

sound bites and start dealing with substance.

RUSSIA INVESTIGATION

Mr. LEAHY. Madam President, on another matter, last Friday, DEVIN NUNES, the House Intelligence Committee chairman, received approval to release a classified memo that purports to show that a FISA application to conduct surveillance of a Trump campaign aide was politically motivated. Over the weekend, the President, speaking in the third person, told us this memo "totally vindicates 'Trump'" in the Russia investigation. Following a pattern that has become all too familiar, the President also viciously attacked the FBI in a series of tweets, something we have never seen by any President, either Republican or Democratic—certainly not in my memory.

There are more than a few problems with this, the most disturbing of which go well beyond this highly flawed and misleading memo. In case anyone believes this memo represents a serious attempt to address serious problems within the FBI or within our FISA surveillance authorities, I want to raise a few points they might consider because if they think it actually addresses serious problems, they either haven't read it or they don't understand the serious problems.

For years, I have been leading calls in the Senate to protect our civil liberties and reform our surveillance authorities under FISA. I am appreciative of the number of Republicans and Democrats who have joined me in that cause. This memo, however, has absolutely nothing to do with improving FISA. Nor does this partisan memo have anything to do with serious oversight of FISA authorities more broadly.

Instead, whether intentional or not, this memo represents a direct attack on rank-and-file professionals in both our law enforcement and our national security agencies. The memo deliberately distorts a multilayered process that is required to obtain and renew a judicial warrant for a suspected foreign agent. This meticulous process to obtain or renew a judicial warrant is conducted by career, nonpartisan professionals. In this case, the process led to a warrant, approved by a Federal judge and was renewed three times, for Trump campaign adviser Carter Page.

Carter Page is an individual who bragged about his ties to Russia. He even claimed at one point publicly to be an adviser to the Kremlin. He was also targeted for recruitment by known Russian spies beginning in 2013. Both of these facts are conveniently left out of the Nunes memo.

But the Nunes memo was not about capturing relevant facts or conducting actual oversight. If it were, the House Intelligence Committee Chairman would have read the underlying intelligence that purported to form the

basis of the memo. He did not. If it were about actual oversight, he would have granted the FBI Director's request to brief his Committee prior to releasing the memo. He did not. If it were about transparency, he would have allowed the Democratic response memo to be released at the same time. He did not.

Instead, his Committee voted along party lines last week to block the Democratic response. We will learn later this evening if they are going to change course and allow its release.

I have been here since the beginning of both the House and the Senate Intelligence Committees. I have never seen anything as partisan as this.

Proponents of this memo claim it proves that the FISA warrant of Carter Page was politically motivated. They claim that the so-called Steele dossier was the reason why a FISA warrant was granted and that the dossier could not be relied on because it was indirectly funded by Democratic interests. What it ignores is that this document was only one part of the lengthy FISA application establishing probable cause. The judge had to look at all of it.

Never mind that the judge was explicitly informed of the likelihood of a political motivation behind the dossier. The Republican memo conveniently leaves that out. By leaving it out, it undermines its central claim that the FBI hid the ball on the dossier's political origins. And never mind that the dossier was originally funded by a conservative newspaper, or that its author had previously been assessed by the FBI to be a reliable source.

One can disregard all of those facts and still see the memo for what it is: a complete and utter dud. The memo itself just disproves its own premise. Because of its reference to the controversial Steele dossier, President Trump and his allies paint this FISA application as the Russia investigation's original sin. They ignore the fact that the memo also reveals that an entirely separate source unrelated to the Steele dossier provided information to the FBI that triggered the opening of the FBI's counterintelligence investigation into the individuals associated with the Trump campaign. Oddly enough, that is something we did not see in President Trump's tweets over the weekend.

What we knew about the memo leads to one and only one conclusion: The FBI did its job. Rank-and-file professionals within the FBI and DOJ acted appropriately when obtaining a FISA warrant of Carter Page. Frankly, the President's attacks on these career professionals for obtaining the FISA warrant are entirely without merit.

