further increase the fee revenue and fees for purposes of subsection (b)(2)(D) by an amount equal to—

''(A) $14,000,000 for fiscal year 2021;

''(B) $7,000,000 for fiscal year 2022;

''(C) $4,000,000 for fiscal year 2023;

''(D) $3,000,000 for fiscal year 2024; and

''(E) $3,000,000 for fiscal year 2025.

''(4) ANNUAL FEE SETTING.—

''(A) FISCAL YEAR 2021.—The Secretary shall, not later than the second Monday in March of 2020—

''(i) establish OTC monograph drug facility fees for fiscal year 2021 under subsection (a), based on the revenue amount for such year under subsection (b) and the adjustments provided under this subsection; and

''(ii) publish fee revenue, facility fees, and OTC monograph order requests in the Federal Register.

''(B) SUBSEQUENT FISCAL YEARS.—The Secretary shall, for each fiscal year that begins after September 30, 2021, not later than the second Monday in March that precedes such fiscal year—

''(i) establish for such fiscal year, based on the revenue amounts under subsection (b) and the adjustments provided under this subsection—

''(I) OTC monograph drug facility fees under subsection (a)(1); and

''(II) OTC monograph order request fees under subsection (a)(2); and

''(ii) publish such fee revenue amounts, facility fees, and OTC monograph order request fees in the Federal Register.

''(d) IDENTIFICATION OF FACILITIES.—Each person that owns an OTC monograph drug facility shall submit to the Secretary the information required under this subsection each year. Such information shall, for each fiscal year—

''(1) be submitted as part of the requirements for drug establishment registration set forth in section 510; and

''(2) include for each such facility, at a minimum, identification of the facility's business operation as that of an OTC monograph drug facility.

''(e) EFFECT OF FAILURE TO PAY FEES.—

''(1) OTC MONOGRAPH DRUG FACILITY FEE.—

''(A) IN GENERAL.—Failure to pay the fee under subsection (a)(1) within 20 calendar days of the due date as specified in subparagraph (D) of such subsection shall result in the following:

''(i) The Secretary shall place the facility on a publicly available arrears list.

''(ii) All OTC monograph drugs manufactured in such a facility or containing an ingredient manufactured in such a facility shall be deemed misbranded under section 502(ff).

''(B) APPLICATION OF PENALTIES.—The penalties under this paragraph shall apply until the fee established by subsection (a)(1) is paid.

''(2) ORDER REQUESTS.—An OTC monograph order request submitted by a person subject to fees under subsection (a) shall be considered incomplete and shall not be accepted for filing by the Secretary until all fees owed by such person under this section have been paid.

''(3) MEETINGS.—A person subject to fees under this section shall be considered ineligible for OTC monograph drug meetings until all such fees owed by such person have been paid.

''(f) CREDITING AND AVAILABILITY OF FEES.—

''(1) IN GENERAL.—Fees authorized under subsection (a) shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriations Acts. Such fees are authorized to remain available until expended. Such sums as may be necessary may be transferred from the Food and Drug Administration salaries and expenses appropriation account without fiscal year limitation to such appropriation account for salaries and expenses with such fiscal year limitation. The sums transferred shall be available solely for OTC monograph drug activities.

''(2) COLLECTIONS AND APPROPRIATION ACTS.—

''(A) IN GENERAL.—Subject to subparagraph (C), the fees authorized by this section shall be collected and available in each fiscal year in an amount not to exceed the amount specified in appropriation Acts, or otherwise made available for obligation, for such fiscal year.

''(B) USE OF FEES AND LIMITATION.—The fees authorized by this section shall be available to defray increases in the costs of the resources allocated for OTC monograph drug activities (including increases in such costs for an additional number of full-time equivalent positions in the Department of Health and Human Services to be engaged in such activities), only if the Secretary allocates for such purpose an amount for such fiscal year (excluding amounts from fees collected under this section) no less than $12,000,000, multiplied by the adjustment factor applicable to the fiscal year involved under subsection (c)(1).

''(C) COMPLIANCE.—The Secretary shall be considered to have met the requirements of subparagraph (B) in any fiscal year if the costs funded by appropriations and allocated for OTC monograph drug activities are not more than 15 percent below the level specified in such subparagraph.

''(D) PROVISION FOR EARLY PAYMENTS IN SUBSEQUENT YEARS.—Payment of fees authorized under this section for a fiscal year (after fiscal year 2021), prior to the due date for such fees, may be accepted by the Secretary in accordance with authority provided in advance in a prior year appropriations Act.

''(3) AUTHORIZATION OF APPROPRIATIONS.—For each of the fiscal years 2021 through 2025, there is authorized to be appropriated for fees under this section an amount equal to the total amount of fees assessed for such fiscal year under this section.

''(g) COLLECTION OF UNPAID FEES.—In any case where the Secretary does not receive payment of a fee assessed under subsection (a) within 30 calendar days after it is due, such fee shall be treated as a claim of the United States Government subject to subchapter II of chapter 37 of title 31, United States Code.

''(h) CONSTRUCTION.—This section may not be construed to require that the number of full-time equivalent positions in the Department of Health and Human Services, for officers, employers, and advisory committees not engaged in OTC monograph drug activities, be reduced to offset the number of officers, employees, and advisory committees so engaged.

''SEC. 744N. REAUTHORIZATION; REPORTING REQUIREMENTS.

''(a) PERFORMANCE REPORT.—Beginning with fiscal year 2021, and not later than 120 calendar days after the end of each fiscal year thereafter for which fees are collected under this part, the Secretary shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report concerning the progress of the Food and Drug Administration in achieving the goals identified in the letters described in section 201(b) of the Over-the-Counter Monograph Safety, Innovation, and Reform Act of 2019 during such fiscal year and the future plans of the Food and Drug Administration for meeting such goals.

''(b) FISCAL REPORT.—Not later than 120 calendar days after the end of fiscal year 2021 and each subsequent fiscal year for which fees are collected under this part, the Secretary shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on the implementation of the authority for such fees during such fiscal year and the use, by the Food and Drug Administration, of the fees collected for such fiscal year.

''(c) PUBLIC AVAILABILITY.—The Secretary shall make the reports required under subsections (a) and (b) available to the public on the internet website of the Food and Drug Administration.

''(d) REAUTHORIZATION.—

''(1) CONSULTATION.—In developing recommendations to present to the Congress with respect to the goals described in subsection (a), and plans for meeting the goals, for OTC monograph drug activities for the first 5 fiscal years after fiscal year 2025, and for the reauthorization of this part for such fiscal years, the Secretary shall consult with—

''(A) the Committee on Energy and Commerce of the House of Representatives;

''(B) the Committee on Health, Education, Labor, and Pensions of the Senate;

''(C) scientific and academic experts;

''(D) health care professionals;

''(E) representatives of patient and consumer advocacy groups; and

''(F) the regulated industry.

''(2) PUBLIC REVIEW OF RECOMMENDATIONS.—After negotiations with the regulated industry, the Secretary shall—

''(A) present the recommendations developed under paragraph (1) to the congressional committees specified in such paragraph;

''(B) publish such recommendations in the Federal Register;

''(C) provide for a period of 30 calendar days for the public to provide written comments on such recommendations;

''(D) hold a meeting at which the public may present its views on such recommendations; and

''(E) after consideration of such public views and comments, revise such recommendations as necessary.

''(3) TRANSMITTAL OF RECOMMENDATIONS.—Not later than January 15, 2025, the Secretary shall transmit to the Congress the revised recommendations under paragraph (2), a summary of the views and comments received under such paragraph, and any changes made to the recommendations in response to such views and comments.''.

EXECUTIVE SESSION—Continued

The PRESIDING OFFICER. The Senate will resume executive session.

The Senator from Maryland.

UNANIMOUS CONSENT REQUEST—S. 1060

Mr. VAN HOLLEN. Madam President, after a discussion that we will have on the Senate floor, I intend to ask unanimous consent that the Senate pass S. 1060, which is a bipartisan piece of legislation called the DETER Act.

What is the DETER Act? The DETER Act is legislation that I introduced with Senator RUBIO. It has bipartisan sponsorship, and it is designed to send a very clear and simple message to Russia or any other countries that are thinking about interfering with our elections and undermining our democracy that, if we catch you, you will suffer a severe penalty. It won't be a few

sanctions against a few of the oligarchs. It will hit big parts of your economy. It will hit your banking sector. It will hit your energy sector. It will hurt, so you better think before you try to interfere in any future election.

Now, Senator RUBIO and I introduced this legislation a number of years ago, and in response to concerns that were raised, we made a number of important changes, but despite those changes, we are still here in the U.S. Senate with less than 1 year to go before a national election, and we have not passed this bill to deter foreign interference in our elections.

We know what Vladimir Putin's ambitions are. He wants to sow division in our electorate. He wants to make our political process even more polarized. He wants to undermine the public faith in the democratic process. That is not just my conclusion. That is the unanimous verdict of the U.S. Intelligence Committee and the community after the 2016 election, but it is not just them.

Our own Senate Intelligence Committee, on a bipartisan basis, issued its findings. It also found that those were Putin's intentions, and it found that, in 2016, Russia interfered in all 50 of the States, to a greater or lesser extent—all 50 of the States. And what Vladimir Putin clearly has learned and taken away from all of this is that he can attack our democracy and attack our elections with impunity because the rewards are high. He creates division. He accomplishes his objectives. And the price is zero. There is currently no cost to Vladimir Putin from interfering in our elections.

So what the DETER Act is designed to do is to raise the costs for the coming elections, to make it clear that, if we catch you next time, there will be a penalty to pay. We know that Putin hasn't gotten this message because there is no penalty right now, and that is why, on November 5, just a few weeks ago, we got another unanimous prediction from U.S. intelligence agencies. All of them jointly stated:

> Russia, China, Iran, and other foreign malicious actors all will seek to interfere in the voting process or influence voter perceptions. Adversaries may try to accomplish their goals through a variety of means, including social media campaigns, directing disinformation operations or conducting disruptive or destructive cyber-attacks on state and local infrastructure.

That was just a few weeks ago—unanimously, from the intelligence agencies. Clearly, Vladimir Putin hasn't gotten the message. What the DETER Act is all about is sending that message that he will now know that there will be a penalty to pay upfront.

Look, there are only two ways we can protect our elections, and we need to do both. One is to harden our election infrastructure here at home, which is to try to make it harder for somebody to use cyber attacks to get into our election systems and make it harder for them to abuse our social media platforms. This is a case where the best defense is a good offense because we can harden our systems, but you can be sure that the Russian Government cyber security folks will always be looking for a way around it, just like the arms race. So just like the arms race, deterrence is the best way to protect the integrity of our democracy by letting them know upfront that there will be this very tough price to pay.

