

I yield back.

The PRESIDING OFFICER (Mr. COTTON). The Senator from West Virginia.

TRIBUTE TO JOHNNY ISAKSON

Mrs. CAPITO. Mr. President, I am pleased to be on the floor with my colleagues to honor our friend and our colleague, JOHNNY ISAKSON from Georgia. I could almost tell you he is probably hating this about now, but I want to get my two cents in. I don't need to read off his impressive resume or thank him for his service in the Georgia National Guard, his successful real estate business, his extensive public service, and all that he has done and accomplished in Congress.

I want to talk about JOHNNY ISAKSON, my friend. You hear everybody in this body get up and we say: My colleague and my friend. Sometimes I am not sure we are really talking about friends, but I want to tell you, JOHNNY, I am not making this up. I am talking about you as my friend. I am not just being polite. You know me better than that.

I will tell a little story, and he has heard me tell it, but when I was first elected to the House of Representatives in the year 2000, I was walking down the aisle, probably our first vote, had no idea really what I was doing, didn't know anybody in the 435-Member body, and I must have had it written all over my face because I was wandering, and this hand reaches out, and he says: Why don't you sit down here next to me, and we can talk about what is going on.

That was my introduction to JOHNNY ISAKSON. We talked about what was going on on the floor. We talked about who his friends were. We talked about the fact that my mother's family was from Perry, GA, and I had some Georgia blood running through these veins.

JOHNNY, as we have heard, doesn't care if you have been here 20 years or if you have been here 20 minutes, he wants to be a friend. I heard him say that the other day; that he has friends and then he has future friends. I have actually thought about that a lot over the holiday weekend. He doesn't care if you are a Republican or Democrat, from the North or the South—South will probably help a little bit—East or West, he has an innate ability to put everybody at ease. He doesn't count anybody as an enemy. We have been to the Prayer Breakfast. We have shared our highs and lows together in our respective lives. He never cares who gets the credit. He just cares about getting things done. I think you have seen that through everybody's wonderful tributes to JOHNNY. He brings people together. That is hard to do, but he leads by example. He has been a great example to me. You have been a great example to me. My colleague from North Dakota, Senator JOHN HOEVEN, has called you "Mr. Congeniality of the Senate." I can't think of a better analogy. You are Mr. Congeniality, but you are also a very forceful, strong person with a steel spine to know what is right and what is wrong.

The Bible asks, "What does the Lord require of you?" JOHNNY is living that answer: to act justly, to love mercy, and to walk humbly with God. We could use a few more humble walkers around here, I think. We could sure use more JOHNNY ISAKSONS.

You will be there cheering us on, I know, because your heart is with your many friends who are here. I will miss seeing you coming around the corner because our offices are very close. I will miss our car rides together and our golf games together. I will miss that extended hand in friendship, but I know that you will still be extending it from your home with your family and your many, many friends.

I am really happy to be here. This is happy for me because I think it is happy for you. I think that as much as you probably regret leaving and feel there is more work to be done, you can go in peace and love and know that you have happy days ahead of you and a lot of well-wishers on the way.

JOHNNY, thanks a lot. Thanks for extending that hand of friendship. It meant so much to me then, as it does today. Good luck and Godspeed.

The PRESIDING OFFICER. The Senator from New Hampshire.

Ms. HASSAN. Mr. President, I rise today to join my colleagues, like the Senator from West Virginia, and pay tribute to our friend Senator JOHNNY ISAKSON.

It has been an incredible privilege to work with Senator ISAKSON. Senator ISAKSON and I got to know each other first through the bipartisan Senate Prayer Breakfast and then serving together on the Health, Education, Labor, and Pensions and Finance Committees. I have always appreciated his commitment to bipartisanship, problem-solving, and getting results for the people in his home State of Georgia and for people all across our country. Because of that commitment, Senator ISAKSON and I have worked together to cosponsor a number of pieces of legislation, including efforts to improve care for veterans and to make hearing aids available over-the-counter. We also partnered together to pass a resolution designating March 25 "Cerebral Palsy Awareness Day."

In addition to being kind, thoughtful, and bipartisan, one thing stands out to me about Senator ISAKSON the most: his bravery in speaking out on issues regarding human dignity. He demonstrated that bravery early on in his career as a State senator who spoke out against a local anti-gay resolution. At a time when standing up for the rights of people of all sexual orientations wasn't easy or convenient, he did. That took real courage.

In addition, I am in awe of Senator ISAKSON's bravery in sharing publicly his family's experience losing his grandson Charlie to an overdose. By opening up and sharing this tragedy, Senator ISAKSON helped reinforce that this crisis affects families from all walks of life. His public discussion has

and continues to make a real difference as we work to break down the stigma that comes with addiction. I know he has continued working here in the Senate to prevent more families from experiencing a loss like his own.

I am also grateful for Senator ISAKSON's leadership on behalf of our country's veterans. In June, Senator ISAKSON led a bipartisan Senate delegation to Normandy to mark the 75th anniversary of the D-Day landings. During that visit, I saw firsthand JOHNNY's incredible kindness and commitment to our country's veterans. I also saw how quickly he dismissed compliments and thanks directed his way to ensure that others got credit for their part in his success. I know that carries over to his tireless efforts and hard work on behalf of veterans as chairman of the Veterans' Affairs Committee.

Above all, I appreciate Senator ISAKSON's friendship. He has represented the people of Georgia in the Senate with dignity, determination, and grit, as well as a really good sense of humor. He has made a real difference.

As Senator ISAKSON confronts a health challenge of his own right now, I am confident that he will face it with the bravery, humility, and humor he has exemplified throughout his life and here in the Senate.

Senator ISAKSON, we will all miss you terribly, but we are looking forward to traveling to Georgia to see you and to continue the many conversations that have made us all better people and better Senators and makes this country a better place.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. JONES. Mr. President, I know I am not in the right order, but since we have a gap here, I thought I would just jump in.

I am honored to be here today for the JOHNNY ISAKSON memorial tribute part two. Being the lower person in the Senate on the totem pole here, I didn't get a chance to talk last week, but I did sit through the Senators' remarks, which I found very compelling.

I have found JOHNNY ISAKSON to be very compelling. You know, there are times when you watch a movie or a TV show, and there are these special moments when two people meet, and there is one person who has that spark, who has that magic, and when they touch, when they embrace with a hug or a shake of the hands, all of a sudden, the other person realizes they are talking to somebody very special. That is JOHNNY ISAKSON. That moment is built around JOHNNY ISAKSON.

From the first time I had the chance to meet him on January 3, 2018, I knew all of those things that are being said about his bipartisanship, about his friendliness, and about how he wants to work with people and how he cares about people were absolutely true. I could tell by the first handshake and the "Welcome to the Senate, DOUG."

I will say that I think meeting me and having that spark was a real test

of Senator ISAKSON more than anybody in this body because you have to understand that when we first met, it was about 5 days before his beloved Georgia Bulldogs were going to face the University of Alabama in the national championship game.

