

Jeff in Enfield, CT, told me that in 2012, at the age of 7, his daughter was diagnosed with type 1 diabetes. He said:

By the time we noticed the symptoms and took her to the doctor, she most likely had only a couple weeks left to live. She is healthy today thanks to a daily regimen of insulin. But insulin in the U.S. costs five to ten times what it costs everywhere else. . . . Without insurance, the expense of keeping our daughter alive would ruin us. The prospect of my daughter being un-insurable is terrifying. . . . Without the ACA's insurance protections, the problem would be epidemic.

The problem of people not being able to afford insulin all across this country.

Jeff continued:

How can anyone be expected to live under that kind of strain, especially a young person just starting out in life?

I am asking this question of my colleagues on behalf of my constituents, but millions of Americans who are sick or have a child who is sick are sick and tired of Congress playing politics with healthcare. You may not love everything that is in the Affordable Care Act. I get it. Republicans didn't vote for it. They didn't support it. They have been consistent in trying to get rid of it ever since it was put into law. I understand that. But I have taken my Republican friends at their word over the last 10 years when they have said: We want to repeal the Affordable Care Act and replace it with something better.

Asking the courts to overturn the entirety of the act with no plan to replace it is an abdication of the promise that has been made. I don't begrudge people trying to repeal a law they don't like if they think they can do something better, but Congress didn't repeal the Affordable Care Act because people didn't want us to do it.

This is an irresponsible and thoughtless mechanism to try to score a political victory, but it ends up playing with lots of people's lives.

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 Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### HONORING FORMER ASSOCIATE JUSTICE JOHN PAUL STEVENS OF THE SUPREME COURT OF THE UNITED STATES

Mr. DURBIN. Madam President, today America lays to rest the great Justice John Paul Stevens. On behalf of the U.S. Senate, it is my privilege, along with my Illinois colleague Senator DUCKWORTH, to introduce and have adopted a bipartisan resolution honoring this remarkable and noble man, a native of the city of Chicago.

During his Supreme Court confirmation hearings in 1975, then-Judge John

Paul Stevens faced a line of questioning about his health, which, in retrospect, is amusing. They were asking questions about his health 44 years ago. Justice Stevens had undergone a single bypass heart surgery 2 years earlier, and the members of the Judiciary Committee just wanted to make sure he could handle the rigors of serving on the U.S. Supreme Court. History has shown us that Justice John Paul Stevens had not only a strong heart but a good heart when it came to serving on the U.S. Supreme Court.

Sadly, that mighty heart finally did stop beating last week. Justice Stevens was 99 years old. He died peacefully with his daughters Elizabeth and Susan by his side.

My State of Illinois is proud to claim John Paul Stevens as a native son. He was a member of a prominent Chicago family, and he grew up in the luxury of his family's hotel, then known as the Stevens Hotel and now known as the Hilton Hotel on Michigan Avenue. He never used the privilege of his family's wealth to shirk his responsibilities as a citizen of America.

In World War II he was a lieutenant commander in the Navy. He was awarded the Bronze Star for his service on the code-breaking team, whose work led to the downing of the plane of the man who had planned the attack on Pearl Harbor. After the war, he became an accomplished attorney and a champion of good, ethical government.

It was John Paul Stevens' integrity, as much as his brilliant legal mind, that convinced President Gerald Ford to nominate him, then a Federal judge on the Seventh Circuit Court of Appeals, to serve on the U.S. Supreme Court in 1975. President Ford called then-Judge Stevens "the finest legal mind I could find." The Senate obviously agreed. The vote on the Senate floor for John Paul Stevens' confirmation was 98 to 0.

He was the second oldest and third longest serving Justice in the history of our Nation, but it is the quality of his service, and not its length, that most distinguishes John Paul Stevens' career on the U.S. Supreme Court. Justice Stevens approached disputes fairly, squarely, and succinctly. He took great pains to understand all sides of a case and give all sides a fair hearing. He rejected the easy path of ideology, and he was willing to change his position when the facts warranted it.

He authored the majority opinions in some of the most famous and important Supreme Court decisions in his time. One example was in 2004. Justice Stevens wrote the majority opinion in which the Court, by a vote of 6 to 3, rejected the Bush administration's view that prisoners at Guantanamo Bay could be held beyond the reach of the law with no access to the Federal courts. The case was *Rasul v. Bush*.

In 1984, in the landmark *Chevron* case, Justice Stevens wrote an opinion for a unanimous Supreme Court about the deference owed to Agency interpre-

tations of Federal statutes, crafting a legal framework that has been cited in more than 11,000 subsequent judicial opinions.

