

speaking from the heart tonight, and we should all listen to his words carefully. Whether we voted for this President or not, he is the duly elected President of the United States, and we, I believe, are obligated—those of us in Congress—to work with him, where we can, to try to help make things better for the people we represent.

Once he concludes his remarks tonight, then the ball is in our court to follow up on his calls to action, and I hope we will.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that I be allowed to speak for several minutes and then turn the floor over to the Senator from Connecticut, Mr. BLUMENTHAL, and then, thereafter, that we may be permitted to engage in a brief colloquy.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

RUSSIA INVESTIGATION

Mr. WHITEHOUSE. Mr. President, Senator BLUMENTHAL and I have come to the floor with a shared concern that the raiding parties are circling the Mueller investigation and preparing for an attack on that investigation.

We see this with collateral attacks on individual members of law enforcement. We see this with efforts to discredit the FBI and the Department of Justice in general. We have seen it even with Presidential tweets seeking to discredit folks who might be witnesses before a grand jury, which would, with the right state of mind, actually amount to obstruction of justice itself.

The first thing I want to say is that the Senate is entitled to a full and truthful explanation of why Deputy Director McCabe of the FBI left. We do not know the reason behind his sudden, abrupt departure. But we do know that Sally Yates was fired; we do know that Jim Comey was fired; we do know that Bob Mueller was not fired only because White House Counsel threw himself in front of that decision by President Trump and said: If you do that, I am out.

So firings at the top of our Department of Justice are becoming an unpleasantly frequent thing, and they tend to relate to matters where investigations touch on the White House: Sally Yates and the Flynn investigation; Jim Comey and the obstruction of justice, Russia collusion investigation; and, of course, Bob Mueller leading that investigation. I think we are entitled to answers, and I call for a full and truthful explanation.

The second thing going on is the more general attack on the FBI, the latest episode of which is this so-called Nunes memo, which has been described by Democratic House Members who have seen that memo and the under-

lying documents out of which it was selectively cherry-picked as profoundly misleading. It had the political purpose of spreading a false narrative—the political purpose of spreading a false narrative. This is like the information operations the Kremlin used to run against the free world if they had a political purpose of spreading a false narrative.

They also said it has the purpose of undermining legitimate investigations. Guess which legitimate investigations they mean.

This business of selectively cherry-picking things out of classified information to spread a false narrative has a very unpleasant echo for me because this is what the Bush administration was up to when it was trying to defend the torture program. They selectively declassified, for instance, that Abu Zubaydah had been the subject of what they called their enhanced interrogation techniques program and that he had produced important, actionable intelligence. What they did not declassify was that all the actionable intelligence he gave them had been provided before they started on the torture techniques. Then, once the pros from Dover came down—who didn't know anything about how to interrogate somebody but only knew how to do torture techniques—he clammed up, and that was the last actionable intelligence we got out of him. So deliberately misleading by selectively declassifying is an established technique, and it is one that is both shady and dangerous.

The process by which this so-called Nunes report or memo came out smells. It is the first ever invocation of an obscure House rule allowing for the selective declassification of material. It happened on a purely partisan vote. Trump's own appointees to the Department of Justice have called efforts to release the memo "extraordinarily reckless." Yet, on a purely partisan vote, using this previously never used rule, they are putting the selectively cherry-picked false narrative out into the public debate.

Why are they steaming ahead with a report that Ranking Member ADAM SCHIFF says "contains significant errors of fact, mischaracterizations, and omits critical context and detail"? At the same time, they are pulling one more procedural stunt, which is to stall for at least a week a Democratic report that would rebut and expose the misleading character of the Republicans' document.

The only conceivable purpose is to take the false narrative and give it a headstart of a week so that the poison gets out into our information system. Sure enough, they are pounding away at getting that information out. FOX News is already whipping it up, talking about how it is going to be a bombshell and explosive. The House Freedom Caucus has Trump revved up about the memo, urging him to support its release—against the advice of his own law enforcement and national security officials.

Over at Breitbart, FOX News, and throughout the rightwing echo chamber, hashtag "Release the Memo" became the rallying cry. Not only was it the rallying cry of Breitbart and FOX News—guess what. It was the rallying cry of our friends, the Russians. Hashtag "Release the Memo" remains the most used hashtag by social media accounts associated with Russian influence operations. Even the President's son, Don Junior, got involved in the game, tweeting out that "Democrats & deep state govt officials"—I guess by that he means the Trump appointees who said that releasing this report would be extraordinarily reckless—are behind some mischief and therefore, all caps, "RELEASE THE MEMO."

When you see a political steamroller like that happening, when you see bizarre, peculiar, and unprecedented procedures, when you see that it is entirely partisan and against the advice of our national security officials, it is hard to draw a good conclusion about what the heck is going on.