For those who don't know this, I am telling you, you can think of "partisanship" and "tribalism" as political terms here in Washington, DC, but if you ain't experienced football partisanship and football tribalism as far as SEC rivals, you ain't experienced nothing. So the fact that JOHNNY ISAKSON embraced me, a Democrat from his neighboring State of Alabama, was very, very special and something I will always cherish.

I truly mean that, JOHNNY. I have watched you as a member of the HELP Committee with me. I have watched you in so many hearings and listened to you and your wisdom. That wisdom often came from personal experiences. Whether it was business or education or whether it was the tragedy with your grandson, everything about what you have done in the U.S. Senate has been personal.

I think that is something we should all strive to do. Everything we do in this body needs to be personal because for all of our constituents, it is personal to us. It is personal to our States and personal to everyone, but we don't always seem to act that way. A lot of times, we act in a way that it seems to be more political than personal. I have never seen that in Senator ISAKSON. I have seen that time and again, where everything he has spoken about—whether or not I agreed with him was not the issue. I could tell that what he was speaking of was personal, that it meant something to him, and that he knew how it was going to affect those in the State of Georgia and across the United States.

I can remember last year when we were moving toward trying to find a way to help farmers in south Georgia and south Alabama who had been so devastated by Hurricane Michael. This was crossing party lines. He and Senator PERDUE and I talked a lot about how this was affecting people and people's lives and how frustrating it was for all of us to see the politics kind of take over for a period of—I don't know—4 or 5 months while these farmers suffered. That is the JOHNNY ISAKSON who reaches across the aisle. That is the JOHNNY ISAKSON who cares about people. That is the JOHNNY ISAKSON who goes to funerals and sits in the back of the room and then works to make sure he does the right thing for all those who could be affected.

JOHNNY, I am going to miss you a lot. I enjoy our talks about football. I enjoy kidding you. I enjoy your ribbing me. But more importantly, I just enjoy the camaraderie. I enjoy the warmth, the feeling that I belong here. I, a Democrat from Alabama, belong in this body—maybe not after 2020. I ain't going to push you that far, JOHNNY,

OK? I get that. But for me, there has always been a sense that you belong in this body and you have a voice, and it is an important voice. We need more of that.

We need to make sure everything JOHNNY ISAKSON said is remembered in this body. We are about to go through some rough seas. The ship of state, as I have said before, is about to chart some rough seas. We need to remember the words of Senator ISAKSON as he leaves this body to make sure we continue to do the work.

I think what we have done these last couple of weeks is reflective of the legacy of JOHNNY ISAKSON. Whereas what was going on in the House and what was dominating in the media—we still got an NDAA done, we still got the FUTURE Act done, and we are still, over in the House, negotiating USMCA. Things in this body can work if we work together and we make sure that whatever happens after the first of the year does not interfere with our ability to relate to each other and to our constituents and for the people of America.

JOHNNY, I have been honored and privileged to serve with you. It will always be one of the greatest honors in my life to have been able to have served in this body with you. I wish you and your family nothing but the best in the future. I hope that you will continue to contact me during the football games and throughout so that we can commiserate the good, the bad, and the ugly about Georgia and Alabama football. I love you, and I appreciate you. Thank God you have been here.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. GARDNER. Mr. President, I agree with my colleague from Alabama, Senator JONES. Senator JONES and I haven't been here as long as some of our other colleagues have been, but I think it is probably fair to say that when Senator JONES and I have a colleague who is departing or if the Presiding Officer has a colleague who is departing, there will be one day of farewell. Maybe there will be an hour's window in which we can come to the floor to say thank you or there will be a reception in the Mansfield Room. I think it is fair to say, as has my colleague Senator JONES, that I have been in line for a long time to get to this day to say thank you to JOHNNY ISAKSON.

These tributes started when Senator ISAKSON first announced he would be retiring from the Senate. It is very fitting that they continue through this day because of the work he has pursued and because of his accomplishments but also because of the humanity that rests in his heart. All of us are better off because of his work.

In my knowing him, I hope that a little bit of JOHNNY ISAKSON rubs off on all of us and that we can be here today, knowing that we are a better institu-

tion, better leaders, and better public servants because of his model.

Senator ISAKSON has done a lot of things that have been discussed on the Senate floor. I don't know how much I can add, but I am going to add a few things to the kind words that have been said. So many people have said such great things.

The first time Senator ISAKSON and I had an opportunity to really work together was on something that will benefit generations of Coloradans. It was the VA hospital in Colorado—something that may have shaved off some of the patience Senator ISAKSON has, which seems to be unending at times. This one, though, I am sure, took a little bit of a toll—the frustration with a very crazy collapse of a VA facility that had taken over a decade and—gosh—hundreds of millions of dollars to complete. It was a project that started out in the nineties but that didn't get done until about a year ago or so. It was a project that had started out at \$300 million but that had ended up being over \$2 billion.

Through it all, Senator ISAKSON was mindful of a very simple purpose, which was that this facility was to benefit the veterans who had given so much to this country. The first thing Senator ISAKSON said to me was: Don't worry. We are going to get this done, and we are going to make reforms so that this never happens again.

Under Senator ISAKSON's leadership, we have seen changes at the VA, and we have also seen changes about how new facilities are going to be completed and built so that we can avoid the kinds of mistakes that led to the delays in Colorado.

Ultimately, Senator ISAKSON knew that this would be the crown jewel in the Rocky Mountain region for veterans' service and veterans' care, and that is exactly what it continues to be. We have Senator ISAKSON to thank for the completion of that and the time on task it took to get the job done.

Senator ISAKSON held a field hearing in Aurora, CO, with, I think at the time, Deputy Secretary Sloan Gibson to find out what had happened, why the delays occurred, and then to fix it and to hold the people accountable who were responsible for the delays. That is the kind of leadership Senator ISAKSON provided.

Throughout that process, I think I threatened to rename the colonoscopy unit after a couple of people, but for Senator ISAKSON, we should name the town after him for the work he did to complete that facility.

I remember the first time I gave him a little bit of a treat from Colorado in order to thank him for his work. It was a box of Enstrom Toffee from a family company in western Colorado. It was a pretty incredible treat. I gave it to him and thought he had never had this before.

He looked at it, and he said: Oh, Enstrom Toffee. I love this stuff. I used to give this out to my clients when I was in real estate.

So I couldn't even surprise him with what I thought was a very special Colorado treat.

JOHNNY is the kind of person who has the ability to cut through problems, to cut through the smoke, to cut through the haze and the fog of a challenge and go right to the merits of it, to very concisely riff on any issue at a moment's notice, cut to the heart of a problem, and provide a solution to that problem and to that challenge.

As the old saying goes, you are known by the company you keep. When one looks around this Chamber, one sees the people who came to pay their thanks to Senator ISAKSON. It is pretty good company. He has done such great things for Georgia and for this country. I can't thank Senator ISAKSON enough for his leadership, for helping us all out in Colorado, and for making this country a better place.