He was also often brilliant in dissent. In his lengthy dissent in *Citizens United v. FEC* in 2010, Justice Stevens rejected the radical and, I personally believe, dangerous notion that corporations have essentially the same First Amendment rights as individuals and should be allowed to spend, potentially, unlimited amounts of money on campaigns.

President Eisenhower famously said that he made only two mistakes as President, "and they're both sitting on the Supreme Court."

President Ford felt just the opposite about his choice in Justice Stevens. In 2005, the year before his death, President Ford wrote of Justice Stevens: "I am prepared to allow history's judgment of my term in office to rest (if necessary, exclusively) on my nomination 30 years ago of John Paul Stevens to the U.S. Supreme Court." I can think of no higher praise.

Justice Stevens stepped down from the Supreme Court 9 years ago. Anyone who had hoped that he might slip quietly into retirement was certainly disappointed. He continued in his retirement to speak and write forcefully and eloquently on major issues facing America.

In 2014, he testified before the Senate Rules Committee on the dangers that dark money in politics posed to American democracy.

He wrote three books. Justice Stevens once told an interviewer that the person who most motivated him to write was a professor from whom he took a poetry class at the University of Chicago. The professor's name was Norman Maclean. In his own retirement, Norman Maclean wrote a semi-autobiographical novel entitled, "A River Runs Through It and Other Stories." It was later made into a movie starring Robert Redford.

Looking at the life's work of John Paul Stevens, it is clear that a river ran through his life too. The currents in that river included a reverence for American democracy and the Constitution, compassion and respect for individuals, and a painstaking commitment to decide each case on its merits rather than relying on easy answers suggested by political ideology.

Justice John Paul Stevens was a good man and a courageous man, whose strong heart was matched by a brilliant mind, ceaseless curiosity, and a fierce commitment to justice. He fought the good fight. He served our Nation with honor, and he safeguarded and enriched our democracy. May he rest in peace and honor.

Madam President, as in legislative session, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 282, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 282) honoring former Associate Justice John Paul Stevens of the Supreme Court of the United States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. I further ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to consider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 282) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

#### BORDER SECURITY

Mr. DURBIN. Madam President, I made my second trip to the southern border just this last Friday with, I believe, 14 of my Senate Democratic colleagues. It is the largest congressional delegation I have ever been a part of for this type of assignment. We went to McAllen, TX.

Approximately 40 percent of those who present themselves at our border come through this McAllen, TX, port. There is a port of entry there where many people, of course, are detained when they present themselves at nearby border positions.

Just a few months before, I had been to El Paso, TX, and, in El Paso, about 20 percent of those who come to our southern border present themselves as well. It was an eye opener and an emotional experience to see the hundreds of people who are being held in detention at our border in McAllen.

There were two contrasting images. One of them was the image of a Catholic nun, Sister Norma Pimentel, who has, for most of her adult life, dedicated herself to those who come to our border seeking rescue and security. Catholic Charities in McAllen, TX, has an extraordinary center filled with volunteers from all over the United States. I met some people from the city of Chicago and the State of Illinois and from all across the Nation who had given up their daily lives to come down and volunteer and do the basics—cook food, clean up, pass out toiletries, and offer a helping hand to many people who have just gone through the worst struggle in their lives.

Sister Norma is an extraordinary person, and she has really touched the hearts of so many people in her caring and loving way. It is a reminder time and again of the goodness of so many Americans who want to tell the world that we are in fact a nation driven by values of importance.

It was my good fortune to have breakfast with her and then spend another part of my day with her and my Senate colleagues. That hour—that hour I will never forget—is when I saw these people, many of whom had struggled for weeks, a month, days and days to get to the border of the United

States. They had gone through life experiences that we wouldn't wish on anyone. They were victims of assault, rape, and crimes that were committed against them, but they were leaving determined to come to the U.S. border.

Many of them told stories, particularly from the countries of Guatemala, El Salvador, and Honduras, about what they had been through and the threats to their families in these countries, which are largely lawless now, as these drug gangs and others threaten their children and them. It was in desperation that many of them made this journey, cashing in everything they owned on Earth to try to make it to the border of the United States.

Theirs is today's story, but it really is the story of this country that goes back for many years. It was 108 years ago that my grandmother decided to make her journey to the United States with three small children. She brought her two daughters and her son from the country of Lithuania to become immigrants to the United States. Her 2-year-old daughter, which she carried in her arms, was my mother, and I am a proud son of that Lithuanian immigrant.

Why did they come to the United States? Simply because they heard there was a better chance for a better future if they made it here.

That is the story of this country. We are being tested now at this time in this generation as to whether that story is still alive. Now, we understand there are some basics here. I hope we can all agree on them. Perhaps some will not, but I believe they are important.