Mr. President, I yield to my distinguished colleague from Connecticut.

The PRESIDING OFFICER (Mr. FLAKE). The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, we are here at a historic moment. The President of the United States will come before us for his first State of the Union tonight, at a time when there is a credible case of obstruction of justice against him and an overwhelming case to show that the campaign that elected him was aided and abetted by the Russians. But the immediate threat is even more dire.

Yesterday was a new low for the House Intelligence Committee. The House Republicans, in an act of partisan gutter politics, voted to release a four-page, misleading, deceptive characterization of warrants submitted to the Foreign Intelligence Surveillance Court. This partisan gutter politics brings us to a dark day of character assassination much like the McCarthy days, when Members of this Chamber were counted in history as to whether they stood up and spoke out against this kind of smear campaign.

Not only is there character assassination at work here but also, equally dangerous to our democracy, the potential compromising of sources and methods vital to our national intelligence and our national security. That is the reason President Trump's own appointee at the Department of Justice, Stephen Boyd, stated that the release of this memo would be "extraordinarily reckless."

Those words come from a former staffer for a Republican Congresswoman and then-Senator Jeff Sessions—hardly a Democratic partisan. "Extraordinarily reckless." Why? Because this memo, four pages long, summarizing a warrant that typically is tens or hundreds of pages, will reveal sources and methods vital to the continued operation of our intelligence community.

My colleague, Senator WHITEHOUSE, has very powerfully and eloquently stated why this development is so threatening and so deeply troubling, but my Republican colleagues are apparently averse to listening to this kind of reasonable and sensible need for caution. They are about to ask the President to defy his own Department of Justice and disclose this memo.

Now, let's be very clear. I am one of the leading advocates in this body for transparency and disclosure. In fact, I believe strongly that all of the transcripts of interviews before the Judiciary Committee on the obstruction of justice investigation should be disclosed, and all of those witnesses should be called before us—in open hearings, under oath—to tell their stories so that the American public can understand what happened. I am in favor of challenges to warrants in the FISA Court—the Foreign Intelligence Surveillance Court—that may be defective or fallible. In fact, I was the leading advocate and drafter of a provision in the law now that provides for challenges to those warrants. It does so within the bounds of confidentiality that are necessary to protect our secrets and our national security.

What the House Intelligence Committee and potentially the President of the United States are about to do is essentially defy the law, an end-run so as to avoid the need for secrecy and confidentiality when it comes to intelligence gathering vital to our national security.

There is a procedure for challenging warrants when they are fallible. The House Republicans are refusing to follow it, and they are also refusing to provide any rebuttal to the distortions and mischaracterizations in that four-page memo.

Here is the reality: The United States was interested in Carter Page, who was viewed by the FBI as a Russian agent well before the 2016 Presidential campaign. In fact, their interest dates back to 2013, well before the Steele dossier, well before the election when Russian operatives sought to recruit him as a spy.

I am going to repeat that. The FBI thought Carter Page, who became a Trump campaign official, was an agent of the Russian Government. That is a stark public truth. That, in and of itself, would have been enough to obtain a FISA warrant to surveil him. Remember, he doesn't have to be convicted. He doesn't have to be proven a spy beyond a reasonable doubt. It is the probable cause standard and sufficient suspicion that he is a Russian spy that provide the opportunity, legally, and indeed the obligation to do surveillance.

We also know that European and other intelligence agencies—including from the UK, Netherlands, Germany, France, Poland, Estonia, and Australia—all discovered interactions between Trump's inner circle and Russian intelligence beginning in 2015. In

fact, the Australian Government told the FBI that George Papadopoulos bragged to an Australian diplomat over drinks at a bar that Russia had “political dirt” on Hillary Clinton while he was working for the Trump campaign. We know also that the Dutch Government informed the FBI of Russian interference in the 2016 Presidential election through hacking. We know that Carter Page openly traveled to Moscow to give a pro-Russian speech, and we know he met with Russian officials just as the Kremlin was working to undermine the 2016 election.

The purpose of releasing this memo is to create, very simply, a false narrative, a distraction, a red herring—call it whatever you wish. Its purpose is to discredit and degrade the Federal Bureau of Investigation and the Department of Justice—law enforcement agencies that deserve the American people's support no matter who they are investigating as long as they are doing it objectively and dispassionately, as they are doing here.

Republicans conveniently ignore the facts—not only the facts that I have just recounted, the facts that are declassified, but also facts that they know well, facts that may continue to be classified. A 4-page memo simply cannot accurately summarize what is typically 100 pages or more in a FISA warrant application without cherry-picking facts to suit the Republican author's message.