We hoped and thought we could address this issue in the National Defense Authorization Act. What better place is there to defend the integrity of our democracy than in the legislation that is designed to protect our national security? In fact, the U.S. Senate unanimously passed the resolution I have in my hand, S. Res. 330, which says very clearly that we wanted folks at the NDAA conference to require the administration—any administration, future administration—to promptly submit a report on Russian interference or other interference following every Federal election, and that would include a detailed assessment of the foreign governments that were involved in that interference. The Senate, as part of that resolution, also voted to promptly impose sanctions on any foreign government determined to have interfered in a future Federal election, including individuals and entities within that country's territories.

Let me emphasize that point. Every Senator here supported that—or at least nobody objected to that. We have been working for over 2 years to get this done, and we keep hearing that the Trump administration doesn't want to do it. Of course, we haven't been told by the Trump administration why they object. Even Secretary Pompeo, in testimony before the Senate Foreign Relations Committee, said he supported the concept. In fact, every witness in the Senate Banking Committee and Senate Foreign Relations Committee asked about this and supported this legislation. You have to ask the question why: Why is there such opposition? If it is because of President Trump, we need to be doing our job here in the legislature, not the bidding of the White House.

I yield to the Democratic leader.

Mr. SCHUMER. Madam President, I thank my colleague from Maryland for his diligence in this issue of utmost importance to the integrity of our elections, to our national security, and basically for trust in government. If the American people feel that a foreign country can interfere in their elections and, particularly, that their President is OK with that, I worry and pray for our democracy.

For the past few years, Senate Democrats have sought to pass legislation to improve the security of elections. There are many ways to do this—hardening our election infrastructure, shoring up cyber defenses, and requiring paper ballots. One of the most important has been advocated with passion and vigor by my colleague from Maryland, and that is deterring foreign adversaries from trying to interfere with elections in the first place.

For the past year, Democrats have been pushing legislation that would do just that by instituting mandatory crosscutting sanctions against any adversary—Russia, China, Iran, North Korea—that even dared to attempt to meddle in our democracy. It is a bipartisan idea. Senator VAN HOLLEN has legislation that is cosponsored by Senator RUBIO. We tried hard to pass this measure in the annual defense bill. Senate Republicans and Leader MCCONNELL blocked the provision from the final agreement.

Here we are today, asking our Republican colleagues to relent and allow this bipartisan legislation to pass the Senate on its own. Our top national security officials have warned us that our adversaries are right now—right now, as we speak—working on ever more sophisticated methods to meddle in our elections. That is what Putin does. He doesn't have the military power or the economic power, but he has long tentacles and clever ways to undermine our democracy. Are we going to stand there benignly and let it happen? That is outrageous.

Why have Leader MCCONNELL and Senate Republicans opposed it? I hope it is not because the Russian Foreign Minister is in town this week. I hope it is not because anyone wants to invite foreign interference.

I am worried that it is just as my colleague from Maryland said: Donald Trump, who has shown no regard for the rule of law, for fairness, for decency, or for honor, if he thinks Russian interference will help him, he says: Let's do it. What is bothersome is that my colleagues on the Republican side of the aisle move forward on his wishes, right to the undermining of our democracy.

I guarantee that if Leader MCCONNELL would allow the vote on this legislation, it would pass almost unanimously. Remember, the motion to instruct conferees on NDAA to include this legislation passed nearly unanimously. I would plead with my good friend—he is a good man from Idaho, Senator CRAPO—and I would plead with Leader MCCONNELL: Stop this now. If Trump is getting you to do this or if the White House is, which I suspect is true, that is not your duty to this country, and you must put that higher than your duty to President Trump.

I yield back to my friend.

Mr. VAN HOLLEN. Madam President, I thank the minority leader. As he indicated, the Russian Foreign Minister, Foreign Minister Lavrov, is in town. There is a report saying that Secretary Pompeo said to the Russians: Don't interfere in our elections.

Wagging your finger is not enough to scare off Vladimir Putin. That is why you need the DETER Act.

Of course, saying that is a big advance over the President of the United States, who has been denying Russian

interference in our elections. It is not enough to scold the Russians. It is not enough to scold Foreign Ministers. It is not enough to scold Vladimir Putin. You have to raise the price for interference, and they need to do it upfront.

Madam President, as in legislative session, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be discharged from further consideration of S. 1060 and the Senate proceed to its immediate consideration. I further ask that the bill be considered read a third time and passed and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. CRAPO. Madam President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAPO. Madam President, I think the record really needs to be set straight. The picture that is being painted here is that the Republicans or President Trump or both don't care about the fact that Russia is and has been trying to interfere in our elections and that, for some reason, our refusal to allow this specific act to move forward until it is fixed is evidence of that.

In support of that, he said that there is no penalty on the Russians because of their actions. I will remind my colleagues that I am the chairman of the committee that has jurisdiction over economic sanctions. On this floor, last Congress, we had this very debate. I was making the case then that we needed a broad, strong sanctions law against Russia for its election interference and not only for its election interference but also for its invasion of Crimea and for its cyber security attacks on the United States.

What happened then? We passed what I believe is probably the strongest, most extensive legislation putting into effect sanctions on Russia for election interference, for cyber security violations, for invasion of Crimea, and other malign conduct. Under that legislation, the administration has been active.

I want to read you just a little—I think that President Trump has probably put more sanctions on the Russians than any other President in our history. The Treasury's Russia sanctions program is among the most active of the sanctions programs that the United States has. This administration has sanctioned 335 Russian-related individuals and entities, 317 of which were sanctioned under Treasury authority.

By the way, the bill I referred to has an acronym. It is the Countering America's Adversaries Through Sanctions Act, or CAATSA. That is the legislation that the administration is using to deter Russian election interference and other activities in addition to other malign conduct.

Now, I want to state again, as my colleague knows, I agree and have agreed that we can work on further legislation, but we need to get it right because economic sanctions legislation is a two-edged sword. It hurts the United States and our allies often as much as it hurts the entities sanctioned, and because of that, we have to have the ability to be flexible in when to apply, how to apply, and how to adjust the impact of our sanctions; otherwise, we will see that we will do more damage to ourselves and our allies than to Russia.

By the way, we don't just need legislation dealing with Russia. We need legislation dealing with the same types of activities from Iran and China and North Korea, to name just a few of the others. We need to do it with the appropriate mechanisms.

The mechanisms in this bill have been designed more to attack the Trump administration and Republicans than to attack the Russians and those who would attack our country and our elections. I have said again and again and again that if we can fix the mechanisms so that they will work effectively to work against our enemies and protect America and our allies, as our current sanctions regimes do, then we can move forward with legislation that will even enhance what we did in CAATSA.

I will also remind my colleague that in addition to CAATSA, one of the reasons we have been so active in the United States is that we have passed significant additional legislation. I remind my colleagues and everyone that in addition to CAATSA and the already existing IEEPA legislation, which are very broad and powerful international emergency economic authorities that have previously existed in the United States to help our administrations push back against malign conduct from our enemies, we have also passed the Ukraine Freedom Support Act. I referenced Crimea earlier. We have passed the Magnitsky Act. President Obama, President Trump, and I believe President Bush, before them, have issued significant Executive orders on their own with their Executive order authority to expand sanctioning authority.

To create the picture that there is no deterrent is false. To create the picture that the Trump administration is trying to turn a blind eye to Russia's malign conduct is false. To create the picture that the Republicans, because they want to get a mechanism that works properly, are therefore willing to turn a blind eye to Russia is false.

When we can finally stop trying to play politics with this issue, when we can stop trying to make it anti-Trump or anti-Republican or make politics out of the problems that Russia truly is creating for us, maybe we can come together and pass yet another strong piece of legislation to move forward—but not as long as it is done with mechanisms and with lack of flexibility that actually undermine our own economic security and our system in applying the sanctions. Because of that, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Maryland.

Mr. VAN HOLLEN. Madam President, I want to address some of the comments made by the chairman of the Banking Committee and start by saying that I have appreciated the conversations he and I have had on this legislation over the years. Let me just address some of the comments that were made.

One is to say that, currently, the CAATSA scheme is enough to deter future Russian interference in our elections. If that were true, you would not have had every single one of our intelligence agencies just a few weeks ago predict that Russia will interfere in our elections again, along with other foreign malign actors.

If the laws on the books could deter that interference, why did they predict just a few weeks ago that they are coming for us in the upcoming elections?

Second, this is not a partisan attack on President Trump. This is a bipartisan bill. This bill not only has Senator RUBIO as the chief author, coauthor of the legislation, there are a number of other Republican and Democratic Senators on this bill as cosponsors. In fact, they are evenly matched on this legislation.

This has nothing to with President Trump. In fact, this determination and this law would not even kick in until after the 2020 elections. I don't know who is going to be President then. This has nothing to do with President Trump. This has to do with protecting our elections. Is it informed by what happened in 2016? You bet it is. We know—again, from all our intelligence committees and community agencies, every one of them headed by somebody nominated by President Trump—that the Russians attacked us in 2016. A few weeks ago they said the same thing will happen in 2020, and that will happen especially if we don't raise the price.

The CAATSA legislation, as the Senator knows, was put in place by an overwhelming veto-proof vote in the U.S. Senate. It was required because the Russians interfered, but it was retrospective. So, yes, we punished some of the oligarchs who were close to Vladimir Putin, but that is not enough, clearly, to raise the price to Vladimir Putin from deterring him from doing it again.

Again, we just heard that from our own intelligence agencies. If you want to raise the price for future interference, you need to not just hit a few oligarchs, you need to let them know, some of those Russian Government banks are going to get hit; their energy sector is going to get hit.

By the way, there is actually more flexibility in this bill than I would like. As the chairman of the committee knows, the original bill Senator RUBIO and I introduced did not have waiver authority for the President of the

United States. The version that is before us right now contains waiver authority for every single one of the sanctions if the President makes a national determination and says the waiver will not hurt our national security.

It has more flexibility than I would like because my view is you need to set up a machine that is almost automatic. If we catch you interfering, there will be a price to pay. Under this bill, if we catch them, yes, there will be sanctions, but the reality is, the President can decide to waive those sanctions.

We have come a long way. This is a bipartisan bill. This is about protecting our democracy. It is not about any particular individual or any particular President. It wouldn't even kick in until after the next elections, and those sanctions will only kick in if there is interference. The whole purpose of this bill is to have sanctions that are tough enough so Putin doesn't interfere or another foreign government doesn't interfere and so they don't go off the sanctions. That is the whole purpose.

I hope we will vote on this. The clock is ticking. I am going to be on this floor week after week until we come together and pass something that actually has some teeth and will deter that very foreign interference that every intelligence agency predicted will happen as recently as 5 weeks ago. That will happen unless we act.

I yield floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAPO. Madam President, not to belabor the point, but I just want to respond briefly. Yes, there are Republicans and Democrats on this bill, but many of the Members who are on this bill have told me they are ready and willing to amend and make it work.

I have offered and have tried now for months to get that done. I am willing to continue trying to improve and strengthen this bill, but the notion that this is just somehow trying to protect the President from having to make tough choices is simply false.