The first is that we need border security. In an age of terrorism with the worst drug epidemic in the history of our Nation, it is right for us to know who is coming into this country and what they are bringing into our country.

Secondly, we want to make certain that anyone who is known to be a danger in this country is never allowed admittance, and those who are here undocumented and who commit a serious crime have forfeited their right to stay, as far as I am concerned—no questions asked beyond that.

The third thing is that we have to have an orderly immigration system. We cannot absorb every person in the world who wants to come to the United States at this moment. It just is not in our best interest. It really isn't in theirs either. We need an orderly immigration process. The question we have to ask ourselves is this: If we agree on those three things, can we then agree that we have a broken immigration system that needs to be repaired? Can we agree that people who do present themselves at the border will be treated in a humane fashion?

I told the story of Sister Norma, but if you look at the immigration policy of the Trump administration, you find a much different message to the world. We remember when this President ini-

tiated his Presidency by establishing a Muslim travel ban, creating chaos at airports across the country, and continued to separate thousands of American families. We remember the policy of this administration when the President announced the repeal of DACA. DACA, the Deferred Action for Childhood Arrivals, is a program that grew out of the DREAM Act, a bill that I introduced about 18 years ago. It was a bill that said—or an Executive decision, actually, under President Obama: If you were brought to this country as a child, and your parents made the decision to come, and you were just along for the ride, but you lived in this country, got an education in this country, and didn't create serious crimes in this country, you deserve a chance.

You got up every morning and went to school and pledged allegiance to that flag and believed it was your own, and, then, probably when you were about 10 or 12, someone in the family told you something that you never heard before: You were not legally in America.

What should we do with these young people? Well, when I introduced this bill 18 years ago, my plan was to give them a chance to earn their way to legal status, finish their education, make certain that they have no serious criminal record, be willing to serve this country in the Armed Forces—and so many of them are—be willing to go on to school and develop a degree in teaching, engineering, nursing, or medicine, and then we gave you a chance for a green card and a path to legalization and citizenship in America.

In 18 years, I have never been able to make this the law of the land, but I prevailed on President Obama to create a program based on this premise, and he created the DACA Program. Now, over 800,000 young people in America stepped up, paid a \$600 filing fee, went through a criminal background check, and they were given permission to stay in this country without fear of deportation and with permission to work in this country as well.

Who are they? There are so many different people. I have introduced them on the floor today—I mean other days, I should say—with color photographs and telling their stories. The ones I think of immediately, the stars of the class, as far as I am concerned, are the more than 30 of these DACA students who are currently enrolled in the Loyola University Stritch School of Medicine in Chicago, which made the competition for the school of medicine open to DACA recipients, and they competed openly and won 32 slots.

In order to pay for their education, because they don't qualify for Federal assistance to go to school, my State of Illinois loans them money, and for each year that they are loaned money, they promise to serve a year, once they are licensed physicians, in an area of medical need in my State. What a wonderful program that takes into account their skills and talent and our need in

the State for medical care in rural communities in Smalltown, America, and in the inner city of Chicago and other big cities in my State.

Well, the President of the United States decided to end the program that made them eligible to apply for medical school, and in making that decision, the President jeopardized the completion of their medical degrees because, you see, no matter how hard they worked, that medical degree leads to a residency where they learn how to practice medicine hands on, and a residency is a job, and to be legally entitled to work in this country, you need to have DACA protection, which President Trump took away.

So many of them faced the prospect that their medical education would end because of the President's decision. Fortunately for them, the case was brought to Federal court to try to stop President Trump from eliminating DACA, and it provided us with a program that will continue with its protections until the court case is resolved. That could happen, and it could happen soon.

It tells you what happens when a President makes a decision that affects so many lives and the damage that it can do, not just to them and their families but to our Nation.

The President also terminated the Temporary Protected Status Program for multiple countries that protected some 300,000 people who have come to the United States over the years because of adverse natural disasters or political conditions in their country.

Then the President, last year, initiated a program called "Zero Tolerance" that resulted in the disastrous separation of thousands of families at the border. Because a Federal court mandated it, the administration had to account for the children who were separated. There were some 2,880 infants, toddlers, and children taken away from their parents, some with lies about where these children were going and how soon they would be returned.

This is what the court said in Southern California to the Trump administration: Account for these children. Tell us where they are today. Tell us where their parents are.

They couldn't even match up all the children with the parents because many of the parents had been sent back to their countries with the promise that the children would return, and there was no recordkeeping so that could be done.

This President also was engaged, through his Department of Homeland Security, in migrant detention facilities, where the inspector general with the Department of Homeland Security found "an immediate risk to the health and safety of detainees and DHS employees."