I have been here with Republican Presidents and Democratic Presidents, eight Presidents in all, and I have never seen anybody make such unwarranted attacks on career professionals. These professionals, I suppose, if we really look, are Republicans, Demo-

crats, and some are apolitical. All of them are professional. What the Republican memo from the House reveals is nothing about abuses in the FISA process, but it does reveal a lot about both the President and the House Republicans who released it. It represents yet another desperate, hyperpartisan attempt to smear key Justice Department officials and undermine the Russia investigation.

Again, in my 40-some-odd years in the Senate, I have never seen this under either Republican or Democratic leadership or either a Republican or Democratic President.

Let's remember what is at stake. This is not about a Republican memo, which is nothing more than a sloppy, bad-faith attempt to distract from the special counsel's Russia investigation, nor is it about the Steele dossier. That represents an almost irrelevant side story. The only thing that matters here is that a foreign adversary attacked our democracy in 2016, suffered no consequences, and is poised to do it again. The President is not willing to address this threat. He is not even willing to implement sanctions on Russia that were overwhelmingly approved by the vast majority of both Republicans and Democrats in the Congress. The only thing this President has done in response to this threat is disparage the very people who defend our country from such foreign attacks—our dedicated law enforcement and intelligence professionals. I am afraid that for the President, it is Trump first and America second.

The fact is, we are under constant attacks on our political system by Russia. Which countries did the President single out in the State of the Union Address as countries that pose grave threats to the United States? Venezuela and Cuba. No. It is the second largest nuclear power in the world that is a threat, a power that has shown, by anybody's analysis or efforts—many of them successful—to undermine the electoral system not only of our country but of others.

It is more important than ever that the Special Counsel be able to complete his investigation without interference from either the President or any misguided allies in Congress. We need to know first how Russia interfered in our election, and whether anyone in the President's circle aided that effort or tried to cover it up.

I have been in the Senate for more than 43 years. I have never been as concerned as I am today for the institutions in our country and for our ability to stay united in the face of a true, unprecedented threat. I don't say this lightly.

Madam President, I have walked back and forth the dirt road in front of my home in Vermont. I have paced the floor and thought about it. I have gone back through notes I have taken through Presidents going back to Gerald Ford when I first came here, notes I took as a young, 34-year-old U.S. Senator. I have never been as concerned as

I am now. I have never been as concerned about this great country having the ability to stay united in the face of a true, unprecedented threat. Russia will be back, and many say Russia has never left. Enough with the partisan distractions. It is past time we faced this threat standing together. The American people deserve that much.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

FUNDING THE GOVERNMENT AND IMMIGRATION

Mr. CORNYN. Madam President, here we are again. The clock is ticking. The current funding bill expires on Thursday, and we have to act to keep the lights on. That strikes me as a very modest goal because there is so much more we need to be doing. When our Democratic colleagues shut down the government last month, we knew that this was all we could get at the time, which is a short-term continuing resolution until February 8. Well, this is a miserable way to do business. Continuing resolutions are really an abdication of responsibility on behalf of this body and are not to the benefit of the American people.

It doesn't have to be this way. What we are waiting on is an agreement between the leaders of both the House and the Senate to come up with spending caps for the rest of 2018 and 2019. We could have that agreement today, but our colleagues across the aisle are dragging their feet, to put it mildly. For what? Well, it is the same reason that they shut down the government last month. It is over an unrelated immigration issue, which I will get to in a moment. They appear not to have learned any lesson from the shutdown, which clearly the American people did not want and did not agree with.

We have two distinct issues that need to be handled separately. Funding the government—particularly funding our military—shouldn't be held hostage to an immigration issue, especially when we continue to work together in good faith on border security and on the young adults who are affected by the deferred action on childhood arrivals, or DACA.

I say, let's drop DACA from the funding debate and submit the caps deal right now. As I have said before, short-term continuing resolutions are a terrible way to do business. Governing is not a merry-go-round. We shouldn't have to come back in March and have these same discussions over and over again.