I will read today—as has been indicated, we have leaders from Russia in America today, and in response to that, our Secretary of State Pompeo said:

> The Trump administration will always work to protect the integrity of our elections, period. . . . Should Russia or any foreign actor take steps to undermine our Democratic processes, we will take action in response.

All of the authorities in this legislation we are debating right now exists already under CAATSA. I guess the argument is that President Trump will not use them. Well, the reality is he will. Secondly, I have indicated my willingness to work on this legislation.

Rather than continuing to stand on the floor and debate why we like or don't like what President Trump is doing, I think we ought to get down to the serious business of legislating.

I yield the floor.

Mr. VAN HOLLEN. Madam President, I hope we will get down to the serious business of legislating. As I indicated in the hearings that have been held in the Senate Banking Committee and Senate Foreign Relations Committee, there was overwhelming support for moving forward with the DETER Act; that is, deter Russian interference in our elections.

I will say it again. This authority, this sanction, if there is interference, does not kick in until after the next Presidential election. It is not designed to focus on any particular President. It is designed together on a bipartisan basis—and this is a bipartisan bill—to set up a mechanism in advance to let Vladimir Putin or other malign foreign actors know, if they interfere, there will be a price to pay. Not maybe, not let's just guess about it, there will be a price to pay unless a President decides to waive it, which, as I said, was a concession we made to address people's concerns about some flexibility, but we need to send the upfront message that at least initially these sanctions will take effect, and they will hurt. That is the only way to deter someone like Vladimir Putin and the Russians from interfering in our elections: raise the price and make it clear they will pay it.

The PRESIDING OFFICER. The Senator from Nevada.

NOMINATION OF LAWRENCE VANDYKE

Ms. CORTEZ MASTO. Madam President, I rise today because of my firm opposition to Lawrence VanDyke's nomination to the Ninth Circuit Court of Appeals, which has jurisdiction over my home State of Nevada. Mr. VanDyke lacks the support of both his home State Senators, JACKY ROSEN and I. His qualifications are inadequate and his ties to Nevada are minimal.

His nomination sets a dangerous precedent for the Senate and would allow future administrations to nominate virtual outsiders to communities across the country over Senators' objections.

The President could have chosen a better nominee. Senator ROSEN and I tried to work with the administration to identify well-respected attorneys from Nevada as potential appeals court judges. Instead, the President decided to nominate someone with no current ties to our State, someone whom the American Bar Association has rated as ''not qualified'' for the Federal bench, someone who holds extreme beliefs about reproductive rights, LGBTQ rights, gun violence prevention, and environmental protection.

The American Bar Association interviewed 60 of Mr. VanDyke's former colleagues, and those colleagues characterized him as arrogant, lazy, an ideologue, and lacking in knowledge of the day-to-day practice, including procedural rules.

Mr. VanDyke's nomination is unprecedented for all of these reasons. If confirmed to the Ninth Circuit, Lawrence VanDyke would be the first judicial nominee appointed to the bench without the support of his home State Senators, with a ''not qualified'' rating from the American Bar Association, and without ties to the community whose appeals court seat he would occupy.

I would like to ask my colleagues: What kind of message are we sending when we confirm individuals who don't have the support of their local communities?

We need judges with the knowledge, the maturity, and experience to understand the impact their decisions will have on the States over which they preside. How will my colleagues feel when a future administration attempts to do the same thing to their State, when a Democratic President, perhaps, nominates a Californian to sit on a district court in Kentucky or a lifelong DC resident is sent to a court in Texas?

Mr. VanDyke's qualifications and connections to Nevada are just one part of my objection to his confirmation. I also believe Mr. VanDyke's views are just too extreme to promote to the Federal bench. He signed the State of Montana on to a brief in an Arizona case that argued that Roe v. Wade ''should . . . be revisited.''

On LGBTQ protections, Mr. VanDyke at his confirmation hearings broke down in tears of frustration at the very idea that he might be unfair to LGBTQ litigants. He insisted that he believes in treating ''all people . . . with dignity and respect,'' but he didn't treat LGBTQ people with dignity and respect when he wrote in a 2004 article that same-sex marriage hurts families, children, and society. It certainly doesn't reflect an attitude of dignity and respect to support extreme groups like the Family Research Council and the Alliance Defending Freedom, both of which have been designated as anti-LGBTQ hate groups by the Southern Poverty Law Center.

The people who can legitimately shed tears about Lawrence VanDyke's record on LGBTQ rights are those who are still shunned because of whom they love.

On the issue of preventing gun violence, Mr. VanDyke made his stance clear in a questionnaire the NRA sent to him when he was running for the Supreme Court of Montana. In his answers to the NRA's questions, Mr. VanDyke said he believed that ''all gun control laws are misdirected.'' In Nevada, we believe in Second Amendment rights, but we also agree—as almost all Americans do—that commonsense measures like background checks keep us safer.

Finally, Mr. VanDyke has done his best to erode environmental standards and protections. As solicitor general of Nevada, he signed on to a lawsuit that threatened the critical sage grouse protections. Governor Sandoval, the Republican Governor at the time, said that lawsuit ''did not represent the State of Nevada, the governor, or any state agencies.''

The Western United States has some of the most fragile and iconic public lands in the Nation. I object to letting Mr. VanDyke oversee them when he seems to care so little for their values. Mr. VanDyke's record shows that he is not a neutral arbiter of the law. Because of his poor qualifications and because of his extreme activist approach to the law, I will vote against his confirmation, and I urge my colleagues to do the same.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

USMCA

Ms. ERNST. Madam President, there are just 21 days left in 2019. With the days dwindling, Congress has made little progress on its to-do list that without question must be addressed before going home for the holidays. This is largely due to the distractions and delays caused by the Democrats in this body and especially by those across the Capitol.

Let's take the United States-Mexico-Canada trade agreement. President Trump signed it over 1 year ago. If approved, USMCA would create 176,000 new jobs by expanding access to markets and providing much needed certainty for American businesses and farmers. Literally, everyone benefits. Yet here we are still waiting for the House Democrats to bring it up for a vote—a vote that would be broadly bipartisan.

Speaker PELOSI even admitted today that there is no question that USMCA is much better than NAFTA. I am hopeful the House will finally vote on the measure next week before leaving town. This would be a great Christmas gift for American workers, farmers, and businesses.

But it is not just on trade deals. We are now over 2 months into the new Federal fiscal year. Yet Congress still has not approved the annual funding bills for this fiscal year. These bills will actually fund the government. Yet Democrats are stalling and throwing up roadblocks at every turn. They are failing to support our servicemembers, including providing them with the largest pay raise in a decade.

Just recently, I was on the ground in Kuwait and Afghanistan to meet with our U.S. troops, including Iowans of the Des Moines-based 103rd Sustainment Command. These servicemembers are relying on Congress to do their job so that our military men and women can carry out their job of protecting our homeland. As a former company commander in Kuwait, I realize just how vital resources are to our troops.

Let's not forget that Democrats agreed to a framework months ago on all of these bills. Yet they have repeatedly blocked consideration of these bills.

Similarly, the authorization for the Violence Against Women Act—a law that is deeply personal to me—expired a year ago and remains in limbo. For months, the ranking member of the Judiciary Committee and I worked to develop a bipartisan bill to renew the law, which provides desperately needed resources to prevent domestic and sexual abuse and care for our survivors. We were making real progress, but all of a sudden, Senate Democrats walked away from the progress we made in an apparent attempt to make violence against women an election issue.

Folks, we cannot allow our political differences to keep us from performing our most basic constitutional duties: to provide for the common defense, fund the operations of the Federal Government, and support women and children across this country facing sexual and domestic abuse. I plan on continuing to work with Senator FEINSTEIN without regard to the political winds because we have to stop playing politics with women's lives and our Nation's defense.

At a time when Democrats and Republicans in Washington can't find many areas of agreement, these are all issues on which we should and absolutely can find common ground. I implore my Democratic colleagues to end the obstruction and delay. Work with us to fund the government and support our servicemembers. Pass the USMCA and provide resources for my fellow survivors of domestic and sexual abuse. The American people are counting on us.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mrs. CAPITO. Madam President, I am privileged to be on the floor today with the Senator from Iowa, Ms. ERNST. I am here to join in a chorus of voices to ask this Congress to do better, to do our to-do list, and to do the things people sent us here to do. I am going to highlight some of the critical items Congress still needs to get done. Senator ERNST talked about them very eloquently.

When I am home in West Virginia, people ask me about policies that impact their everyday lives. They ask about healthcare. They ask about the pensions and healthcare for our retired miners. They ask about surprise medical bills. I have certainly received them, and many people in this country every day, 2 or 3 months after an operation or a visit to the hospital, may receive a bill in the mail they had no idea was coming their way.

The high cost of prescription drugs is an issue that hits many of us in our pocketbooks, and particularly for those who suffer from disease or who are elderly, it is a particular strain on their wallets. They ask about national security and caring for our veterans. Here is one everybody complains about, including all of us here—robocalls. Can somebody please stop the onslaught of robocalls?

We have legislation, but we are not getting the action on it that we need. We need better trade deals that will help grow our economy and support our American workers.

Do you know what they are not asking me about? My constituents are not asking me about the latest impeachment headline. They are not asking me about witnesses in front of a House committee or the newest ''breaking news'' over on the House side. In their minds—it is just a bunch of Washington hoopla to most people.

A few days ago, I ran into some constituents while I was running errands, and they said to me: Just stop this. Stop this. Something similar happened while I was grocery shopping. The butcher said to me: Aren't you just tired of it?

Well, yes, I am.

We have 2 weeks until Congress leaves for Christmas break and 21 days until the end of the month, and we still have so much to do. Our sole focus should be on legislating and making life better for people across the country.

I can tell you, as somebody who has been in this body and in the House for several years, when you rush to judgment and when you rush to legislate, that is when things that you don't know get into bills and things that you want in bills don't get into bills. So rushing into legislating is not the fairest way to do it.

I am pleased that at long last, we are going to pass the National Defense Authorization Act that protects our national security and supports our men and women in uniform. We still need to pass appropriations bills that fund much of our Federal Government. I am the chairman of the Homeland Security Subcommittee, so I very much want to see us enact a bill that will provide critical resources to protect this country.

Homeland Security. Sure, we have Border Patrol, we have the wall, and we have ICE. Do you know what else we have? We have the Coast Guard, TSA, the Secret Service, FEMA—absolutely essential services. This includes funding for our immigration laws and also continuing to fund the work on the border wall system. I want to see us pass all 11 of these bills, as well as provide funding for our troops and our veterans. Funding medical research. I am committed to funding Alzheimer's research, addressing the opioid epidemic, infrastructure, and many other priorities.

I also have a priority that really affects just part of the country but deeply affects those of us in West Virginia. We need to enact the Bipartisan American Miners Act this year. Congress must act to save the healthcare of 13,000 retired miners and protect the pension benefits of about 92,000 people. More than 25,000 retired miners received benefits in West Virginia last year. We have a bipartisan bill to address this critical issue for our mining families and for West Virginia communities. It is critical that we pass this bill before the end of the year because this situation is getting more dire every single day.