I saw them in April of this year in El Paso. We had a detention facility there where they were holding those who were presented at the border. The sign over the door of that detention center

said: Capacity 35. I looked through the plate glass window. There were 150 men standing shoulder to shoulder. They ate standing up. There was no room for all of them to lie down and sleep. I was told a couple of weeks later that the population census had grown to 200 in that cell that was designed for 35, with 1 toilet.

Next to it was a detention cell with another plate glass window. Over the door, it said: Capacity 18. I counted 75 women, some with nursing children, in that room designed for 18 people, with 1 toilet.

That situation is unacceptable and inhumane. Regardless of the legal outcome of those who present themselves, we can and must do better as a nation. The inspector general is right. That condition that I saw was a risk to health and safety.

Then, the President, through a series of his infamous tweets, threatened mass arrests and deportations of millions of immigrants who have committed no crime and posed no threat to the safety and security of their communities. What the President has done is created rampant fear in the immigrant communities around Illinois and around this Nation.

Then, the President put in place a new rule that blocks asylum claims at our border for nationals of any country except Mexico, including families and children fleeing persecution. The UNHCR, the United Nations refugee agency, said that the rule that the President promulgated will endanger vulnerable people in need of international protection from violence or persecution.

Now the President is continuing on his path of destruction. He is considering reducing the number of refugees that the United States will admit in the year 2020 to zero.

You have to go back in history to World War II, when the President of the United States, a member of my own political party, made a conscious decision to tell those Jewish people coming from Europe that they would not be allowed admittance into the United States to escape the Nazi Holocaust. The story of the SS *St. Louis* is one that people should read and consider the 800 passengers on that ship who were rejected by the administration as refugees and sent back to Europe. A fourth of them died in the Holocaust.

Because of our feeling of shame after World War II, the United States, under Presidents of both political parties, said that we would try to set a standard for the world when it came to accepting refugees, and we did. An average of almost 80,000 per year were admitted into the United States. Think back to the Cubans who came to this country to escape communism under Castro. They have become such a vibrant part of America today, and in fact, three of the Senators today are of Cuban decent. They were part of that refugee movement—maybe not their generation but in their family.

Then, of course, we accepted Jewish people from the Soviet Union, who were being persecuted. Soviet Jews found a welcoming America. The Vietnamese who risked their lives to fight on our side in that horrible war were welcomed into the United States rather than see them face persecution in their own countries.

The story goes on and on and for years and years. For decades the United States established a standard of caring when it came to refugees. Now this President has announced that despite all of the turmoil in the world, we cannot accept a single refugee in the year 2020. What a departure from the high-minded and high-valued conduct of previous Presidents.

Since the enactment of the Refugee Act of 1980, the United States has resettled over 80,000 refugees per year under the administrations of both political parties. President Trump has said he will end it.

For the last 2 years, the Trump administration has set the lowest refugee ceilings in history in the midst of the worst refugee crisis in history. Now the administration may slam the door at least for a year or until someone prevails on the President.

Today, as almost every day, the administration has announced a new rule that allows immigration officers to arrest and deport undocumented immigrants anywhere in the United States unless that person can prove they have been in the United States for at least 2 years. I ask, if someone stopped you on the street and said "Prove you have been here for 2 years," how long would it take you to gather that documentation to make that proof, if you can? To do this to people and threaten to deport them on the spot immediately if they don't produce the documentation is totally unfair. This procedure, known as expedited removal, allows an immigrant to be deported without consulting with an attorney or counselor or defending themselves in a hearing before an immigration judge. It is summary judgment on the street to deport people and tear families apart.

America is better than this. We can certainly keep America safe and respect our heritage as a nation of immigrants. We can have a secure border and abide by our international obligations to protect refugees fleeing persecution as we have done on a bipartisan basis for decades.

When I went and toured the McAllen Border Patrol station, Donna, and Urdula, we met with many of the leaders there and saw firsthand what is happening. We are starting to build facilities that will be more humane, at least by design, and hope that is exactly what happens.

I would like to say a word about the men and women who work for Customs and Border Protection. I am not going to make any excuses for those who have abused people in the past or those who have said horrible things online about them—no excuses at all. But the

people I met as part of our government service at the border were overwhelmingly good and caring people who are confronted with a situation at the border that they never envisioned with circumstances beyond their control. So I want to say a word for those who are doing the best they can under these extraordinary circumstances and thank them for their service.

The reality is that President Trump's policies, as harsh and cruel as they have been, have been ineffective at our southern border. The situation is much less secure than when he took office. The President's obsession with the border wall led to the longest government shutdown in history, even paralyzing our immigration courts for that 35-day period.