Senator ISAKSON, thank you for all that you have done.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I come to the floor this afternoon to pay tribute to our good friend Senator JOHNNY ISAKSON of the great State of Georgia. I say "ours" because I know he is a friend to everyone in this Chamber. It was a real blow to me and, I know, to all of the Senators to hear that Senator ISAKSON wouldn't be seeking another term and that he would be leaving early.

Over the years, JOHNNY and I have had a chance to partner on a number of bipartisan initiatives. He has established a reputation in this body as an honorable and hard-working Senator who cares deeply about his constituents. Beyond that, he is just a kind person. As we think about the accolades we could say about somebody, somebody who is kind to everyone they meet, that is about as nice a thing, I think, as you can say.

What JOHNNY does has been demonstrated time and again in Congress. He develops trust and good working relationships, and he gets things done.

As chairman of the Veterans' Affairs Committee and a veteran himself, JOHNNY has taken on the difficult but critical task of making reforms to the VA to better deliver care to those who have fought for our country. Having been through some of those challenges with veterans in New Hampshire and seeing what they are facing with getting the care they need, to be able to go back to them and say that because of the work of Senator ISAKSON and Senator TESTER, we now have the MISSION Act—which is bipartisan legislation to expand care and services to veterans—has been very reassuring.

We also know that Senator ISAKSON is a fierce advocate for local priorities in his home State. I have a sister in Georgia, in Atlanta, and when I ask her about Senator ISAKSON, she speaks very positively about what she has seen that he does in Georgia.

Of course, many of us here have been reminded time and again of the importance of the Port of Savannah and its dredging needs. I can especially identify with those since we have small ports—much smaller than Savannah's—in New Hampshire, but they consistently have dredging needs, so I know how important it is to have an advocate who is there all the time, making sure that the needs of those ports are being seen to.

One of the many areas where Senator ISAKSON and I have found common ground is reforming our budget process. I think it is not a secret to anybody in this body that the Federal budget process is broken. Since 2011, I have worked with Senator ISAKSON, who had been working on trying to get a biennial budgeting process for the Federal Government. That is something that I think makes sense. Nineteen States, including New Hampshire, operate on a biennial budget. We believe that taxpayers would be better served by a process whereby Congress budgets for 2 years rather than 1 and is able to use the second year for oversight.

As we know, it is not easy to change things in Washington. I couldn't have asked for a better partner in this effort.

One of the things I have especially appreciated about JOHNNY is that he has very little time for partisan sniping, which has too often characterized much of what we do here.

One of the gestures that mattered to me and that has stood out about what his character is and how he has operated in the Senate has been the fact that he came to New Hampshire to advocate for our biennial budgeting efforts in 2013, a year when I was in cycle for reelection. It didn't matter to him. What mattered was that we were working on this issue, and it was important to the American people.

I had the opportunity to go the following year to Atlanta, and we did the same presentation in Atlanta to again show that we could work in a bipartisan way to try and address what wasn't working in New Hampshire.

I have especially appreciated that he has taken that approach on everything we have worked on together.

I know Senator ISAKSON also cares deeply about the institution of the Senate. He served as chairman of the Senate's Ethics Committee, a committee I have also been a member of, though not nearly as long as he has. I have seen closeup how he has faithfully and honorably conducted the committee's business and, again, how partisanship has not been any part of how he has approached his duties on the Ethics Committee. What has been important has been preserving the integrity of the Senate and the responsibility that each of us has as a Senator.

There have been so many ways in which JOHNNY ISAKSON has bridged the partisan divide. One of those is through food, and I think all of my colleagues

would agree with me that one of the highlights of our year is when Senator ISAKSON has his bipartisan barbecue lunch, which features not just the dishes his home State is known for but, as he points out, the best barbecue in America.

In New Hampshire, we don't have a lot of barbecue, so I don't have much basis on which to judge, but I certainly would agree it is very good barbecue.

I think, as somebody who has served in the Army, he understands that the way to our hearts is through our stomachs, and we know if we keep our troops eating well that they do better, and I think the same is probably true of Senators. If we can keep eating well and collaborate when we are doing that, it is great for our morale, and it is a great way to help work better together.

In closing, I just want to say that throughout his time in Congress, JOHNNY ISAKSON has been a statesman, and he has been a gentleman of the highest order. They say that we remember people not by what they say as much as by how we feel we are treated, and I know it is fair to say, whether it is the person operating the elevator, the person who is serving us lunch, each of us as Senators, or his constituents, JOHNNY ISAKSON has made all of us feel very important, and he recognizes the value that each individual in the Senate contributes to this body. For that, I am very appreciative, and I will miss you, Senator ISAKSON.

Thank you for everything you have done for all of us.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. WICKER. Mr. President, let me join my dear friend and colleague from New Hampshire in paying tribute to so many things about JOHNNY ISAKSON.

I know we are supposed to abide by the rules, address remarks to the Chair, and not speak to each other, and if I occasionally look over at the senior Senator from Georgia and call him JOHNNY, I will apologize in advance to the Chair and to the keeper of the rules.

I think one of the points that Senator SHAHEEN was making about the bipartisan barbecue lunch every year is that we ought to do this more often. We choose sides so many times, and for those of us on this side of the aisle, it is three times at lunch every week—Tuesday, Wednesday, and Thursday. The senior Senator from New Hampshire and I never have a chance to have lunch together because we are there with our leadership talking about what our folks are going to do.

JOHNNY ISAKSON decided at least one time a year, when he was in charge of making that decision, that he would invite Republicans and Democrats. Sometimes we got pushback from the leadership of both parties because they didn't have us captive that particular hour, and some of us who tried it didn't do it year after year after year. JOHNNY ISAKSON has done that and has been an example of bipartisanship.

I hope, JOHNNY, we are not making you weary of speechmaking, but I did want to make an extra point that perhaps others haven't made and give a quotation that Senator JOHNNY ISAKSON has made about others that he would never have made about himself because he is too modest.

I first became aware of JOHNNY ISAKSON in 1990, and he and I had not met at that point, but I was in Atlanta, GA, for some party function. JOHNNY ISAKSON was a successful businessman and a member of the Georgia senate. He was the Republican nominee for Governor that year, and it was pretty well known that he was not going to win that race. But he came before us and gave a rip-roaring talk, very impressive, and I said to myself: You know, he may not win this year, but this JOHNNY ISAKSON fellow has a future, and he is going to go places.

It turned out that the impression I had that day was correct. He would go on to serve for some time in a bipartisan way in Georgia, and then, when the Speaker of the House of Representatives resigned from office, JOHNNY ISAKSON was there to win the special election and became my colleague in the House of Representatives.

During that time when we served in the House together, we were on the deputy whip team together. And, JOHNNY, it was usually you and I sitting next to each other at each of those weekly meetings of the whip team.