The USMCA—United States-Mexico-Canada trade agreement—has been waiting for action all year, as Senator ERNST said. I am glad to see that Speaker PELOSI is finally moving on this. It is an agreement that will grow our economy and includes robust protections for American workers. We have to get this across the finish line.

I am especially proud of the work we are doing on the Environment and Public Works Committee. We passed a bipartisan 5-year highway bill. It had a unanimous vote, 21 to 0. It would help improve roads, highways, and bridges that Americans count on every day to travel safely, whether they are going to church, going to the job, or going on a family trip. Reauthorization of the Federal Surface Transportation Program is a top priority for the coming year.

We have a lot to do in the coming days, but we also have lots to do in the coming year. I hope we will work together and not practice the past practices of this year. I hope we will work together to get the job done.

I yield back.

The PRESIDING OFFICER. The Senator from Florida.

Mr. SCOTT of Florida. Madam President, I rise to speak today about the things Congress is failing to accomplish while Democrats in the House continue their obsession with impeaching this President to overturn the results of the 2016 election. Let's be clear. That is what is happening here. Democrats lost the election in 2016 and realized they are going to lose again in 2020. They are trying to use the impeachment process to hurt the President.

That is shameful enough, but let's think about what Congress is not doing. Congress is not passing a budget. Congress is not funding our military. Congress is not securing our border. Congress is not lowering the cost of prescription drugs. Congress is not doing the things the American people sent us to Washington to do.

I won't accept that. I have a background in business, and in the real world, if you don't do your job, you don't get paid. It is that simple. If Congress can't accomplish even the most basic tasks—passing a budget and appropriations bills in an orderly fashion—lawmakers shouldn't get a paycheck, period.

The current system is broken. No one takes responsibility, and there are no consequences. That should change. That is why we need to pass my No Budget, No Pay proposal now. Withholding paychecks from Members of Congress who fail to pass the budget will help prevent government shutdowns, which hurt the economy and millions of everyday Americans. It is also an important step to promote fiscal responsibility in the face of our staggering national debt, which stands at over $23 trillion.

No Budget, No Pay is moving through Congress with bipartisan support. It was approved by the Senate Homeland Security and Governmental Affairs Committee in June, and it is included as part of the Prevent Government Shutdowns Act. We need to pass No Budget, No Pay now to show we are serious about the future of this Nation.

Members of Congress make $174,000 a year. All we are asking them to do is the most basic function of government—pass the budget. It is not complicated. If you are a Member of Congress, rich or poor, and you don't believe Congress can or should pass a budget every year, then go home. There are lots of other competent people who can have your job. When the American people don't do their job, there are consequences.

It is time we make Washington just a little bit more like the real world, so I ask all my colleagues to join with me to pass No Budget, No Pay.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

NOMINATION OF LAWRENCE VANDYKE

Mr. BLUMENTHAL. Mr. President, in the midst of all of the historic and profoundly significant events happening these days in Congress, there may be a temptation to overlook some of the judicial nominations that are coming to the floor of the Senate, some of them almost a caricature of the unqualified nominees that we have seen all too often. One is before us today, Lawrence VanDyke, who has been nominated to the Ninth Circuit.

Over the past 3 years, we have watched the Trump administration march ceaselessly to degrade the judiciary. Yet, even in having witnessed this travesty firsthand, I find Mr. VanDyke's nomination truly astonishing and alarming. Once again, we are faced with a nominee who lacks the support of his home State Senators, who is not even from the State for which this seat is designated, and who was rated ''not qualified'' by the American Bar Association. That is a pretty tough set of qualifications—or lack of them—to match, but Lawrence VanDyke has done it.

These departures from bedrock principles that once guided the exercise of the Senate's constitutional duty to advise and consent should disturb all of us, but even more disturbing is Mr. VanDyke's record as an unrelenting ideologue who has spent his entire legal career promoting an extreme political agenda. Unfortunately, that is exactly what we can expect of him if he is confirmed to the Ninth Circuit Court of Appeals. That ideological, rightwing, extremist image and record are exactly why he has been nominated by the President, who has outsourced many of these decisions about nominations to the far-right groups that he feels, evidently, he has to follow.

Mr. VanDyke has already made it abundantly clear how he will rule on gun violence prevention issues. In an NRA questionnaire that he completed when he ran for the Montana Supreme Court in 2014, Mr. VanDyke stated that he would not support any legislation that would regulate firearms and ammunition; any restrictions on the possession, ownership, purchase, sale, or transfer of semiautomatic firearms; or legislation mandating the use of locking devices and safe storage procedures.

There are currently bills before Congress that would do each of these things. I should know, for I sponsored them. None of these proposals—none—would get a fair hearing in Mr. VanDyke's court. That predilection never disavowed, never refuted, never denied should be disqualifying.

Worse still, in the same questionnaire, Mr. VanDyke stated that the only reason he was not currently a member of the NRA was that he didn't ''want to risk recusal if a lawsuit came before me where the NRA was involved.'' In other words, he would join the NRA; he supports the NRA; he feels like he should be a member of the NRA; and he wants to rule in favor of the NRA, but he might have to recuse himself if he were to join the NRA. That statement alone should be disqualifying.

Remember, we are talking about a life-tenured position on the Federal judiciary, not just for a few years. This is not an elected position on a State court. This is a Federal nomination to the second highest, appellate-level court in the United States, second only to the U.S. Supreme Court.

Mr. VanDyke's hostility to commonsense gun violence prevention also led him to challenge a law passed by the voters of a State he was charged with serving. In 2016—now we are talking about Nevada, not Montana—the voters of Nevada approved a ballot measure to expand background checks to cover the private sale of firearms. This closed a critical loophole in that State's laws. I have repeatedly emphasized that we must address this loophole at the Federal level. Nevada addressed it at the State level, but Mr. VanDyke, who was at the time that State's solicitor general, took the very unusual step of working to undermine the voter-approved law.

Meanwhile, when he worked for the Montana attorney general, he was all too happy to defend an extreme and poorly drafted State law that sought to exempt from all Federal regulation the firearms and ammunition that were made in Montana. Don't take my word for it, as Yogi Berra said. You can look it up. Mr. VanDyke himself stated in an email to the Federalist Society that this statute was ''ill-advised'' and that he could not come up with ''any plausible (much less good arguments)'' to

defend that State's law. That didn't stop Mr. VanDyke from defending the law nor did it stop the Federalist Society from providing him with the help he had requested in contriving arguments and concocting ill-founded claims to support the law.

When Mr. VanDyke wants a particular outcome but can't figure it out himself or he can't find the legal path to it, he turns to the Federalist Society for answers. There is no great mystery here about how he will act when he is faced with similar situations if he is confirmed as a judge for the Federal Court of Appeals for the Ninth Circuit.

Unfortunately, Mr. VanDyke's promotion of the NRA's extreme positions is far from the only plank of his far-right agenda. He has made many statements that are hostile to LGBTQ rights, including questioning the ability of gay parents to raise children and suggesting that protecting LGBTQ rights is an affront to religious liberty. He has fought tirelessly to uphold State bans on gay marriage, and he has fought to allow discrimination against LGBTQ people in public accommodations. His open hostility to LGBTQ people was one of the main reasons the ABA rated him ''not qualified.'' Not only is it clear how he would rule on issues relating to those rights, but the ABA was not even confident that he could treat LGBTQ litigants fairly regardless of the issue before him. That is disqualifying.

Mr. VanDyke is also an ideologue on reproductive rights issues. His adherence to his extremist positions against women's healthcare and reproductive rights has blinded him to the need about these rights. In 2013, he signed an amicus brief that stated: ''A growing body of scientific literature shows that a fetus can suffer physical pain at 20-weeks' gestation.'' That view was rejected emphatically by the American College of Obstetricians and Gynecologists, which felt compelled to put out a statement that laid this dangerous ''fetal pain'' myth to rest.

Whether he cannot tell the difference between fact and fiction or simply feels comfortable misleading the court, this kind of behavior is disturbing for a Federal judicial nominee. Ordinarily, this kind of indifference to the truth would be disqualifying for a Federal nominee. Ordinarily, blind adherence to ideology would be disqualifying for any nominee to an important position of trust and respect. Ordinarily, the fact that a nominee is unqualified would be disqualifying itself. Yet, for Mr. Trump, these are not disqualifying flaws. They are, in fact, the reasons for his nomination.

So let's send the White House a message that we will insist on qualified nominees. They may have views that are different from ours, but they should be qualified to hold these lifetime positions of trust on our Nation's highest courts. I hope that we will reject Mr. VanDyke's nomination.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. MURPHY. Mr. President, I join my colleague from Connecticut, Senator BLUMENTHAL, and others in urging my colleagues to oppose the nomination of Lawrence VanDyke.

I may risk repeating some of the ground that has been covered by Senator BLUMENTHAL, but I think it is important enough that we reiterate over and over the dangerous nature of this particular nomination.

I have come down to speak on the floor in opposition to maybe only a handful of the President's judicial nominees. In fact, if you look up the voting record, I probably am amongst a very small handful of Democrats who have routinely voted for the President's nominees—not just judicial nominees but also his appointments to positions in his administration.

Often in committee, I am the only Democrat supporting some of the President's nominees and appointments, and that is because I have come to the conclusion that this body should give deference to the administration and to the President when it comes particularly to filling the positions of those who work for him in political appointments but to a degree as well in the judiciary.

So I put my votes where my test is, and probably with only two or three exceptions in the Democratic caucus, I have voted for more of the President's nominees than the rest of my colleagues on this side of the aisle. My test is pretty simple. One, I want individuals who are qualified. Obviously qualifications are sometimes in the eye of the beholder, but I want folks who know something about the job they are about to undertake or have some set of skills that will be relevant. Second, I want to make sure the candidates we are reviewing for judgeships or administration posts are not out of the mainstream—I mean the conservative mainstream. I don't want folks who have radical points of view.

Mr. VanDyke doesn't pass that test as far as I am concerned, and that is why I chose to come down to the floor and express my opposition to his nomination. In particular, I do not believe Mr. VanDyke is within the mainstream when it comes to his positions on the issue of gun violence.

Obviously this is a personal issue not just to me but to everybody in this Chamber, and we have a lot of disagreement—maybe a narrowing set of disagreements on the policy surrounding what we should do to better protect this country against the growing scourge of gun violence. But Mr. VanDyke has held a position that would take away from this body the ability to keep our friends and our neighbors and our constituents safe. Mr. VanDyke's record as a candidate for the supreme court and as solicitor general was to endorse views outside of the mainstream that would take away from us the ability to pass laws to keep people safe. Let me tell you what I am talking about.

First and foremost, he was a vocal proponent of something called the Firearms Freedom Act. As solicitor general of Montana, he argued that the Federal Government should not have the power to regulate gun ownership in his State of Montana.