More refugees have been driven to the border because the President has shut down the legal avenues for migration and blocked all assistance to stabilize the Northern Triangle countries.

Under President Obama we set up incountry in Guatemala, El Salvador, and Honduras an opportunity for those who wished to come forward and apply for asylum status in the United States without leaving their own country if they chose to do it. It was one alternative to an expensive, dangerous trek to the southern border. The Trump administration closed down that program, giving the people in those countries no other alternative but to try to make that trip to the border. That made no sense at all.

There is also a gaping leadership vacuum at the Department of Homeland Security. In the 2½ years the President has been in office, there have been four different leaders in the Office of the Secretary of the Department of Homeland Security, and in every major subcategory position, whether it is interior enforcement or border enforcement, there have been at least as many people in an acting capacity and not in a permanent capacity.

I will say that we have tried our best to work with this administration when they have asked for help and volunteered it when they didn't. Last February, when we passed the omnibus bill, we included over \$400 million for humanitarian assistance at the border, and when the President came back and asked for an emergency supplemental of \$4.6 billion for additional funding, Democrats joined Republicans to pass that legislation.

Last year, before the border crisis began, Senate Democrats supported a bipartisan agreement, including robust border security funding and dozens of provisions to strengthen border security. But the President threatened to veto it, and instead pushed for a hardline approach, which, when it was called for a vote in the U.S. Senate, received fewer than 40 votes.

Six years ago, in 2013, there was a problem on the Senate floor, and there aren't many to recall as we stand here today, but this was one of them. I was part of the Gang of 8, four Democrat

and four Republican Senators who worked for months—Senator John McCain, CHUCK SCHUMER, and many others—to put together a comprehensive immigration reform bill. We brought it to the floor of the Senate, and it passed 68 to 32. It was a step and a move in the right direction to deal with our broken immigration system. Unfortunately, the Republican House leadership refused to even consider that bill or call for a hearing. The Acting Secretary of Department of Homeland Security, Kevin McAleenan, said that if our bill in 2013 had been enacted into law, “we would have a very different situation. . . . we would be a lot more secure on our border.”

Republican Senator LAMAR ALEXANDER of Tennessee, who supported that bill, said “If that bill became law, most of the problems we're having today we'd not be having.”

We had a path, a bipartisan path, a good path that we should return to. It is time for us to find a way to work together for a secure border, for a secure nation, to reduce the massive amounts of money that are being spent now because of this migration, and to do it in a humane fashion consistent with the values of the United States.

We are ready to work with Republicans. Democrats on this side of the aisle are ready to work to achieve goals I think we all share. We need to address the root causes in the Northern Triangle countries that drive migrants to flee to the United States. We need to crack down on the traffickers and transporters who are exploiting these migrants. We need to expand third-country resettlement so that immigrants can find their way safely without making that dangerous trek. We need to eliminate immigration court backlogs so that asylum claims can be processed more quickly. We need to expand the use of proven alternatives to detention, like family case management, so immigrants know their rights and show up for court.

It was hard to believe, when we went to Sister Norma's cafeteria centered in McAllen—some of the migrants who had gone through the system and were now heading to join family members in the United States showed us the packets they were given with legal documents. Understand, these people were fresh off the border, out of detention. As we looked inside the packets, we found in many cases that the instructions were printed in English, not Spanish, and they did not include any specific time or place for the person to report. They had simply typed in “to be determined.” Is it any wonder that people struggle to come to a court hearing as required by law?

We can do better. We need to get them the information they need if they are going to be a part of our legal system and tell them the time and place they need to report.

We stand ready to work on this side of the aisle for smart, effective, humane border security policy. We need

to have a bipartisan approach. Republican colleagues need to step up and find a constructive way to deal with the challenges we face on the border today. We can keep America safe. We can continue to probably call ourselves a nation of immigrants. What we are seeing now is a situation which begs for a bipartisan, compromise solution.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CASSIDY). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

#### MUELLER REPORT

Mr. REED. Mr. President, I come to the floor just the day before Robert Mueller is set to come before the House Intelligence and Judiciary Committees to focus attention on some of the key findings of the special counsel's report on Russia's interference in our 2016 elections.

I have spoken on the floor many times about the depth and breadth of the Russian interference in the 2016 election. The special counsel's report goes to great lengths to detail this, in his terms, “sweeping and systemic interference.” What continues to be worrisome is that these information warfare attacks and other malign influence operations are ongoing with more plans for our elections next year.

This threat to our national security and the integrity of our democracy has yet to be sufficiently recognized or counted by this administration. Indeed, in the months since the report was released, the Trump administration and congressional Republicans have repeatedly claimed that the report vindicates the President on all charges of collusion between the Trump campaign and Russia and on obstruction of justice rather than taking steps to ensure that we will never be targeted in this way again.