I began to realize on a personal, day-to-day basis what an outstanding leader he was, what an articulate leader he was, how persuasive he was, and how able he was to actually come up with some accomplishments in the Congress.

Boy, it is hard to get a bill passed, and JOHNNY ISAKSON has gotten bill after bill after bill passed for our Nation's veterans, of which I am proud to be one—a list as long as my arms. I am proud to be a veteran. I am proud to be the father of an Air Force major and the son of an Army-Air Force veteran from World War II. We all appreciate in our family, down through the generations, the efforts that JOHNNY has made.

He has been so effective because he understands people, because he understands the business about building consensus and using strong relationships and treating each and every one of us on both sides of this center aisle with dignity and respect—the kind of respect that we would hope to be treated with always.

Senator ISAKSON enjoys poetry, as do I, and I have been known to quote a line or two from a poem, but today I want to quote from a poem entitled "Sermons We See" by Edgar Guest.

The reason I want to do this is that from time to time, when we have honored people JOHNNY ISAKSON admired, he would cite this poem or a verse or two from it as a way of honoring and pointing out the virtues of the person being honored. He would never be so bold as to quote the poem about himself.

I submit today for the RECORD the entire poem, and ask unanimous consent that it be admitted.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SERMONS WE SEE

(By Edgar Guest)

I'd rather see a sermon than hear one any day;
I'd rather one should walk with me than merely tell the way.
The eye's a better pupil and more willing than the ear,
Fine counsel is confusing, but example's always clear;
And the best of all the preachers are the men who live their creeds,
For to see good put in action is what everybody needs.
I soon can learn to do it if you'll let me see it done;
I can watch your hands in action, but your tongue too fast may run.
And the lecture you deliver may be very wise and true,
But I'd rather get my lessons by observing what you do;
For I might misunderstand you and the high advise you give,
But there's no misunderstanding how you act and how you live.
When I see a deed of kindness, I am eager to be kind.
When a weaker brother stumbles and a strong man stays behind
Just to see if he can help him, then the wish grows strong in me
To become as big and thoughtful as I know that friend to be.
And all travelers can witness that the best of guides today
Is not the one who tells them, but the one who shows the way.
One good man teaches many, men believe what they behold;
One deed of kindness noticed is worth forty that are told.
Who stands with men of honor learns to hold his honor dear,
For right living speaks a language which to every one is clear.
Though an able speaker charms me with his eloquence, I say,
I'd rather see a sermon than to hear one, any day.

Mr. WICKER. Mr. President, I will read the first two verses of "Sermons We See" by Edgar Guest.

I'd rather see a sermon than hear one any day;

I'd rather one should walk with me than merely tell the way.

The eye's a better pupil and more willing than the ear.

Fine counsel is confusing, but example's always clear;

And the best of all the preachers are the men who live their creeds,

For to see good put in action is what everybody needs.

I soon can learn to do it if you'll let me see it done;

I can watch your hands in action, but your tongue too fast may run.

And the lecture you deliver may be very wise and true,

But I'd rather get my lessons by observing what you do;

For I might misunderstand you and the high advise you give,

But there's no misunderstanding how you act and how you live.

Those are first two verses of "Sermons We See."

I am so grateful for the sermons I have been able to see as a Member of the House of Representatives, as a fellow colleague of JOHNNY ISAKSON's here in the U.S. Senate.

He has demonstrated, in the way he has acted, the way we should always act. He has shown us how to be a gentleman and how to be an accomplished gentleman in the way he has lived and the way he has worked across the aisle. How he ends this chapter gives us an opportunity to say thank you for the way he has made the Nation better and the way he has made life better for millions and millions of his fellow Americans. Thank you, JOHNNY.

I yield the floor.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Oregon.

Mr. MERKLEY. Mr. President, it is now my pleasure to also say some words of tribute to my colleague from Georgia.

When I first came here and found out about his real estate background and his interest in homeownership, I felt it was a powerful connection, in that while I was never in the real estate business, when I went back to Oregon in 1991, I found a connection with Habitat for Humanity and eventually became their director, and it was all about homeownership. So I spent a tremendous amount of time working to advance homeownership for families in Oregon. Certainly, that is what the residential rules say business is all about, and he spent decades in that world before he came to Congress.

In fact, I also felt a connection because of his service in the House of Representatives in Georgia. I only had 10 years in the Oregon House, and he had far more than that in the Georgia House of Representatives. I don't know if the Georgia House is like the Oregon House, but the Oregon House was a very functional place, where people came to the floor and listened to each other and shared ideas. They were only allowed to speak for 5 minutes so everybody could hear each other. You could borrow time from others, but if you borrowed time, then, people started to say: The longer that you speak, the less support you will have.

So it was great to have the entire group present, talking to each other, working, and talking on the floor.

That is how I envision the Georgia House, as well, which I think is a tremendous foundation for networking ideas, working with others, realizing that relationships make such a difference as we strive for policies we believe in. But the pathway involves relationships.

John F. Kennedy once said: "Let the public service be a proud and lively career." When I think about my colleague's career spanning the Georgia House and Georgia Senate and the U.S. House and now the U.S. Senate, and all that he has worked on, I think of it as exactly that—a proud and lively career not only that he can be proud of but that all of us can be proud of, as evidenced by the many folks who have

come to the floor to say thank you for your service.

There was one particular event that I will never forget, and that is after the passage of Dodd-Frank. I heard that a problem had occurred related to the interest on lawyer trust accounts, known by the term IOLTA. This interest, which was not allowed to accrue directly to the company of lawyers, was dedicated by law to funding legal defense funds for noncriminal assistance to American citizens facing court proceedings so they could get a fair day in court.

So I was trying to get unanimous consent for us to fix this, and I needed a partner on the Republican side of the aisle. I was walking from one Senator to another to another. I probably went through about 15 Senators, and I would say: Have you ever heard of IOLTA?

And, universally, the answer was no. I would explain what it was and say why it might make a difference, and each time I spoke they would say: Well, it is probably not something near the top of my list to spend time on.

Then, I asked Senator ISAKSON: Have you ever heard of IOLTA?

He said: Of course, I have.

I explained to him exactly what it was and why it mattered, and I said: Would you be a partner and try to fix this so that the funds will go to the public legal defense fund? And he said yes.

We had to persuade, collectively, a number of folks who had holds on the amendment, which we did. We finally had one Senator who was still putting a hold on it, and we met with him—I don't know if my colleague from Georgia will remember this, but we met with him—and explained our case.

He said that, well, he would think about it, and we decided to inform him that we were going to ask for a unanimous consent motion on the floor at a certain time on a certain day, and that he was welcome to come back and object if he wanted. He did come back, and he met with us at that moment and withdrew his objection, and we passed that fix.

Now, interest rates have not been as high. So the amount of funds that went into the fund were not equivalent to what they were in a previous era, but it is an example of bipartisan work. It is not blue or red work. It is work to help make something go a little better for people in the United States of America.