This is a political cause that is picking up steam in some conservative circles around the country, but it is still a radical notion, the idea that the Congress can pass a law restricting who can own a gun or what kinds of guns can be owned and that a State can just claim those laws are not valid in that State. That is what Montana was attempting to do, and that is what Mr. VanDyke was pushing—the idea that that State was just going to conveniently avoid enforcing Federal firearms acts and laws.

That position is unconstitutional, and Federal courts have held that it is unconstitutional, but that didn't stop Mr. VanDyke from pushing what is essentially a political cause—the idea that one of the ways to stymie Federal action on guns is to just convince States to pass laws saying they won't enforce Federal laws. That is a very slippery slope to go down—certainly on the issue of enforcement of firearms laws, but it is a slippery slope to go down with respect to any Federal laws that States may want to ignore or invalidate.

Second, Mr. VanDyke has taken a position opposing the constitutionality of restrictions on the sales of certain types of weapons.

We have big disagreements here as to which kinds of weapons should be sold commercially and which kinds of weapons should be reserved for law enforcement and the military. I believe that semiautomatic, assault-style weapons like the AR–15 are best left in the hands of those they were designed for—soldiers and law enforcement. Many of my Republican colleagues don't agree. But that should be a debate we have here, and I simply do not believe our Founding Fathers would accept the premise that the Constitution restricts our ability to decide what kinds of weapons should be in civilian hands and what kinds of weapons should be in the hands of the military. There was all sorts of gun regulation happening at the time of the passage of the U.S. Constitution. They were not unfamiliar with the idea that government was going to have a hand to play in regulating firearms, and I reject the idea that the Constitution bars us from having those debates.

Mr. VanDyke has spent a lot of time arguing that the Constitution prohibits Congress from acting to keep dangerous weapons out of the hands of civilians. It is one thing to have a policy objection; it is another thing to put somebody into the Federal court system who doesn't think we should have ownership as a political body of a question that is inherently political, not constitutional.

I come to the floor to point out just a handful of ways in which Mr. VanDyke's record, I believe, is outside of the conservative mainstream when it comes to guns. I think he holds positions that would make even NRA-endorsed Republicans in this body a little uncomfortable, especially this idea that States can nullify Federal firearms laws.

Although I think there are many reasons to draw issue with this particular nominee, I put this set of issues at the top of the list. Again, this is coming from someone who has spent a lot of time supporting the President's nominees with whom I have big policy disagreements. I think this is beyond a question of policy disagreements. This is someone who is going to bring some pretty radical ideas on what the Constitution allows States to do and what the Constitution allows this body to do when it comes to keeping our constituents safe.

I would urge us to oppose Lawrence VanDyke's nomination.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

(The remarks of Mr. LANKFORD pertaining to the introduction of S. 3009 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. LANKFORD. I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, let me begin by commending our friend from Oklahoma for his patience. It takes a lot of patience to get things done around here. It also takes a lot of perseverance. Sometimes I think that if you can't convince people, maybe you can just wear down their resistance over time. But this is an idea whose time has come, and I congratulate our friend from Oklahoma and Senator HASSAN and would love to join them in supporting their effort. Thank you.

IMPEACHMENT

Mr. President, as you heard from the Senator from Oklahoma, this has been another wild week in Washington, DC. It looks like the House is working to remove the President of the United States and that their work is nearing the finish line.

This morning, the House Democrats unveiled articles of impeachment, and it looks like the Judiciary Committee is headed for a vote later this week. I assume that means it will come to the floor of the House next week before they leave.

On top of that, this morning, Speaker PELOSI announced that House Democrats and the Trump administration had reached an agreement on the USMCA—the United States-Mexico-Canada trade agreement—which would be the successor to NAFTA.

In my State, NAFTA is not a dirty word, and indeed, I believe, by the Chamber of Commerce figures, which indicate that NAFTA and trades between Mexico, United States, and Canada supports about 13 million jobs in the United States alone, and the USMCA will improve that NAFTA trade agreement, create more jobs and more prosperity. I will be looking to see what this looks like in writing.

We had Ambassador Lighthizer, the Trade Representative, on the conference call this morning trying to go through some of the top lines, but I am still reviewing the details of this agreement to ensure that it is in the best interest of my constituents, Texas farmers and ranchers, manufacturers, and consumers.

GOVERNMENT FUNDING

Mr. President, as you heard from the Senator from Oklahoma, we are just 10 days away from a complete government shutdown unless we reach some sort of agreement on spending bills. We thought we had taken care of this last August when Democrats and Republican Senators and House Members agreed to a top line of spending, but unfortunately, after the August recess, our Democratic colleagues walked that back and led us now up to the precipice of, yes, another government shutdown.

RUSSIA INVESTIGATION

Mr. President, on top of all of this, the Justice Department Inspector General, Michael Horowitz, yesterday released his report on the counterintelligence investigation of the Trumbull campaign and any potential contacts with Russia.

We know Director Mueller, Special Counsel, has concluded after about 2 years that there was no collusion, no obstruction, but this was an investigation of something called Crossfire Hurricane, which is a counterintelligence investigation by the FBI that ultimately led to the appointment of the special counsel.

I want to talk a little bit in advance of Inspector Horowitz's appearance before the Judiciary Committee tomorrow because it is very, very important. We may recall that this process started about a year and a half ago after speculation over the motivation and the methods of the FBI in opening up an investigation on President Trump when he was still Candidate Trump. The 2016 election was historic in many ways, but one of the ways in which it was historic in not a positive way was the fact that both Presidential candidates were under active FBI investigations leading up to the election—Hillary Clinton, for her use of a private email server.

We saw the press conference held by Director Comey on July 5, I believe it was, only to reopen the investigation publicly days before the election. You can imagine how Secretary Clinton felt about Director Comey's actions and what potential influence it had on the outcome of the election, but now, depending on which TV channel you watch or what sort of social media feed that you subscribe to, there are vastly different narratives about what this inspector general report that spans 400-plus pages does or does not prove. But when you take away all the spin, there are some key findings in this report that should be of grave concern to every American—Republicans, Democrats, unaffiliated. If you are an American citizen and you care about civil liberties, you should care about what is in this report.

First of all, there are errors and inaccuracies in something called a foreign intelligence surveillance warrant. People may not realize it, but the intelligence community cannot open up an investigation on an American citizen unless they get a warrant issued by a judge upon the showing of probable cause to believe that a crime has been committed.

Now, the law is different when it comes to non-citizens overseas, and that is what the Foreign Intelligence Surveillance Act purports to cover, the procedures and the protocol and the oversight of that very delicate yet very important process.

One of the things that gives me assurance that our intelligence community is operating within its guidelines and the law is the oversight that Congress provides on a regular basis. It is the laws we pass, like the Foreign Intelligence Surveillance Act. It is the work being done by the committees, the Select Committee on Intelligence.

I see Senator WYDEN from Oregon who serves and served with distinction on that committee for a long time, but those intelligence committees, both in the House and the Senate, provide essential oversight of our intelligence agencies to make sure they stay within the hashmarks, to stay within the guardrails that Congress prescribes under the law.

Then there are the internal rules used at the FBI, the National Security Agency, the Central Intelligence Agency, that they have to comply with, their own internal guidelines derived from the authorities Congress provides. Then there is a very important court called the Foreign Intelligence Surveillance Court. When the FBI believes they have to open an investigation into a potential intelligence matter, they can apply for a foreign intelligence surveillance warrant, which opens up authorities they can use to gather intelligence to investigate this threat to national security of the United States, but it is a very laborious and detailed process.

They have to apply to the court, and the court relies on the representations made in that application. That is why you have heard so much discussion in recent months and even years about the foreign intelligence surveillance application issued on some of the people affiliated with the Trump campaign, including a man named Carter Page. These documents are submitted to a Federal court to determine whether the government should have access to what would otherwise be private communications.

In this instance, the question was: Was there any indication Mr. Page was

an agent of a foreign power and improperly using his relationship with the Russian Government and the Russian intelligence services to become a threat to the national security of the United States?

I would think we would all agree, as a fundamental matter, that spying on an American citizen is no small thing, but that is what we are talking about here. There are strong and exhaustive processes in place to prevent the government from abusing the powers provided under the Foreign Intelligence Surveillance Act, and that supports where the Foreign Intelligence Surveillance Court comes into play.

This court, like most courts, relies on the honesty and the accuracy and the completeness of the information provided to do its job properly, but we know in the case of the Carter Page application, there were a multitude of errors. In fact, the inspector general has identified 17 errors in the four different applications for a warrant under the Foreign Intelligence Surveillance Act.

One of them jumps out at me because it involves a lawyer in the general counsel's office at the FBI altering a government record and intentionally deceiving the FISA court about Carter Page's involvement with the intelligence community—in this case another member of the intelligence community, a Federal agency. But this lawyer with the FBI Office of General Counsel intentionally altered that record so that, in the application for the FISA warrant, the FBI would literally be relying and deceiving the FISA court about the facts. That is a grave and serious and profound problem.

We know there are a number of other errors. That is hardly an error. That is an intentional act for which I understand the gentleman who made that doctored email has now been referred for a criminal investigation and perhaps prosecution for intentionally violating the FBI's policy and providing a deceptive piece of information to the FISA court.

Willingly, I know Mr. Horowitz is going to be asked about political bias, and he says there is no documentary or testamentary indication of political bias, but I think what this report demonstrates is something a lot more serious than political bias. It demonstrates an abuse of power that ought to concern every American citizen because, if these rogue agents at the FBI—primarily the leadership of the FBI—can do this to a Presidential candidate, Donald Trump, or the President of the United States, they can do it to any one of us. What sort of power would we have if the might of the Federal Government was concentrated in a raid against us in this sort of investigation? That is why we must take these sorts of failures and intentional deceptions very, very seriously.

Well, to make matters worse, we know this application relied on the deeply flawed Steele dossier. Well, the Steele dossier was a piece of opposition research produced by the Hillary Clinton campaign against Donald Trump. What they did is they hired a former intelligence agent from the United Kingdom, Mr. Steele, to generate what has now been called a dossier. I want to remind my colleagues that, when Attorney General Barr testified before the Judiciary Committee earlier this year, I asked him if he could state with confidence that the Steele dossier was not a part of a Russian disinformation campaign, and the Attorney General said, no, he could not make that statement with confidence.

He told the committee that this is one of the areas he was reviewing as part of his investigation, but he said, ''I don't think it's entirely speculative.''

The inspector general touched on this in his report but noted that an investigation of this dossier falls outside the scope of the inspector general's oversight role. His job is primarily to do oversight of the FBI and the Department of Justice and not to investigate these outside matters. But we need to know with confidence whether this Steele dossier was part of a Russian disinformation campaign. We are all profoundly concerned about foreign countries becoming involved in our elections, and there was no more intrusive means of getting involved in the 2016 election than the generation of this dossier. We need to know its providence. We need to know whether this was planted by our adversaries in order to create distension and discord, which has been obviously the result of this investigation for the last 3 years. So I hope Attorney General Barr or U.S. Attorney John Durham will be able to provide clarity on this topic.