The special counsel's testimony is vital so he can detail what he uncovered and shed additional light on the events of the investigation. In particular, what Congress and the American people need to hear from Director Mueller relates to three broad categories of questions. For instance, what was the full scope of Russian interference in the 2016 election?

Second, what evidence did the special counsel find of coordination between Trump campaign associates or the President and the Russian Government, and why did he decide the available evidence was not sufficient to prove a criminal conspiracy with Russia?

Third, what evidence did the special counsel find that the President obstructed justice?

Tomorrow's testimony will help the public understand the gravity of the President's conduct in the White House

and the extent to which Russia influenced the 2016 election. These hearings are not the end. This is not case closed. The intelligence community has assessed that the threat from Russia will continue to evolve and grow even more sophisticated. For our elections to remain free, open, and transparent, we must take seriously the threat posed by Russia and other potential foreign adversaries. We must hold hearings in the Senate with testimony from the special counsel's office and key witnesses from the report. We must consider legislation on election security, foreign influence operations, disinformation, Federal election laws, money laundering, and many other issues.

When it comes to protecting our democracy, we cannot be complacent. Now is the time for action to make sure we are ready ahead of the elections in 2020 and beyond. Each and every one of us in this Chamber swore an oath to support and defend the Constitution of the United States against all enemies, foreign and domestic. In order to do that, we can't just take tweets about no collusion and no obstruction at face value. This isn't a witch hunt, nor should it be an effort to circle the partisan wagons around the President and absolve him of any wrongdoing. It has to be a serious examination of what happened and how to defend our Nation against future attacks.

Mr. President, in anticipation of the upcoming testimony of the special counsel before the House Intelligence and Judiciary Committees, I want to highlight key findings in his report that go to the heart of Russian interference into our elections in 2016 and the ongoing threat still facing our national security and the integrity of our democracy.

Indeed many of the President's own national security officials have warned of heightened Russian information warfare attacks and other foreign influence operations in next year's election—which could make its 2016 interference in our elections, catalogued in the Mueller report, look like child's play. Federal Bureau of Investigation Director Wray recently stated that the 2018 midterm elections were seen by Russia as “a dress rehearsal for the big show in 2020.” Wray added that the FBI anticipates the 2020 “threat being even more challenging.” Director of National Intelligence Daniel Coats warned the Senate Intelligence Committee in January 2019 that, in the 2020 election cycle, “Moscow may employ additional influence toolkits—such as spreading disinformation, conducting hack-and-leak operations, or manipulating data—in a more targeted fashion to influence U.S. policy, actions, and elections.”

Despite this ongoing and increasingly sophisticated threat, we are still not fully prepared to defend against the inevitable Russian attacks on our democracy. The Russian interference in the

2016 election was akin to a military operation against our nation. To date, we do not have a complete understanding of what happened in 2016. More importantly, we do not have a comprehensive strategy, nor have we reorganized our government or prepared the American people, so that such foreign interference will not happen again. The release of the Mueller report cannot mark the end of the strategy to investigate and prevent Russian interference. The special counsel's testimony will add to the urgency for this administration and Congress to change course and act immediately to protect our democracy and strengthen public faith in the American election process.

Since the release of the special counsel's report, the President, the Attorney General, and some Republican congressional leaders have said that the case of Russian interference in the 2016 election is closed, that our work is done, and that we can move on. The President has repeatedly claimed that the special counsel's report cleared him of any connections to Russia and any wrongdoing in contradiction of the voluminous evidence laid out in the report. But those declarations of innocence just don't square with the facts. Congress has a constitutional duty to review the findings of the special counsel on behalf of the American people and not simply accept the administration's spin and mischaracterizations of Robert Mueller's findings.

Despite the President's declarations of “hoax” and “witch hunt,” the special counsel's office did bring indictments for “conspiracy to commit offense or to defraud the United States” under 18 U.S. Code §371, against Putin crony Yevgeny Prigozhin, who was in charge of the Kremlin-linked troll operation known as the Internet Research Agency, and against his related holdings and multiple employees. The investigation also resulted in conspiracy indictments of 12 officers from Russian Military Intelligence, also known as the GRU.

While the available evidence did not meet the legal standard to charge the President or his associates with a crime for a coordinating role in that conspiracy, the special counsel takes care to note that does not mean that evidence of coordination does not exist. This is not, as the President has attested, “a complete and total exoneration.” As the special counsel plainly points out, in regards to coordination with Russia, while “this report embodies factual and legal determinations that the office believes to be accurate and complete to the greatest extent possible, given these identified gaps, the office cannot rule out the possibility that the unavailable information would shed additional light on (or cast in a new light) the events described in this report.”