So to my colleague from Georgia, thank you for doing many things to make life better for the citizens of the United States of America, working with that goal in mind, not partisanship.

Bless you and your family. Thank you for your service.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

NOMINATION OF LAWRENCE VANDYKE

Mr. DURBIN. Mr. President, I oppose the nomination of Lawrence VanDyke to fill a Nevada seat on the Ninth Circuit. When my Republican colleagues decided to abandon blue slips for circuit court seats, many on our side warned that we would start to see nominees with little connection to the States in which they were nominated to sit. Those warnings are coming true. We saw it earlier this year, when the Senate approved the nomination of Daniel Bress to fill a California seat on the Ninth Circuit, even though he had barely lived or practiced in California as an adult.

Now, we are seeing it again with Mr. VanDyke, whose ties to Nevada are minimal. He did not grow up in Nevada or attend any schools there. He did not move to Nevada until 2015, after he had lost a race for the State supreme court of Montana. He did not become an active member of the Nevada Bar until October 2017. He does not have family ties to Nevada. He does not currently live in Nevada. Since he moved to Virginia 8 months ago, he has not been to Nevada even once. Mr. VanDyke's only real tie to Nevada is that he was given a job there for a few years as solicitor general, apparently as a landing spot after he lost his race in Montana.

There are many longtime members of the Nevada legal community who are well qualified to serve as a Federal circuit court judge. But none of them will get the chance to fill this seat. Instead, Senate Republicans are going to rubber-stamp someone with minimal Nevada ties for this Nevada judgeship. How would my colleagues like it if that happened to their States? Mr. VanDyke also has a deeply troubling record.

When he was Montana's solicitor general, we saw from his emails that he allowed political considerations to guide litigation decisions. For example, in a 2013 email, he urged that Montana join an amicus brief supporting the NRA in a cert petition involving a challenge to a gun law on the books. VanDyke wrote, "I'm not sure I agree with the strategy of bringing this case to SCOTUS, but I think we want to be on the record as on the side of gun rights and the NRA."

I am troubled that, for his judicial election campaign, he filled out an NRA endorsement questionnaire in which he said he agreed that "gun control laws are misdirected." He also has a lengthy history of criticizing and undermining LGBTQ rights. This includes his 2004 column where he wrote that there is, "ample reason for concern that same-sex marriage will hurt families, and consequently children and society."

Mr. VanDyke is the ninth Trump judicial nominee who has been rated

"Not Qualified" by the ABA, out of over 260 Trump nominees the ABA has reviewed. The ABA conducts a peer review process. In VanDyke's case, the ABA interviewed 60 attorneys and judges who knew him and his work.

Mr. VanDyke's peers said that Mr. VanDyke "is arrogant, lazy, an ideologue, and lacking in knowledge of the day-to-day practice including procedural rules," "does not always have a commitment to being candid and truthful," and "in some oral arguments, he missed issues fundamental to the analysis of the case." These were scathing comments from dozens of judges and lawyers who know Mr. VanDyke and his work well.

In short, it is no surprise that both of Nevada's Senators oppose this nomination. I agree with them. I will oppose the VanDyke nomination, and I urge my colleagues to do the same.

Mrs. FEINSTEIN. Mr. President, I rise today in strong opposition to the nomination of Lawrence VanDyke to a Nevada seat on the Ninth Circuit Court of Appeals.

I ask unanimous consent to have printed in the RECORD a number of letters and other documents relevant to Mr. VanDyke's nomination following my remarks.

Mr. VanDyke's temperament and integrity have been called into question by his colleagues and the American Bar Association, which rated him "Not Qualified" for the Federal bench. Mr. VanDyke's record, including his opposition to rights of LGBT individuals and commonsense gun control, is far outside the mainstream.

First, I want to discuss concerns raised by Mr. VanDyke's colleagues regarding his temperament, competence, and work ethic. The American Bar Association interviewed 60 of Mr. VanDyke's colleagues, including 43 lawyers, 16 judges, and one other individual who have worked with Mr. VanDyke in the four States where he has worked and who are "in a position to assess his professional qualifications."

In its letter to the committee, the ABA reported that Mr. VanDyke's colleagues described him as "arrogant, lazy, an ideologue, and lacking in knowledge of the day-to-day practice including procedural rules" and stated that he "has an 'entitlement' temperament, does not have an open mind, and does not always have a commitment to being candid and truthful."

As Montana's solicitor general, Mr. VanDyke's coworkers raised similar concerns. They noted that he "avoids work" and that he "does not have the skills to perform, nor desire to learn how to perform, the work of a lawyer." These concerns were echoed by six retired justices of the Montana Supreme Court who wrote that Mr. VanDyke "has neither the qualifications nor the temperament to serve as a federal court of appeals judge." Based in part on these assessments, the ABA deemed Mr. VanDyke "Not Qualified" to be a Federal district court judge. The ABA

has rated 97 percent of President Trump's judicial nominees since 1989. It has a process and standards. It has rated 97 percent of President Trump's judicial nominees "Qualified" or "Well Qualified." Mr. VanDyke, then, is a clear exception.

Mr. VanDyke's record on LGBT rights is also deeply troubling.

In a 2004 op-ed, he wrote that there is "ample reason for concern that same-sex marriage will hurt families, and consequentially children and society." Lambda Legal rightly characterized this claim as a "stigmatizing and disproven myth." During his hearing, and in written questions, Mr. VanDyke was given many opportunities to disavow this statement, which is not supported by the research. He declined to do so.

I asked Mr. VanDyke whether the Supreme Court's decision legalizing same-sex marriage in Obergefell v. Hodges has harmed families and children, and I presented him with research showing that the children of gay and lesbian parents do as well as children raised in opposite-sex households. Still, Mr. VanDyke refused to disavow his anti-LGBT statements.

In its letter to the committee, the ABA reported that some interviewees were unconvinced that Mr. VanDyke would be fair to members of the LGBT community. The ABA further noted that Mr. VanDyke "would not say affirmatively that he would be fair to any litigant before him, notably members of the LGBT community." I am concerned based on Mr. VanDyke's record and the ABA's assessment that LGBT litigants cannot expect to be treated fairly in his courtroom.

Finally, I would like to highlight Mr. VanDyke's long history of advocating against commonsense gun control.

As Nevada solicitor general, he undermined implementation of a 2016 ballot initiative, passed by Nevada voter that would have closed a loophole by expanding background checks for private gun sales. As Montana solicitor general, he called assault weapons bans "ineffective" and questioned the Federal Government's authority to regulate guns in any capacity.

While running for a seat on the Montana Supreme Court in 2014, he filled out an NRA Questionnaire that highlights how far outside the mainstream his views on gun control are.

On this questionnaire, Mr. VanDyke indicated that he believes all gun control laws are "misdirected." He opposed banning the possession, purchase, or sale of any firearm. He also opposed assault weapons bans and requiring background checks for guns sold at gun shows.