I want to paraphrase one of our former colleagues, my friend and mentor Senator Patrick Moynihan: Everybody is entitled to their own opinion but not their own facts.

The American people should not be selectively presented with the facts and deceived by a memo that amounts to character assassination, a memo that endangers our national security, compromises the sources and methods of our intelligence community, and has only the purpose of degrading and discrediting the FBI and our Department of Justice as they engage in a valid, necessary investigation, through the special counsel, of Russian collusion in the last campaign, with the campaign itself, electing Donald Trump, and potential obstruction of justice afterward.

The hypocrisy and silence of many of my Republican colleagues in both Houses is deeply disappointing. Now is the time for people of conscience to stand up and speak out in favor of the rule of law and know that the fate and future of our democracy depends on it.

There will be a lot of rhetoric tonight in these Halls, but what matters now is action to defend our democracy. I am grateful to my very distinguished colleague for calling attention to the continued Russian meddling and interference in our democracy. Hashtag “Release the Memo,” which was retweeted 200,000 percent in a span of 48 hours and became the leading hashtag on twitter, was spread by accounts associated with the Russian Government or agents.

House Republicans are playing right into the hands of the Russians. The President of the United States, defying the law, declined to impose sanctions even after an overwhelming number of our colleagues here—98 to 2—voted in favor of those sanctions. Why is it that Donald Trump is so much enthralled with Vladimir Putin and the Russians? Perhaps it is because of the last campaign.

They are continuing with their interference and meddling, and they will do it again in 2018. CIA Director Mike Pompeo said today that they will do it again. And indeed they will unless they are made to pay a price. The absence of sanctions speaks louder than my words.

It is time for us to stand up and speak out.

I thank my colleague from the State of Rhode Island for being here today to join me.

Mr. WHITEHOUSE. Mr. President, to follow the words of my distinguished colleague from Connecticut, not only are House Republicans—to use his phrase—playing into the hands of the Russians, they are actually playing by the playbook of the Russians. If you understand the Russian information warfare, the Gerasimov doctrine, the way in which Russians—and before them, Soviets—for years tried to poison the factual environment around them, and then you put that up against this scheme where you start with the selective release of classified material that the public can't get behind because the rest is classified, the false narrative that the ranking member has pointed out that that creates, the partisan and peculiar process for getting there, the ignoring of warnings from their own national security officials about how bad this is, the convenient whipping up of all of this in far-right media at the same time, the amplification of that actually by Russian bots and other sources, and the fact that this is all pointed, not coincidentally, at the agency and officials who are engaged in investigating the Trump White House and the Trump campaign, it is so appallingly obvious what the game is that is being played here.

It is stunning to me, to follow on what Senator BLUMENTHAL said, that we have heard nothing—at least I have heard nothing—perhaps the Senator from Connecticut can illuminate further, but I have heard nothing from our Director of National Intelligence, DNI Coats, and I have heard nothing from CIA Director Pompeo for—how long it has been? Since the very foundation of the FISA Court in the wake of Watergate, it has been an essential defense of our intelligence community that they don't want release of the FISA Court records. Now we have a partisan release that touches back to FISA applications that the Department of Justice has said is reckless. And where are they? It is astonishing that the custodians of those secrets appear to have absolutely no concern about this

partisan and peculiar, selective release of classified information.

I will echo another point Senator BLUMENTHAL made. This just happens to be happening at a time when the sanctions we voted on by massive bipartisan majorities—I can stack the votes together, House and Senate. It was something like 515 to 5. It was an enormous, bipartisan vote to sanction the Russians for what they have been doing, and that just went live. The President could impose those sanctions now. Yet he has not. What is the explanation?

The only people this President seems incapable of being tough on are Russians. It is a very unpleasant set of coincidences. At the same time, here we are with the Republican leadership in the House and the Republican leadership in the Senate and virtually every law enforcement and national security official who has come before us is saying: Hey, yeah, they did attack our last election in 2016, and they are going to attack our next election in 2018.

We are warned that a hostile foreign power is going to attack our 2018 election. Where is the legislation to defend against that? Where is the markup of the legislation? Where is the effort to do what needs to be done to defend our democracy? Here we are just a few months out from the election. We are 9 months out. Do I have the math right? It is 9 months between here and there. Nothing.

Why is it that whenever the Russians come up, it seems that the Republican Party has to go into complete stasis, just roll right over.

I offer those thoughts to the distinguished Senator from Connecticut.

Mr. BLUMENTHAL. I want to very quickly and simply emphasize a couple of those very important points, and maybe the overriding one is the need for action.

The Presiding Officer has demonstrated repeatedly his convictions and conscience, and I want to say how much I have admired much of what he has done during his Senate career. My hope is that others in this body will step forward and say: Enough is enough.

