran	Wicker
Enzi	Murkowski	Young
Ernst	Paul	

NAYS—40

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

NOT VOTING—7

Bennet	Klobuchar	Warren
Booker	Sanders	
Harris	Warner	

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

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 senior assistant 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 Lawrence VanDyke, of Nevada, to be United States Circuit Judge for the Ninth Circuit.

Mitch McConnell, Tom Cotton, John Boozman, Mike Crapo, Thom Tillis, Chuck Grassley, Jerry Moran, Kevin Cramer, John Barrasso, Mike Braun, Joni Ernst, Pat Roberts, John Cornyn, Roy Blunt, John Thune, Lindsey Graham, Roger F. Wicker.

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 Lawrence VanDyke, of Nevada, to be United States Circuit Judge for the Ninth Circuit, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Colorado (Mr. BENNETT), the Senator from New Jersey (Mr. BOOKER), the Senator from California (Ms. HARRIS), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Vermont (Mr. SANDERS), the Senator from Virginia (Mr. WARNER), and the Senator from Massachusetts (Ms. WARREN) are necessarily absent.

The PRESIDING OFFICER (Mrs. BLACKBURN). 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. 388 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	Sasse
Cassidy	Isakson	Scott (FL)
Collins	Johnson	Scott (SC)
Cornyn	Kennedy	Shelby
Cotton	Lankford	Sullivan
Cramer	Lee	Thune
Crapo	McConnell	Tillis
Cruz	McSally	Toomey
Daines	Moran	Wicker
Enzi	Murkowski	Young
Ernst	Paul	

NAYS—40

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

NOT VOTING—7

Bennet	Klobuchar	Warren
Booker	Sanders	
Harris	Warner	

The PRESIDING OFFICER. The yeas are 53, the nays are 40.

The motion is agreed to.

EXECUTIVE CALENDAR

The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Lawrence VanDyke, of Nevada, to be United States Circuit Judge for the Ninth Circuit.