Mr. VanDyke even appeared to pledge loyalty to the NRA itself. He wrote on the questionnaire that he had stopped being a member of the organization because he "didn't want to risk recusal if a lawsuit came before [him] where the NRA was involved." Mr. VanDyke willingly offered these views when he was

seeking judicial office, and so I asked him to answer the same questions from the NRA's questionnaire as part of this nomination process. He declined to do so.

It is distressing that a nominee would offer his views on gun control to the NRA, but not to a Member of the U.S. Senate who must vote on his lifetime appointment to the Federal bench.

It is no wonder that gun safety groups, including the Giffords Law Center and the Coalition to Stop Gun Violence, fear that Mr. VanDyke has demonstrated a "clear lack of impartiality" and is "incapable of serving as an impartial justice."

The Nevada Senators strongly oppose Mr. VanDyke, in part because he lacks ties to the State. Their opposition is justified. It is hard to believe that this nominee, whose views are so far outside the mainstream and who is unqualified for the position, is the best the Nevada legal community has to offer.

Federal appeals court judges must be knowledgeable, and litigants must have confidence that these judges will treat them fairly and honestly. Unfortunately, Mr. VanDyke does not meet these basic standards. I urge my colleagues to join me in opposing his nomination.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NRA—PVF
National Rifle Association of America
Political Victory Fund

2014 MONTANA CANDIDATE QUESTIONNAIRE

Name: Lawrence VanDyke
Website: www.VanDykeforJustice.com
Campaign Name: VanDyke for Supreme Court
Campaign ID #: 46-5103703
Public Office(s) Held: Montana Solicitor General
Occupation: Attorney
Office Sought: Montana Supreme Court Justice
District: Seat 2
Party: Non-Partisan

For further information on Montana firearm laws, Please visit www.nraila.org and click on the "Gun Laws" feature located in the menu.

1. Do you agree that the Second Amendment to the United States Constitution guarantees a fundamental, individual right to keep and bear arms that applies to all Americans, regardless of where they live in the United States?

a. Yes.

b. No.

2. Which of the following statements best represents your opinion on the prevention of violent crime?

a. Gun control laws will solve the crime problem.

b. Gun control laws will not solve the crime problem, but they must be a part of the overall solution.

c. Gun control laws are misdirected; the solution is the enforcement of existing laws which punish criminals who misuse firearms and other weapons in the commission of crimes.

d. Other:

3. Considering current Montana firearm laws, would you support any additional re-

strictive state legislation regulating firearms and/or ammunition?

a. Yes, I support additional restrictive state legislation regulating firearms and/or ammunition.

b. Yes, I support additional restrictive state legislation regulating firearms. Please explain:

c. Yes, I support additional restrictive state legislation regulating ammunition. Please explain:

d. No, current state firearm laws are sufficient.

e. No, current state firearm laws should be improved to benefit law-abiding gun owners and sportsmen in Montana.

4. Would you support state legislation banning the manufacture, possession, ownership, purchase, sale and/or transfer of any firearms?

a. Yes, for all firearms. Please specify type of restrictions:

b. Yes, for all handguns. Please specify type of restrictions:

c. Yes, for some firearms. Please specify types of firearms/restrictions:

d. No, I oppose banning the manufacture, possession, ownership, purchase, sale and/or transfer of any firearm.

5. Many .50 caliber firearms are used in big game hunting and target competition and the .50 caliber BMG cartridge has been used for nearly a century. Would you support legislation prohibiting the ownership and/or sale of any .50 caliber firearms or ammunition in Montana?

a. Yes, I would support such legislation. Please explain:

b. No, I would oppose such legislation.

I personally have hunted with a 50 AE Desert Eagle Pistol (.50 caliber)

6. In 1994, Congress imposed a 10-year ban on the manufacture, for sale to private individuals, of various semi-automatic* firearms it termed "assault weapons," and of ammunition magazines capable of holding more than 10 rounds of ammunition, which primarily affected handguns designed for self-defense. Congress' subsequent study of the ban, as well as state and local law enforcement agency reports, showed that contrary to the ban's supporters' claims, the guns and magazines had never been used in more than about 1%-2% of violent crime. Since the ban expired in 2004, the numbers of these firearms and magazines owned have risen to all-time highs and violent crime has fallen to a 42-year low. Would you support state legislation restricting the possession, ownership, purchase, sale, and/or transfer of semi-automatic firearms and/or limits on the capacity of magazines designed for self-defense?

* Semi-automatic firearms have been commonly used for hunting, target shooting, and self-defense since their introduction in the late 1800s. All semi-automatics fire only one shot when the trigger is pulled. They are not fully-automatic machine guns, which have been strictly regulated under federal law since 1934.

a. Yes, I would support such legislation for semi-automatic firearms only.

b. Yes, I would support such legislation for magazines only.

c. Yes, I would support such legislation for semi-automatic firearms and magazines.

d. No, I would oppose such legislation.

7. Federal law requires federally-licensed firearms dealers to keep records of the make, model, caliber, and serial number of all firearms sold. Would you support state legislation requiring all firearm owners to register all their firearm(s) for entry into a centralized state file or database?

a. Yes, for all firearms.

b. Yes, for all handguns.

c. Yes, for some firearms. Please specify which firearms:

d. X No, I oppose state registration of firearms.

8. Would you support the state licensing* of law-abiding citizens who own, possess and use firearms?

*Licensing, as used here, refers to state legislation requiring firearm owners to obtain a license from a government official or agency to own and possess a firearm. As a rule, firearm owner licensing laws generally require fingerprinting, photographing, and/or a background investigation of the applicant. Note: this is different from acquiring a "permit to carry" a concealed weapon from the state.

a. ___ Yes, for owners of all firearms.

b. ___ Yes, for owners of all handguns.

c. ___ Yes, for owners of some firearms.

Please specify which firearms:

d. X No, I oppose state registration of firearm owners.

9. Federal law requires all federally-licensed firearms dealers to conduct a criminal records check prior to the sale of any firearm, whether the sale occurs at their retail store or at a gun show. Access to the FBI-run telephone-based "instant check" system is limited to licensed dealers only. Under federal law, individuals who only occasionally sell firearms from their personal collections are not "engaged in the business" of selling firearms, and are therefore (1) not required to be licensed; (2) not required to conduct records checks prior to transferring firearms; and (3) not permitted to access the records check system used by licensed dealers. Although less than 1% of guns used in crimes are purchased at gun shows (Department of Justice, Bureau of Statistics), gun control advocates are trying to ban firearms sales at gun shows by occasional sellers and private collectors, or require that any transactions involving their legal property be conducted through a licensed dealer. Would you support legislation restricting firearms sales by occasional sellers and private collectors at gun shows?

a. ___ Yes, I would support such legislation. Please explain:

b. X No, I would oppose such legislation.