What is more, President Trump and his supporters purposefully leave out important context from the report where the special counsel explains that

he lacked the authority to indict a sitting President because of an Office of Legal Counsel, OLC, opinion finding that “the indictment or criminal prosecution of a sitting President would impermissibly undermine the capacity of the executive branch to perform its constitutionally assigned functions” in violation of “the constitutional separation of powers.”

Another critical consideration for the special counsel was that a Federal criminal investigation of a sitting President could preempt the authority vested in Congress by the Constitution to address Presidential misconduct. In addition, Mueller notes that “a President does not have immunity after he leaves office” and that “we conducted a thorough factual investigation in order to preserve the evidence when memories were fresh and documentary materials were available.” Put together, while the special counsel concluded that he could not prosecute the President, he makes it clear that he is creating a record of evidence and deferring to Congress and future prosecutors should they pursue an obstruction case.

Which is all the more reason why we must hear from the special counsel on his findings and his decision-making process. In particular, what Congress and the American people need to hear from Special Counsel Mueller relates to three broad categories of questions.

First, what was the nature and extent of the Russian interference campaign launched against the United States in the 2016 election? Second, what evidence did the investigation find of Trump campaign associates or the President coordinating with the Russian campaign, and why did Mueller decide the available evidence was not sufficient to prove “beyond a reasonable doubt” that they had criminally conspired with the Russian efforts? And the third set of issues relate to acts of obstruction by Trump campaign associates and the President himself.

On the first set of issues, one of the main responsibilities charged to the special counsel by the Department of Justice was to conduct a “full and thorough investigation of the Russian government's efforts to interfere in the 2016 presidential election.” As the report concludes, “the Special Counsel's investigation established that Russia interfered in the 2016 election principally through two operations.”

First, Mueller provides detailed evidence that Kremlin-linked operators sought to help the Kremlin's preferred candidate, whose election would serve Russia's interests. The report describes how a Kremlin-linked troll operation, called the Internet Research Agency, “carried out a social media campaign that favored presidential candidate Donald J. Trump and disparaged presidential candidate Hillary Clinton.” It also found that “[a]s early as 2014, the [Kremlin-linked Internet Research Agency] instructed its employees to

target U.S. persons who could be used to advance its operational goals.”

Second, Mueller describes in detail the Russian spying operation to steal “dirt” on the opposition candidate and then use that stolen information against her. The report states unequivocally, “[a] Russian military intelligence’s spying operation conducted computer intrusion operations against entities, employees and volunteers working on the Clinton Campaign and then released stolen documents.”

The Mueller report makes clear that the Russian election interference was a coordinated campaign targeting our democracy along multiple lines of effort. While these conclusions affirm the assessments of our intelligence community, the President appears unwilling or unable to take them seriously.

At the G20 Summit in Osaka in June 2019, President Trump treated Russian election interference as a joke, signaling to Putin that he would not hold Russia accountable. And in a recent interview, the President failed to grasp what was wrong with taking “dirt” on his political opponent from a foreign source and indicated that, if it happened again in the 2020 campaign, he would listen to what they had to say and then decide whether or not to report it to the FBI.

Now let me turn to the second set of issues Special Counsel Mueller needs to address, relating to his task by the Department of Justice to investigate “any links and/or coordination between the Russian government and individuals associated with the campaign of President Donald Trump.”

The special counsel’s report presents significant evidence that President Trump and his associates embraced, encouraged, and applauded Russian help. The report definitively concludes that Russia saw its interests as aligned with, and served by, a Trump Presidency; that a central purpose of the Russian interference operations was helping the Trump campaign; and that the Trump campaign anticipated benefiting from the fruits of that foreign election interference. Mueller provides detailed evidence of multiple contacts by Russian government officials or their proxies with the Trump campaign to facilitate relationships. The report states: “[t]he investigation . . . established numerous links between the Russian government and the Trump campaign.”

Ultimately, however, the special counsel’s investigation lacked sufficient evidence to prove beyond a reasonable doubt that the Trump campaign or its associates conspired with the Russian Government in its election interference. As the report states: “[a]lthough the investigation established that the Russian government perceived it would benefit from a Trump presidency and worked to secure that outcome, and that the Campaign expected it would benefit electorally from information stolen and released through Russian efforts,

the investigation did not establish that members of the Trump Campaign conspired or coordinated with the Russian government in its election interference activities.”

As referenced earlier, a key question that Special Counsel Mueller needs to address during his testimony is why was the investigative team unable to establish to a criminal standard of proof that is “beyond a reasonable doubt” coordination between people associated with the Trump campaign, and Russian actors conspiring to undermine the U.S. elections.