This past February 2 happened to be my birthday, but it is also Groundhog

Day, and we seem to wake up every morning and go through the same motions over and over and over again and never reach a conclusion. This was brought home to me pretty dramatically today when the leadership from Texas for the community health centers told me that they can't plan. They have employees and healthcare providers who are worried about whether they will have a job because government will somehow fail in keeping its doors open and keep their programs funded. And to boot, patients are worried about whether they are going to have continued access to healthcare, the community health centers that serve vast swaths of this country.

Why are people put through all this anxiety—both in terms of planning and in terms of the staff and the patients who depend on these community health centers—just because we can't seem to get our act together here and agree to those spending caps because they are being held hostage to another unrelated issue, which the majority leader has committed to addressing in due course.

Well, our colleagues seem to be content to drive around in circles, and—not to mix metaphors—they are spinning their wheels in the process, and nothing actually gets done. But maybe that is part of the plan too. If you look at 2017, we have had a pretty impressive 2017 in terms of what this Congress has accomplished when it comes to overregulations, when it comes to confirming Federal judges, including the Justice on the Supreme Court, Neil Gorsuch. And then, of course, there is the big tax bill, which was really something that happens only every 30 years or so. It is very unusual. We are already beginning to see the beneficial results of that tax legislation, and people are learning more about it and will continue to learn more about it as they open their paycheck stubs and see how much more take-home pay they have. I am beginning to think that these short-term continuing resolutions and never reaching an agreement on spending caps are part of the plan to just keep us churning and to keep us not producing on behalf of the American people. I hope I am wrong, but it sure feels like that to me.

I hope our colleagues will change their tactics and learn from their mistakes. Shutdowns don't help anybody. They certainly don't help the party that is responsible for shutting down the government. So let's get this caps deal done in short order.

Here is another thing that has been held hostage to this unrelated immigration issue—disaster relief. It was last September when Hurricane Harvey hit the State of Texas. We had an unprecedented rain event where basically the hurricane parked itself over Houston, TX, and rained down 50 inches of rain in about 5 days, disrupting people's lives, destroying their homes. Some of the winds down along the coast blew businesses and homes away,

and people are working hard to recover from that.

The House passed an \$81 billion disaster relief bill—not just to help the victims of Hurricane Harvey but also the victims of Hurricane Maria in the Virgin Islands, in Florida, and in Puerto Rico as well. And then there are the wildfires and the mudslides out West. Eighty-one billion dollars was appropriated by the House of Representatives, and it has been sitting here since December with no action whatsoever. Why? Well, count that up as another hostage of this unrelated immigration issue or the desire to just force us to spin our wheels and not get things done. I don't understand it, and if I do understand it, I don't like it one bit.

The first rule of holes is, when you find yourself in a hole, quit digging. That is the only way to get a different outcome. But our Democratic colleagues have found themselves in a hole and insist on continuing to dig after the disastrous shutdown, leading us to basically driving in circles.

I would like to speak briefly about the ongoing border security and DACA negotiations. This is an issue that is very important to me, coming from a State with the largest, longest common border with Mexico, where we see firsthand the impact of illegal drugs, trafficking in human beings, and just the failure of the Federal Government to live up to its responsibility when it comes to securing our borders. We learned on 9/11/2001 how important it is to know who is coming into our country and why they are here, because not everybody who comes to the United States wants to do good by us. Some of them want to do us harm. And certainly that is true when it comes to trafficking in the poison that unfortunately comes across our borders and leaves so many lives in tatters as a result of overdoses and drug abuse.

I have talked to a number of my constituents in Texas, including Hispanic leaders, to try to bring them up to date on the discussions that occurred here because they care quite a lot about both of these issues—border security, as well as what we are going to do for these young adults whose only mistake was to come to this country with their parents when they were children.

As I have said before—and I will say it again—we don't hold children responsible for the mistakes their parents make. These young people deserve a clear path forward and some certainty in their lives. I think the vast majority of us would like to try to find some way to give it to them, but we are not going to do that unless we can get concrete progress on border security and other reasons why this problem was created in the first place.

It was good to get the perspective of a number of my constituents who happen to be leaders in the Hispanic community. Many of them live in border communities. All of them have families or friends who are immigrants. Of course, we are a nation of immigrants,