10. In the United States, the number of privately owned guns has risen by more than 10 million annually to an all-time high. Meanwhile, according to the National Center for Health Statistics, firearm accident deaths have decreased by 90 percent over the last century. This trend is due in part to an increasing use of NRA firearm safety training programs by tens of thousands of RA Certified Instructors, schools, civic groups and law enforcement agencies. Nevertheless, several states have recently considered legislation that would mandate the placement of locking devices on firearms kept in the home. These devices greatly restrict access to firearms for self-defense purposes and potentially increase the risk of accidental discharge of a firearm. Would you support legislation that would mandate the use of locking devices or other locking procedures for firearms stored in the home?

a. ___ Yes, I would support such legislation. Please explain:

b. X No, I would oppose such legislation.

11. Recently, some employers have extended their "gun-free" workplace rules to employees' locked private vehicles in parking lots. Such policies effectively disarm law-abiding citizens, including concealed weapon license holders, from the time they leave their house in the morning to their return home in the evening. Would you support "Employee Protection" legislation that would allow law-abiding citizens to keep lawfully transported firearms locked in their personal vehicles while parked on publicly accessible, privately owned parking lots (see 2013 Montana House Bill 571)?

a. ___ Yes, I would sponsor/cosponsor this legislation.

b. X Yes, I would support this legislation.

c. ___ No, I would oppose this legislation.

Please explain:

12. Current Montana law (MCA §45-8-328) lists certain "prohibited places," including banks, government office buildings and establishments where alcoholic beverages are served, where concealed weapon permit holders (and law enforcement officers) may not carry a concealed firearm. This puts law-abiding citizens at a disadvantage because, although they could carry "openly" in these locations, criminals will obviously ignore the law and carry concealed. Would you support legislation to repeal the restrictions on where law-abiding citizens may carry a concealed weapon (see 2013 Montana House Bill 358)?

a. X Yes, I would sponsor/cosponsor this legislation.

b. X Yes, I would support this legislation.

c. ___ No, I would oppose this legislation.

Please explain:

13. Current Montana law allows law-abiding citizens to carry a concealed weapon for defense of themselves and others, free from government interference, anywhere outside the official boundaries of any city or town. In order to cross into a city or town and still be in compliance with Montana law, however, a law-abiding citizen must have a valid concealed weapon permit. Would you support state legislation to remove the requirement that law-abiding citizens obtain governmental permission in order to provide a means of self-protection when they cross into the boundaries of cities and towns in Montana (see 2013 Montana House Bill 304)?

a. X Yes, I would sponsor/cosponsor this legislation.

b. X Yes, I would support this legislation.

c. ___ No, I would oppose this legislation.

Please explain:

14. Under the National Firearms Act (NFA), an individual wanting to acquire an NFA-regulated item, such as a firearm sound suppressor or fully automatic firearm, must submit the proper paperwork and fingerprints to the Bureau of Alcohol, Tobacco, Firearms and Explosives (BATF), pay a \$200 tax and have a chief local law enforcement officer (CLEO) sign-off on the proper forms. Some CLEOs simply refuse to sign such forms, even for otherwise qualified applicants, because they oppose civilian possession of these items, are fearful of liability or the perceptions of anti-gun constituents, or for other subjective reasons. Legally owned NFA items are very rarely used in crime, with the total number of cases documented numbering in the single digits. This legislation would also include an immunity provision for CLEOs. Would you support state legislation that would make this process more objective by requiring CLEOs to sign such forms if the applicant is not otherwise prohibited from obtaining an NFA item?

a. X Yes, I would sponsor/cosponsor this legislation.

b. X Yes, I would support this legislation.

c. ___ No, I would oppose this legislation.

Please explain:

15. Many public colleges and universities allow visitors with concealed handgun permits to carry concealed firearms on their campuses, yet nearly all state-funded higher learning institutions ban faculty, staff and students from carrying concealed handguns on campus—even if they have permits to carry concealed firearms. The NRA believes a person with a permit to carry a concealed firearm should be able to carry that firearm concealed anywhere he or she has a legal right to be, except in certain "sterile" high-security locations. Assuming each classification of individuals listed below possessed a

concealed handgun permit recognized by the state, who do you believe should legally be allowed to carry a concealed handgun on state college and university campuses?

a. X All law-abiding persons, including visitors, faculty, staff and students.

b. ___ Visitors, faculty, staff and some students. Please explain:

c. ___ Faculty, staff and students.

d. ___ Visitors, faculty and staff.

e. ___ Faculty and staff.

f. ___ Each college or university should determine the policy for its campus.

g. ___ No one should be allowed to carry a concealed handgun on state college and university campuses.

16. The residents of 39 states can legally own firearm suppressors. Contrary to Hollywood portrayals, suppressors are virtually never used in crime or poaching and criminal misuse carries severe penalties. Suppressors can improve shooting accuracy, protect against hearing loss, reduce noise complaints from the public and make shooting and hunting more enjoyable. The current prohibition on hunting suppressor use, in effect, requires firearms to be as loud as they can possibly be, contrary to the manner in which virtually all other noise-emitting objects are treated. Suppressors are strictly regulated under federal law. Individual purchasers must pay a \$200 federal tax; submit to an extensive background check that includes fingerprints and photographs; and obtain the approval of the chief law enforcement officer in their jurisdiction. Would you support legislation that allows the use of suppressors while hunting and allow law-abiding Montana sportsmen the freedom to protect against hearing loss, improve accuracy and reduce noise complaints?

a. X Yes, I would sponsor/cosponsor this legislation.

b. X Yes, I would support this legislation.

c. ___ No, I would oppose this legislation.

Please explain:

17. Many states provide civil liability protection to private property owners who allow the public to hunt on their property. Shielding property owners from frivolous lawsuits eliminates a significant concern for property owners and encourages them to open their land to hunting. This enhances public hunting opportunities and assists the state in effectively managing its wildlife populations. Would you support passing or strengthening liability protections for private landowners who allow hunting on their property?

a. X Yes, I would sponsor/cosponsor this legislation.

b. X Yes, I would support this legislation.

c. ___ No, I would oppose this legislation.

Please explain:

18. Youth/mentored hunting programs have been implemented in 29 states to help promote our hunting heritage by removing barriers to participation. This enormous case study has proven safe beyond anyone's expectations. Mentored hunting allows novice hunters—young and old—to hunt prior to completing hunter education requirements if they hunt under the close supervision of a licensed, adult hunter who meets hunter education requirements. This is the "try it before you buy it" concept. These programs also dramatically reduce or eliminate minimum hunter ages. Would you support a youth/mentored hunting law to help promote Montana's hunting heritage?

a. X Yes, I would sponsor/cosponsor a youth/mentored hunting law.

b. X Yes, I would support implementing a youth/mentored hunting law.

c. ___ No, I oppose implementing a mentored hunting law. Montanans will prove to be the exception to the rule of extraordinary safety established by the citizens of the 29 states that have implemented this program.

d. ___ Other. Please explain:

19. For which of the following reasons do you support firearm ownership for law-abiding Montana citizens (please mark any and all that apply)?