This is especially important considering we learned from this 400-page-plus report that the dossier played a central and essential role in the FISA process. As time went on, a new and even exculpatory or innocent information was discovered. We know that the information provided by the FBI in these renewal applications for this FISA warrant were not correct.

Well, the inspector general failed to resolve whether the FISA was improperly issued, but the report suggested the FISA board is considering this question, as well it should. I have never sat on a FISA court, but I have spent 13 years as a State court judge. When you lie to a judge, that judge takes it seriously, and they have contempt powers and other recourse when that happens. So it is essential that the FISA court weigh in.

Let me say once again, no American should be subjected to this kind of abuse of power by their own government. That is why we need to restore the public confidence in the FBI. I believe Director Chris Wray has begun that process and make sure that these types of egregious errors and intentional acts do not become the norm.

Director Wray sent a letter to the Department of Justice's Office of Inspector General, detailing actions his agency will take to strengthen the FISA processes and make these documents less susceptible to errors or intentional alterations. I appreciate the Director's acknowledgement of these problems under the agency's previous leadership and his commitment to preventing similar errors and alterations.

That brings me to another concern. This has to do with something called the defensive briefings. This is something that Loretta Lynch, the former Attorney General, said was routine in counterintelligence matters. Let me explain for a minute.

The FBI provides many different functions. We are most familiar with its law enforcement investigation function. They investigate potential crimes and present that to the Department of Justice, which then decides whether to charge a person with a crime. That is one of the most important roles the FBI plays. But it also plays a very important role when it comes to counterintelligence; that is, countering the malign activities of foreign nations like Russia and China and the threats they pose to our national security.

What Loretta Lynch told us is that these defensive briefings are fairly standard. It is an opportunity for the FBI to advise the target of these threats by a foreign influence so that they can take steps to protect themselves. We know that both candidates, Hillary Clinton and Donald Trump, received something called the defensive briefings in August of 2015.

The defensive briefing for the Trump campaign lasted 13 minutes, according to this report. It was a check-the-box, perfunctory defensive briefing. I am confident the FBI did not come in to tell President Trump, then-Candidate Trump: The Russians are checking the doors and the windows, and they are trying to break into your campaign. You need to tell these people who are affiliated with your campaign to keep their eyes open and to knock off their association with these likely Russian intelligence officers.

At the time, the FBI believed the Russians were infiltrating the Trump campaign. The FBI should have told them, but they didn't. So this is different from a criminal investigation, as I said.

The FBI was presented with a couple of options when it came to advising the Trump campaign. One was to provide as much information as possible so that they could have given a real, constructive briefing about known threats and sufficient information to help the Trump campaign mitigate the threat. But that is not what the FBI did.

Option two was to provide a generic briefing—no specifics, no names, no real details, just a generic warning that foreign governments are actively working to interfere with the election and maybe a little lecture about cyber hygiene and why you should change your passwords, maybe get dual authentication when it comes to accessing websites and email, and not to

click on those phishing emails that we all get from time to time that could unload a Trojan horse or some other malware onto your computer. But that is not what FBI did here either.

Somehow, the FBI managed to come up with a third option, as documented in this report. They used this briefing not as a way to alert the Trump campaign of potential threats from Russian intelligence services; they used it as an opportunity to conduct an investigation against General Flynn, who worked on President Trump's campaign. They were even so bold as to insert one of those investigatory agents—part of the Crossfire Hurricane investigative team—into that briefing with President Trump and his campaign.

Knowing that the FBI did that in this case, I can't imagine many campaigns that would want a defensive briefing because you, frankly, couldn't trust the intentions of these officials. Would you believe that they were there to share intelligence and help you protect American national security or conduct an investigation, unbeknownst to you?

When we talk about the need to secure our elections from foreign interference, you can't, in the process, destroy public confidence in all of our institutions, including the FBI.

I want to be clear. I am glad Director Wray addressed these defensive briefings yesterday, among other matters. I have confidence in Director Wray, and I think a new leadership in the FBI since all of this terrible period occurred has been encouraging.

Director Wray has clarified what his predecessors clearly missed, saying: ''The FBI's role in these briefings should be for national security purposes and not for investigative purposes.''

This report has left me with a number of questions and a lot of concerns, and I am glad we will have the opportunity to ask Inspector General Horowitz more about this report tomorrow in the Judiciary Committee.

It is important that we get to the bottom of concerted efforts to deceive the Foreign Intelligence Surveillance Court and the use of salacious and unverified materials in order to justify the issuance of these very sensitive FISA warrants.

I believe some of the actions the inspector general has identified undermine public confidence in our public safety and national security measures, and that is something we should all be willing to fight for.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

HEALTHCARE

Mr. WYDEN. Mr. President, when the Trump administration comes to an end, it is going to leave behind a host of sad and, I would consider, shameful legacies, and right near the top of the list will be the shocking number of children who have lost healthcare coverage under this administration.

I am sure folks can't really see the specific numbers here, but this trend line is what is important, taking figures from the Census Department—people who are not political; they are not Democrats or Republicans. What this chart, based on census data shows, is that, for year after year after year, we saw the number of uninsured kids in America go down. That is something I think was important for our country. It said a lot about our values, and it certainly said a lot about our healthcare system.

Sure, we are going to spend more than $3.5 trillion on healthcare. If you were to divide that up into 320 million Americans, you can send every family of four a check for $40,000. So we are spending enough on healthcare, but we are not spending it in the right places.

In particular, I wanted to come to the floor—and I am glad to see my friend, the Presiding Officer, who has worked with me on a variety of healthcare issues; we have some areas we are going to be talking about in the days ahead. To me, one of the areas of healthcare, until recently, we could all take pride in was this chart, which nobody could really see, but it showed this trend line in which the number of uninsured kids was going down.

Unfortunately, in the Trump administration, that trend line of years and years and years of more kids getting healthcare coverage has been reversed, and now more kids are uninsured.

How did the Trump people do it? They are not going to stand up in front of a government agency and say: Oh, we just don't like kids. But what they did is hurt those kids and their parents by keeping them in the dark for years while there were efforts, bipartisan ones—my friend, who joined the Finance Committee recently, knows that our previous chairman, Senator Hatch, worked with me for a record-setting extension for the Children's Health Insurance Program. The efforts to expand coverage for kids were all bipartisan—always—going back, really, for decades now, particularly on the Finance Committee.

I think of the late Senator John Chafee and the late Senator John Heinz—people whom I admire so much—and they always wanted to find common ground, Democrats and Republicans, working for children. But now the Trump administration, in the dark, has come up with proposals that have made it harder for parents to sign up their kids, harder for them to stay enrolled, and harder for these families—parents with young kids—to even know about their rights, their rights to healthcare.

So now, as a result of the Trump administration's reversing this trend of years and years of expanded coverage for kids, we have hundreds of thousands of parents clinging to the hope that their kids don't get hurt on the playground, catch flu in the classroom, or worse.

We know that this falls hardest on the families walking an economic tightrope. Every month they are balancing their food against their fuel bill, their fuel bill against their healthcare. One injury, one illness, could be financially devastating for these kids and their families, and it can be a major setback for kids for years, if not for the rest of their lives. How is a sick kid supposed to succeed in school and get ahead if they are unable to see a doctor when they have serious illnesses?

I have mentioned that I know the two sides—this side of the aisle and that side of the aisle—can work together to find common ground on children's healthcare.

At the end of his service, Chairman Hatch—who, as my colleague the distinguished Presiding Officer knows, cared greatly about kids; he was very involved with the late Senator Ted Kennedy and others in coming up with the children's health plan—said: We want to set a record. We want to get a 10-year extension of the Children's Health Insurance Program.

We managed to do it. But if you cut the services for people to find out how to get enrolled, stay enrolled, and if there are changes in programs, those changes in policy, which took place when the Trump administration came to Washington, rippled through very quickly to communities across the country where vulnerable Americans depend on getting good quality healthcare. I just think it is unconscionable.

As I mentioned earlier in my remarks, for a country with the resources America has, you wouldn't step in if you saw this trend of progress—fewer uninsured kids—suddenly be reversed. And it really happened very quickly. When the Trump administration took over, you would say: Hey, let's get Democrats and Republicans together, pull out all the stops to fix it, and get the trend line going in the right direction again with more kids getting healthcare coverage. We would have had to take on the Trump administration here in the Congress. We would have had to take on all of those programs in which the Trump administration made it harder for kids to get enrolled and to stay enrolled, but it would have been the right thing. It would have been the right thing for Democrats and Republicans in the Congress to step in and take on the Trump administration and say: Look, we understand there can be debates and differences of opinion, but you don't score points by attacking the services for children available under the Affordable Care Act.

I am going to keep working to reverse this crisis. My colleagues have been coming from this side of the aisle all through the day to talk about this scourge: the reversal of the trend in this country with respect to healthcare coverage. We used to be expanding it for kids. Now it is going the other way. The amount of coverage is being reduced.

I just want to say, as the ranking Democrat on the Senate Finance Committee, which has jurisdiction over many of the healthcare programs that are most important for kids and families on an economic tightrope, I and I know my colleagues on the Finance Committee—several of whom have spoken over the last few days on this subject—would be glad to work with any Republican in this Senate who wants to turn this around. If any Republican is listening to this and wants to come to the floor and say: I am interested. I am interested in turning around this ominous trend. I am interested in turning around this trend where healthcare coverage for kids is going down, and I want to work with Democrats to do it, I will commit, as the ranking Democrat on the Finance Committee, to say: Thank goodness. We have to get on this. This is too important to our country and to our future to just sit idly by and say we are going to reduce the number of kids who are getting healthcare coverage because we are not going to give parents the opportunity to find out how to get enrolled and stay enrolled and know what their rights are.

A country as strong and good and rich as ours ought to be looking for every possible opportunity to help kids get ahead in life. That, in my view, starts with access to healthcare. Right up at the top of the list, it starts, in my view, by saying that this trend line, which after years and years of showing more kids were getting covered, is now going the other way, and fewer kids are getting covered. We are going to say, as a body in the U.S. Senate: We are going to change that, and in a country that is as strong and good and rich as ours, those vulnerable families are going to be able to get healthcare again.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. MCSALLY). The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

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

LEGISLATIVE WORK

Mrs. BLACKBURN. Madam President, it has been so interesting today to hear my colleagues talk about the things we have done this year, the things we have to get done before the end of the year that haven't been addressed yet, and then things that need to be addressed this next year in 2020.

I will tell you, 2019, for me, I look at it as, I would say, successes and stalls and then some forward motion on some really important pieces of legislation. To get there, we really have had some fairly intense debates, which have prompted our constituents and those back in Tennessee to have their own discussions about what they think is or is not happening here in Washington, DC.

My hope is that their debates around the kitchen table are sometimes less heated than ours, and certainly I hope that their Thanksgiving table debates were less heated than some of these that you see taking place here.