The FISA Court—Foreign Intelligence Surveillance Court—is a carefully crafted bipartisan institution meant to protect our country against foreign threats that would destroy our democracy—the very kinds of threats that Russia has repeatedly mounted against us. Its function is balanced by a concern about civil rights and civil liberties, which is why it is a court that must approve warrants for surveillance and searches. Its secrecy goes to the core of what it does so that the agents, operatives, and informants who are the sources of intelligence are protected.

The House Intelligence Committee is about to trash that carefully crafted structure. They are about to release a memo that says, in effect: That court—that carefully crafted balance as a re-

sult of bipartisan work over many years, involving many in this Chamber—means nothing. We will use it for the most gross partisan purposes, partisan gutter politics, and character assassination.

It is a reminder of the darkest days of the McCarthy era when similarly there was a contempt for basic fairness which persisted until Senator McCarthy was asked: Have you no sense of decency?

We are at that moment now, but it is a moment that is dark for all of us in this democracy. It is a moment that should elicit our strongest impulses for decency and democracy.

We know that the special counsel is proceeding with his investigation. We know there is a need to protect that special counsel against firing and political interference. We know there is a need for legislation that is bipartisan, and the need is now. This use of the most gross partisan politics and tactics is proof-positive that there is a need for this legislation.

My hope against hope is that the President will, in fact, impose sanctions; that there will be a bipartisan outcry against this defiance of a 517-to-5 vote, and in this body, a 98-to-2 vote; that there should be sanctions when there is this defiance of our interests by the Russian Government; and, rather than simply listing oligarchs from a Forbes magazine account, that there be real action and accountability. Certainly, the President has avoided the finding of significant transactions, which is his duty under the law.

We need people of conscience and conviction now to step forward at this historic moment. In speeches going forward, I hope that, again, the Senator from Rhode Island—my friend and a leader in this body—will come to the floor and talk further about this issue.

For now, my hope is that the President will heed the advice he has received from his Department of Justice. Yet it is not really his; it is the Nation's Department of Justice. It is his appointee who has said that the release of this memo would be extraordinarily reckless, that it would be reckless, reprehensible, irresponsible, and in defiance of the President's duty to uphold the Constitution and the rule of law.

I yield the floor.

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

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

VOTE EXPLANATION

Mr. NELSON. Mr. President, I was necessarily absent for the January 29, 2018, vote on calendar No. 294, motion to invoke cloture on the motion to proceed to S. 2311, the Pain-Capable Un-

born Children Protection Act. I would have voted nay.

Mr. President, I was necessarily absent for the January 29, 2018, vote on Executive Calendar No. 622, motion to invoke cloture on David Ryan Stras, of Minnesota, to be U.S. circuit judge for the Eighth Circuit. I would have voted nay.

VOTE EXPLANATION

Ms. BALDWIN. Mr. President, I offer this statement to ensure the record reflects my opposition to the Pain-Capable Unborn Child Protection Act, S. 2311, calendar No. 294, as considered by the Senate on Monday, January 29, 2018. Cloture was not invoked on the motion to proceed to S. 2311 by a vote of 51 to 46. Unfortunately, I was unable to be present for the rollcall vote to invoke cloture on this measure due to multiple flight delays traveling from Wisconsin to Washington, DC.

I oppose this divisive legislation and would have voted against it, as I have previously when I voted against cloture on the motion to proceed to this legislation, H.R. 36 when it was considered by the Senate on September 22, 2015. Let me be clear: I believe every American woman deserves access to quality, safe healthcare and the freedom to exercise her individual and constitutional rights to make her own private health decisions with her family and her doctor, without political interference.

Too many States have already enacted record numbers of laws that restrict a woman's access to reproductive health services and the freedom to make her own healthcare decisions. In Wisconsin, numerous measures have been signed into law that impose unreasonable requirements on providers and clinics that often leave families with nowhere to turn and threaten the ability of clinics in my home State to keep their doors open. Like the measure before the Senate, introduced by Senator LINDSEY GRAHAM, Republican politicians in Wisconsin have already enacted a 20-week ban on abortion procedures in our state, which has real and grave consequences for our families. Politicians are doing this because they think they know better than women and their doctors. The fact is they don't. It is not the job of politicians to play doctor and to dictate how these professionals practice medicine, nor is it the job of government to intrude into the private lives and important health decisions of American families.

The threat in Wisconsin and in States across the country is clear: When politicians play doctor, American families suffer. This is why my good friend and colleague Senator RICHARD BLUMENTHAL and I have introduced the Women's Health Protection Act, S. 510, which would put a stop to these attacks on women's freedoms. This measure would prohibit laws, including State and local regulations,