- a. X Constitutional Right.
- b. X Hunting.
- c. X Competitive shooting.
- d. X Informal sport shooting (e.g., plinking).
- e. X Defense of self, family, and home (basic human right).
- f. X Collecting.
- g. X Defense of state and nation.
- h. X All of the above.
- i. ___ None of the above.

20. Have you ever run for or held state or local elective office?

- a. ___ Yes. Please specify:
- b. X No.

21. Are you a member of the National Rifle Association, the Montana Shooting Sports Association, the Montana Rifle & Pistol Association or any other shooting/sportsmen's/gun rights organization?

- a. ___ Yes. Please specify:
- b. X No.

I have previously been a member of the NRA, but am not currently a member. I don't want to risk recusal if a lawsuit came before me where the NRA was involved.

—Please see the information from the email sent to Brian Judy on Sept. 16, 2014.

—Please also see the attached article from the Great Falls Tribune dated 9/18/14. The emails referenced in the article, which are available at the website, are very illuminating regarding my defense of the 2nd Amendment while serving as Montana's Solicitor General. See especially page 93.

Candidate Signature: Lawrence VanDyke
Date: 9/18/14

AMERICAN BAR ASSOCIATION,
October 29, 2019.

Re Nomination of Lawrence J.C. VanDyke to the United States Court of Appeals for the Ninth Circuit.

Hon. LINDSEY GRAHAM,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, DC.

Hon. DIANNE FEINSTEIN,
Ranking Member, Committee on the Judiciary,
U.S. Senate, Washington, DC.

DEAR CHAIRMAN GRAHAM AND RANKING MEMBER FEINSTEIN: The American Bar Association's Standing Committee on the Federal Judiciary has received a full report on Lawrence J.C. VanDyke and a supplemental review by a former chair of the Committee. The Committee's work is based solely on a review of integrity, professional competence, and judicial temperament. Based on these criteria, a substantial majority of the Committee has determined that Mr. VanDyke is "Not Qualified," and a minority determined that he is "Qualified" to serve on the United States Court of Appeals for the Ninth Circuit. The majority rating represents the Standing Committee's official rating. I write to offer a brief explanation of this rating.

The evaluator's Formal Report is based on 60 interviews with a representative cross section of lawyers (43), judges (16), and one other person who have worked with the nominee in the four states where he has worked and who are in a position to assess his professional qualifications. They include but are not limited to attorneys who worked with him and who opposed him in cases and judges before whom he has appeared at oral argument. The evaluator obtained detailed background materials such as more than 600 pages of publicly produced emails involving and/or written by Mr. VanDyke, news reports where Mr. VanDyke had been interviewed, and articles and opinions written about him.

Mr. VanDyke is a highly educated lawyer with nearly 14 years of experience in appellate law, including one year as a law clerk, an associate in a law firm, and as a Solicitor General for over five-plus years, first in Montana and then Nevada, two states in the Ninth Circuit where he would serve if confirmed. The Committee was tasked with balancing Mr. VanDyke's accomplishments with strong evidence that supports a "Not Qualified" rating.

Mr. VanDyke's accomplishments are offset by the assessments of interviewees that Mr. VanDyke is arrogant, lazy, an ideologue, and lacking in knowledge of the day-to-day practice including procedural rules. There was a theme that the nominee lacks humility, has an "entitlement" temperament, does not have an open mind, and does not always have a commitment to being candid and truthful.

Some interviewees raised concerns about whether Mr. VanDyke would be fair to persons who are gay, lesbian, or otherwise part of the LGBTQ community. Mr. VanDyke would not say affirmatively that he would be fair to any litigant before him, notably members of the LGBTQ community.

Even though Mr. VanDyke is clearly smart, comments were made that in some oral arguments he missed issues fundamental to the analysis of the case. There were reports that his preparation and performance were lacking in some cases in which he did not have a particular personal or political interest.

While the evaluator was careful in her interview with Mr. VanDyke not to name interviewees, the nature of the issues that gave rise to some of the negative comments had been publicly discussed and other adverse comments could be raised without identifying interviewees. The negative issues discussed in this letter were thoroughly discussed with interviewees and vetted with the nominee. Significantly, the interviewees' views, negative or positive, appeared strongly held on this nominee.

The Committee's work is guided by the Backgrounder which reflects that judgment is a component of professional competence, and that open-mindedness, courtesy, patience, freedom from bias, and commitment to equal justice under law are components of judicial temperament. Based on these principles, a substantial majority of the Committee determined that the nominee is "Not Qualified" to be a Ninth Circuit judge.

Very truly yours,

WILLIAM C. HUBBARD.

Mr. VAN HOLLEN. Mr. President, yesterday, I went to the Senate floor to ask unanimous consent on the DETER Act, bipartisan legislation that I authored alongside Senator RUBIO that is languishing in the Senate legislative graveyard.

The DETER Act is absolutely critical to protect our democracy from foreign interference. It serves a clear, simple, and essential purpose. It says to Russia and any other foreign power that, if they interfere in our elections and undermine the integrity of our democracy, they will face severe consequences in the form of tough sanctions. Foreign interference in our elections remains as critical a threat as ever. That is why, on November 5, seven U.S. Federal agencies 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 cyberattacks on state and local infrastructure."

The Senate endorsed the inclusion of this bill in this year's National Defense Authorization Act, unanimously passing a resolution in the fall instructing NDAA conferees to include such a provision in the conference report. However, the Republican leadership has stonewalled the inclusion of this bill in the NDAA. Instead, we are voting this week on two Ninth Circuit judicial nominees of dubious qualifications, including one who was rated "Unqualified" by the American Bar Association, ABA.

Circuit courts play an important role in our country. Circuit court judges review the decisions of district court judges. Instead of nominating experienced jurists, Republicans have chosen to advance two nominees, Messrs. Bumatay and VanDyke, neither of whom have absolutely any experience as judges, at the State or Federal level. Mr. VanDyke was harshly described by his peers and colleagues as someone who is "arrogant and disrespectful to others, both in and outside of this office. He avoids work. He does not have the skills to perform, nor desire to learn how to perform, the work of a lawyer." This harsh criticism of a judicial nominee from their peers is extremely rare and factored in heavily into the ABA's "Unqualified" rating.

Instead of trying to confirm unqualified radical ideologues to the bench, Republicans should be working across the aisle to pass bipartisan legislation to secure our elections and address other national priorities. Failing to do so is a dereliction of our duty.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. BARRASSO. Mr. President, I ask unanimous consent that the rollcall vote scheduled to begin at 4:15 begin at 4:05 p.m., immediately.

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

VOTE ON VANDYKE NOMINATION

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

Mr. BARRASSO. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant bill clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Kentucky (Mr. PAUL).

Mr. DURBIN. I announce that the Senator from Colorado (Mr. BENNET), the Senator from New Jersey (Mr. BOOKER), the Senator from Vermont (Mr. SANDERS), and the Senator from Massachusetts (Ms. WARREN) are necessarily absent.