Tennesseans, like a lot of Americans, when they end up talking about what we are or are not doing here in Congress, they revert back to first principles. I cannot tell you the number of times over this past holiday that I heard people say: Look, for me, it is all about freedom. It is all about defending the freedoms that we have—protecting that life, liberty, and pursuit of happiness.

They are looking at that. It is fair to say they think in the long term. While many times I think the media here in DC just follows that shiny object story of the day, whatever is generating clicks and likes and headlines, that is where they are, but Tennesseans are not focused that way. What they would like to see is for our actions here in Washington to be taken in a way that are going to keep them and their neighborhoods and their friends safe and secure and healthy and free and keep them out of the reach of government overreach, if you will.

As someone said to me last weekend, ''I just want the Federal Government off my back and out of my pocketbook. I want to be able to keep working and keep growing my business.'' A lot of people are there.

Now, we have seen movement this week. A very good thing that has happened is the National Defense Authorization Act. I know that Madam President has worked tirelessly on this, as have I, for all of our military community members in Tennessee. We have been very pleased that we are going to see Fort Campbell and the divisions that call Fort Campbell home getting the funds and the equipment they need in order to protect themselves and to do their jobs—whether it is Chinooks or more training capacity or equipment and also an emphasis on making certain that we are keeping their homes safe so those families are safe in that military on-post housing, that privatized housing, while their loved ones are deployed.

While we are looking at other components of the NDAA, Tennesseans have been very concerned and are very pleased, I will say, about what has transpired with Oak Ridge National Labs and Y–12. Oak Ridge is a treasure for our Nation, and much of the research in supercomputing and hypersonics is being done there.

Also, in the Senate this year, we are paying attention to the implementation of legislation very important to our songwriters. I know you have heard me say, time and again, that Middle Tennessee, Nashville, is one of the most creative communities on the face of the Earth and home to more songwriters than anywhere else on the face of the Earth, and the Music Modernization Act is going to make certain that Nashville artists and songwriters are being paid fairly for the work they are creating. We are pleased that these are all things we have worked hard on, and we see these as priorities.

When it comes to a legislative agenda that has taken much of my time, I started this term in the Senate working on some things that protect the unborn, much as I had done in my service in the House. The first bill I introduced over here was the Title X Abortion Provider Prohibition Act, and this is something Tennesseans wanted to see done to make certain that tax dollars would not be used to fund or support abortion providers, and it would not go to those clinics.

What Tennesseans wanted to see was those tax dollars being put to work in rural healthcare and enable access to healthcare for women and for individuals who did not have access to basic healthcare needs. Our State has been hit hard by rural hospital closures, and thousands of Tennesseans are now forced to drive miles out of their way to seek basic care. I will tell you, this is concerning, especially for the people living in the most remote areas of the State for whom there is no such thing as a quick ride or a quick ambulance trip to the hospital. It is miles of travel sometimes, when those minutes are very precious and they feel that time is passing quickly and it is critical to get to that care.

As part of my work this year, I have worked on and developed a rural health agenda, which has earned bipartisan support here. I thank Senator DURBIN for his work with me on this. I will tell you, this is legislation that, yes, it has bipartisan support here, but it has a lot of support scattered around the country.

What this will do is support the establishment and expansion of medical facilities in rural areas. It will help doctors and other medical practitioners set up shop outside of the more convenient and lucrative urban bubbles. It also will enable telemedicine so that you are taking healthcare out to these areas that have a difficult time getting in.

Speaking of the urban bubble, a lack of access to healthcare isn't the only thing that is causing headaches right now in rural America. Here, in Washington, we don't have to worry about having a reliable phone signal or an internet connection. We are really fortunate in that regard. We know when we click on, it is just going to work, but outside of America's metropolitan areas, communities that lack these resources are falling behind. My Internet Exchange Act will ensure that rural areas are able to build and maintain the infrastructure needed to support high-speed internet connections, which will in turn support business growth and e-commerce and encourage investment from outside corporations looking to expand.

You cannot have 21st century education, economic development,

healthcare, or law enforcement without access to high-speed internet. Continuing to close that digital divide is a priority, and I thank my colleagues for the good progress we have made this year.

Of course, that connectivity comes with a price. Opening ourselves up to the online world means opening ourselves up to the possibilities of cyber attacks. This is a problem we have to approach as a matter of national security, as well as on the corporate side and in our homes.

In addition to funding for military pay raises and upgraded equipment, this year's NDAA, or the National Defense Authorization Act, includes support for the assessment and expansion of our cyber warfighting capabilities. As I said, that is only one very important part of the equation. While I was serving in the House and before I came to the Senate, I worked on legislation that will get consumers all the information they need in order to make a decision about how they want to share their private information and to whom they want to give access to that information.

Once passed, my bipartisan BROWSER Act will give consumers more control over how big tech uses their personal data. You, the consumer, should be able to own your virtual you. You should be able to protect your presence online, just as you are able to protect your being yourself in the physical space.

In return, tech companies will be free to innovate and use that data to build their platforms, and that is what helps make them profitable—new innovations. They can do that as long as they respect your wishes on how you want them to use your data.

As head of the Judiciary Committee's tech task force—and I do thank Senator FEINSTEIN for her leadership in leading this group at the Judiciary Committee—I have had the privilege of bringing both sides together on this debate and to the table to have productive discussions on how to responsibly regulate big tech. I look forward to continuing that in the New Year.

As we draw to a close, I remind my colleagues that in Tennessee people remind me regularly that we are a government of the people, by the people, and for the people. As we talk about things that have been done this year and things that we need to do before the end of the year—things like getting VAWA passed—we need to remember that for all of the shiny-object stories that circulate around here every single day, the people back home are saying: Your responsibility is to care for the issues that are important to me. That is where they would like to see us spending our time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Madam President, I have one very short remark that I want to make and then longer remarks to my colleagues.

IMPEACHMENT

Madam President, House Democrats announced that they are moving to impeach President Trump for—in their words—abuse of power. When all of this started, Democrats said the President committed a quid pro quo, but that didn't poll very well among the American people. At that point, the House Democrats switched to an accusation of bribery against the President. Maybe that didn't poll well either or maybe they discovered that history doesn't support their definition. Finally, they settled on abuse of power.

It is kind of like a Goldilocks impeachment. The ''quid pro quo'' bowl was too cold, and the bribery bowl was too hot. But, apparently, abuse of power tastes just right, while the American people are increasingly getting a bad taste in their mouth about the Democrats' partisan impeachment story.

RUSSIA INVESTIGATION

Madam President, I want to comment on the Horowitz report, out yesterday. On Monday of this week, the Justice Department inspector general released his report on the Justice Department and the FBI investigation into the debunked theory that the Trump campaign colluded with the Russian Government. I have pushed to shine a light on the origins of the FBI Russia investigation for more than 2½ years. You can see that it has been a long road.

When information is embarrassing, the FBI has a way of fighting tooth and nail to keep it all secret, to keep it heavily classified. The FBI is hiding behind vague procedural excuses about protecting the integrity of ongoing investigations and all kinds of excuses not to come forth and not to let public information come forward that might embarrass them.

In this case, they put up a wall. You have to keep swinging in order to crack that wall. I started looking into the origins of the FBI's corrupt Russia investigation way back in March of 2017. At that time, it became clear that the FBI had used Christopher Steele's work to investigate then-Candidate Donald Trump. This was all done even though the FBI knew that Steele was working for an organization called Fusion GPS. Fusion GPS is an opposition research firm paid for by the Democratic National Committee and the Clinton campaign. The FBI knew that.

When the FBI didn't answer my questions, I used my authority as chairman of the Senate Judiciary Committee to hold up the nomination of Deputy Attorney General Rosenstein. That got the Judiciary Committee a briefing from the FBI. It consisted of a lot of veiled half answers and assertions that somehow Christopher Steele was reliable. We all know that he wasn't reliable. I will give details on that shortly.

In June of 2017, I asked the FBI to produce all the FISA applications related to its Russia investigation. After 6 months of wrangling, in December 2017, Senator GRAHAM, Senator FEINSTEIN, and I were permitted to review the four FISA applications in which the FBI sought authority to surveil former Trump campaign staffer Carter Page, as well as a number of classified documents relating to Mr. Steele.

I also directed my staff to look in public places that others were ignoring. That led us to Mr. Steele's court filings in London. What my staff found was that Mr. Steele had admitted to passing some of the contents of his dossier far and wide to media organizations. That raised a very important question about whether information Steele gathered was open to manipulation or just part of one big feedback loop.

We also learned that, according to the FBI, Steele had told the FBI he had not spoken to the media about his findings, and that was in direct contradiction to what he said in court in London.

After reviewing all of this information, Senator GRAHAM and I wrote a letter referring Mr. Steele to the FBI for potential violation of 18 USC 1001. That section of the code makes charges of lying to the FBI. At the heart of our referral was an 8-page memorandum that laid out much of what we had learned from my investigative efforts at that point.

We now know from the IG report that the FBI top brass was aware of Mr. Steele's statements to the British court in spring 2017, but the FBI never accessed those filings and never considered telling the Foreign Intelligence Surveillance Court that its assurances about Steele's third party contacts were in fact wrong.

As soon as the referral went out, I began pushing the FBI to declassify as much of those referrals as possible. The FBI resisted my efforts every step of the way because this is probably going to be very embarrassing to them.

My fight to make information in the referral memo public was helped along very directly by President Trump, who declassified a memo prepared by the House Intelligence Committee that touched a number of the same topics.

In February 2018, Senator GRAHAM and I also wrote Inspector General Horowitz to call his attention to everything we had learned and request that he conduct a comprehensive review of improper political influence, misconduct, and mismanagement of the FBI's Russia investigation.

My efforts have been based on my investigative activity and also the overriding need for more transparency from the American Government because transparency brings accountability.

After the release of the Russia report, there had better be accountability. The inspector general's findings ought to concern every single Member of this Chamber because it concerns the American people. We the people have a profound, deep, and abiding respect for fundamental constitutional rights. These fundamental rights

have not been granted or created by the government. Our rights are God-given. Our rights are inalienable, and our rights are self-evident. The inspector general's report shows that despite all the checks we put in place to ensure the government will not infringe on those rights without proper cause, it is still possible for bad actors to lie, for bad actors to withhold information, and for bad actors to doctor documents in order to get around those safeguards to achieve their own goals.

The inspector general's report has finally let some light shine on the wrongdoing that occurred with the Justice Department and the FBI during this infamous Russia investigation. Let's start then with that Steele dossier. The Steele dossier played a very ''central'' and ''essential'' role in the Russia investigation, according to the inspector general's report. Those words, ''central'' and ''essential,'' come from the report.

Before the FBI got it, they tried to open a FISA on Carter Page, and there wasn't enough evidence, but once the dossier was acquired, that was the tipping point for the FBI to tell the FISA Court that it had probable cause that an American citizen was an agent of a foreign government.

We now know that this central and essential document was not even a finished product. The dossier was based on single-source reporting, and Steele wasn't even the original source. He had a primary subsource who used multiple sources who, we now know, didn't even have direct access to the people they were reporting on. Some of these sources were Russian Government officials. We are talking about many, many levels of hearsay.

Well, the FBI got around to interviewing that primary subsource but only after the FBI opened a FISA warrant on Carter Page. Think about that, will you? The FBI used one of the most powerful and invasive investigative tools without first verifying the information it provided the court. The primary subsource raised the following issues: One, Steele had reliability issues; two, the primary subsource had not seen the dossier until it was made public; three, Steele misstated and exaggerated claims; four, the primary subsource didn't think his or her material would be in the report; five, much of the information in the dossier was based on rumors, including conversations over beers, we are told, or some of those conversations were made in jest; and lastly, six, none of this material in the dossier had been corroborated.

After the FBI acquired this information, subsequent FISA renewals continued to rely on this same document that had lost all credibility, and everybody knew it. They had relied on the Steele information with no revision or notice to the court that the primary subsource contradicted Steele. Simply said, that is a fraud on the court. So the FBI couldn't get a FISA warrant until they got the dossier, and then they kept renewing the warrant despite very clear evidence that the dossier was faulty.

It looks to me as though the FBI couldn't get their way, so they used whatever information they could, whether it was false or not, all to accomplish their goal. Their goal was pursuing an inquiry into the Trump campaign.

We all know about one of Strzok's infamous text exchanges. Page said this in the text: ''[Trump's] not ever going to become President, right? Right?!''

Strzok said: ''No. No he's not. We'll stop it.''

These are people involved with the FBI with a very anti-Trump agenda.

So we go back. The FBI had a plan, and they would do anything. The FBI would do anything to keep that plan going. The information loop was contaminated from the start, and nobody at the FBI seemed to give a rip about it. They just wanted to continue the investigation into Trump. A part of that investigation included using defensive briefings for the Trump campaign—Can you believe this?—as a means to collect information relative to the Russia investigation and the General Flynn investigation. Would you believe that the FBI decided not to defensively brief the Trump campaign on alleged Russian attempts to interfere with the election—information that served as a predicate to opening this inquiry? But the FBI did decide to use the briefings as an intelligence-gathering operation.

Why wouldn't the FBI simply give the Trump campaign a heads-up on any and all threats? They were looking out for his safety. Why would they hide the ball? We know that they did so for prior Presidential campaigns, so if they did it for every Presidential campaign, why wouldn't they do it for Trump? Again, the FBI had a plan, and they would do anything to keep that plan going.

Another disturbing finding in the report is that the FBI recorded Page and Papadopoulos before the FISA warrant was issued. But it is unclear who the FBI used to record them. Did they work for another government? Was it a spy?

Both of these recordings offered exculpatory evidence that was withheld from the FISA Court. The FISA Court should have known this information, but it didn't. Included were denials that anyone associated with the Trump campaign was collaborating with Russia or with outside groups like WikiLeaks in the release of emails and, No. 2, that Page had never met or said one word to Paul Manafort and that Manafort never responded to Page's emails. To that second point, the dossier said that Page participated in a conspiracy with Russia to act as an intermediary for Manafort on behalf of the Trump campaign. None of that information is accurate.

The Steele dossier served as a—again, these words—''central and essential role'' in the FBI's investigation, yet it was filled with inaccurate and very false statements. It is important to remember that the FBI knew all of this. They knew about those faults all the time, and they did nothing to apprise the FISA Court, and they had a responsibility to do that. In fact, as it turns out, the FBI actively altered documents to make a better case for themselves.

The FBI altered documents. One FBI official altered an email from another government agency to say that Page ''was not a source'' for that agency, when, in fact, Page was with that agency.

The FBI relied on the false statements to renew the FISA warrant. That means that the FBI used Page's work, apparently, for the American Government as evidence that he was a Russian agent. The FBI couldn't get their way unless they literally falsified documents to the court to spy on an American citizen working for the Trump campaign. That ought to shock everybody in this country. The conscience of every citizen ought to be bothered that the FBI can do that. If it can happen to Carter Page, it can happen to any one of us.

The inspector general report also specifically identified 17 errors and omissions during the Carter Page FISA process and additional errors in the Woods procedures. Wrong and incomplete information was passed through the chain of command for those approving the FISA warrants. After the inspector general interviewed within the FBI chain of command, the inspector general had this to say:

> In most instances, the agents and supervisors told us that they either did not know or recall why the information was not shared with the [Office of Intelligence], that the failure to do so may have been an oversight, that they did not recognize at the time the relevance of the information to the FISA application, or that they did not believe the missing information to be significant.

Regarding that last point, that they did not believe the missing information to be significant, the inspector general noted that ''we believe that case agents may have improperly substituted their own judgments in place of the judgment of [the Office of Intelligence] . . . or in place of the court to weigh the probative value of the information.''

That is a very extraordinary finding. We all know about the politically charged anti-Trump texts that were exchanged among FBI officials who didn't want Trump elected, and they probably hate him to this very day, including an FBI lawyer who altered documents—an FBI agent did this—to support the FISA application. Clearly, that bias affected the decision-making process. Indeed, the inspector general noted that in light of the substantial and fundamental errors in the FISA process, there are ''significant questions regarding the FBI's chain of command management and supervision of the FISA process.''

Really, it is quite obvious that something was terribly wrong. For example,

Stu Evans, the DOJ National Security Division official with oversight of the FISA process, did not even know that Bruce Ohr, another DOJ official, had been in communication with the FBI about the Russia investigation. He didn't know that Ohr had been interviewed by the FBI until he saw the Grassley-Graham referral.

Ultimately, the inspector general was not able to interview everyone involved in the chain of command to the extent that the inspector general wanted to do that. For example, James Comey and Jim Baker, the former FBI general counsel, did not request that their clearances be reinstated for the interviews. Quite obviously, they didn't want to be interviewed. That means the inspector general was unable to ask them classified questions related to their conduct.

Comey claims that he is transparent, but he clearly wasn't in this case. Moreover, Glenn Simpson and Jonathan Winer—the latter a former State Department official—refused to sit for any interviews at all. These individuals played key roles in the Russia investigation. It is a shame that they didn't want to speak up. So can't we legitimately ask: What are they trying to hide? From what I have seen, they are trying to hide an awful lot.

With all that said, the FBI's FISA-related behavior has been so bad that the inspector general has initiated a comprehensive audit that will fully examine the FBI's compliance with the Woods procedures. In the past, when there has been evidence of our government improperly infringing on the civil liberties of American citizens, we as a nation have firmly rejected that course of action. We have taken those moments as real opportunities to strengthen our resolve and to renew our commitment to the values that we all share about our God-given liberties and freedoms.

Under the leadership of J. Edgar Hoover, from about 1920 to 1969, which was when he died, the FBI would wiretap, recruit secret informants, and fix the paperwork in ways that trampled on the rights of ordinary Americans as a matter of practice. In those times of the FBI, it was business as usual. Let's hope it doesn't become business as usual now. That is why, during the 1970s, because of the abuse of J. Edgar Hoover, this Chamber undertook vigorous oversight efforts, under the leadership of the late Senator Frank Church, to shine a light on the excesses and abuses of our intelligence bureaucracy.

Based on what we learned from that inquiry 40 years ago, Congress passed FISA. This legislation establishes protections to ensure that government bureaucrats can't just spy on American citizens willy-nilly, whenever they feel like it. In order to surveil an American citizen, the FBI must acquire a lawful order and do it from a court of law. We give those in the FBI that power along with an expectation that they will do their due diligence in using it.

We have found out now, during this Russia investigation, that those in the FBI—in this decade—did not do that due diligence. We give this with the expectation that they will provide the court full and accurate information, which they didn't provide to the FISA court in regard to the Russia investigation; that they will follow the rule of law and their own internal guidelines; and that they will respect the boundaries Congress has set for them, instead of reverting to the freewheeling and very heavy-handed tactics that they embraced in the past.

Most of the hard-working men and women in our Department of Justice and in our FBI today understand and truly respect these boundaries. However, it seems old habits really die very hard. Politics has crept back into the FBI's work, at least at the highest levels. The actions that were taken by Obama and Comey's FBI sound an awful lot like the ones taken under Hoover.

Where do we go from here? We have to learn from our past mistakes. I have said it before, and I will say it again: Sunlight is the best disinfectant. Transparency brings accountability. It helps us take reasoned steps to ensure that the mistakes of the past will not be repeated in the future.

After what I believe was far too long a wait, I am happy to have finally received this Horowitz report that we call the inspector general's report. I thank IG Horowitz and his staff for all of their hard work. I am pleased to see that much of the inspector general's report is publicly available. Once again, this is due in no small part to President Trump's unprecedented commitment to transparency.

I appreciate the President's willingness to grant Attorney General Barr broad declassification authority, and I appreciate Attorney General Barr's willingness to use that authority to bring much of what happened out into the open. It is an important first step towards ensuring accountability. Of course, there are still many, many unanswered questions.

In going forward, I eagerly await Mr. Durham's findings with respect to how the intelligence community handled its part of the corrupted Russia investigation. Mr. Durham is the U.S. attorney in Connecticut, but he has been awarded by Mr. Barr the responsibility of getting to the bottom of all of these problems that I am talking about now and a lot of other problems. Unlike Horowitz, Mr. Durham has authority to prosecute, and he has already opened criminal investigations.

In the sense of Mr. Durham's work, I view this most recent inspector general's report as just one part in a multi-part act. Durham's public comments make clear that he finds issue with whether the opening of the Russia investigation was properly predicated. His findings may prove critical to finally and fully understanding what happened during the Obama administration's fabricated investigation into Trump.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. MCCONNELL. Madam 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.

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

150TH ANNIVERSARY OF THE KENTUCKY NEW ERA

Mr. MCCONNELL. Madam President, it is with great pride that I pay tribute to a long-standing community institution in southwestern Kentucky. The Kentucky New Era newspaper recently marked 150 years of quality journalism and community engagement, and I would like to take a moment today to review the paper's distinguished history and celebrate its many achievements.

Prominent Kentucky newsman Chip Hutcheson, whom I am proud to call a dear friend, spent years working for the New Era, and he summed up the reason it has thrived for so long. Chip recalled a paper-wide culture of writing ''columns that cemented readers' relationships to the writer and the paper.'' I think it is that commitment to readers and to what matters in their lives and community that has helped make the New Era the oldest business in Hopkinsville, KY.

Since the paper was launched as a weekly publication in the winter of 1869, the New Era has certainly undergone some change to solidify its relationship with readers. To meet a demand for local, State, and national news, the New Era added a daily issue, and delivered the news and commentary its subscribers wanted to read. Part of that frequent change during the early years came in the form of different owners, but in 1873, Hunter Wood took charge, and his family would steer the New Era as majority owners for the following 130-plus years.

Under their direction, the paper covered a wide range of issues affecting life in Christian County. From politics to agriculture, mixed with lighter community-interest pieces and extensive coverage of high school sports, the New Era has served as a important source of information for its readers. Its staff