This raises questions related to the third set of issues for Special Counsel Mueller, namely whether the President obstructed justice in connection with the Russia-related investigation and hindered the ability of the special counsel’s office to gather relevant evidence. And if so, did that obstruction materially impede Mueller’s ability to conclude “beyond a reasonable doubt” that the Trump campaign or the President himself conspired with Russian interference? These questions raise profound issues for our national security and the integrity of our democracy, and the special counsel’s answers will determine what Congress’s next steps should be in meeting its constitutional responsibilities.

Indeed, the Mueller report establishes multiple incidents in which the President committed acts that were capable of impeding the Trump-Russia investigation. For example, President Trump asked then-FBI Director James Comey to stop looking into his former National Security Advisor General Michael Flynn, after finding out that Flynn was questioned about his contacts with the Russian Ambassador. President Trump also repeatedly asked Comey to publicly say that Trump himself was not under investigation and then fired Comey when it became clear he was unwilling to do so.

In addition, the President tried several different tactics to have the special counsel’s investigation curtailed. President Trump initially put forward claims that the special counsel had conflicts of interest, which his advisers informed him were meritless. When that did not work, the President gave his subordinates—including White House Counsel Don McGahn, White House Chief of Staff Reince Priebus and former campaign manager Corey Lewandowski—direct orders to either have the special counsel removed or to pressure then-Attorney General Sessions into limiting the scope of the special counsel’s investigation to future election interference, instead of scrutinizing the President and his campaign’s conduct.

McGahn, Lewandowski, and Priebus all failed to follow the President’s orders. The special counsel importantly notes that attempts “to influence the investigation were mostly unsuccessful, but that is largely because the persons who surrounded the president declined to carry out orders or accede to his requests.”

Furthermore, the special counsel’s report found that the President and his aides materially impaired the investigation. For instance, the President did not give an in-person interview to the special counsel and would only answer written questions that did not address issues relating to Presidential obstruction. In his written responses, the President replied that he could not recall or did not remember more than 30 times, covering the vast majority of the questions. In addition, numerous Trump campaign associates and others from his inner circle, including General Michael Flynn, George Papadopoulos, and Roger Stone, and his attorney Michael Cohen, lied about their dealings with Kremlin or Kremlin-linked actors. Michael Cohen, for example, admitted to the special counsel that among the reasons he lied to Congress about the Trump Tower Moscow project was to try and limit the ongoing Russia investigation. In each of these cases, the Mueller report found “those lies materially impaired the investigation of Russian election interference.”

Similarly, the special counsel found that Trump campaign associates frustrated the investigation by deleting information or otherwise impeding the ability of the special counsel to obtain relevant communications pertinent to the investigation. One example was Trump campaign associates’ communications with Konstantin Kilimnik, a Ukrainian national whom the FBI assesses as having ties to Russian intelligence and who worked for Trump campaign chairman Paul Manafort’s political consulting business for many years. During 2016, Manafort directed his campaign deputy Rick Gates to provide internal polling data to Kilimnik. Manafort expected Kilimnik to share that information with others in Ukraine and Putin crony Oleg Deripaska, who had funded pro-Kremlin political influence operations in the past. The Mueller report details that Gates used an encrypted app to send the polling data and then deleted it daily. As a result of deleted and encrypted communications and because of Manafort’s false statements, the special counsel was not able to determine what happened with this data and whether it was part of a coordinated effort between Russia and the Trump campaign to interfere in our election. The report makes clear that the lying, obfuscations, and denial of access to key information had a direct effect on the investigation’s ability to determine the nature and extent of any coordination by President Trump and his associates with Russian conspirators.

What makes the Mueller’s testimony even more urgent are the Trump administration’s efforts to attack the credibility of the report and to prevent Congress from further investigating Mueller’s findings. The White House has adopted a strategy of trying to block key witnesses named in the Mueller report from testifying before



Congress, including Don McGahn, Annie Donaldson who served as chief of staff to White Counsel McGahn, and White House and Trump campaign communications director Hope Hicks, by invoking legally dubious or overly broad claims of privilege. The White House has also stymied Congress by asserting Executive privilege over the full, unredacted version of the report and the underlying documents and only providing access to a few select Members.

It is not only the White House that has been trying to muddy the waters around the Mueller report. Attorney General William Barr has deliberately mischaracterized and increased partisan skepticism of the report. Before releasing the report to the public, Barr published a misleading summary of its findings, which the special counsel disputed. Barr also held a press conference where he claimed that the White House fully cooperated with the special counsel's investigation, that the special counsel found "no collusion," and that there was not sufficient evidence to establish obstruction of justice. These statements are favorable to the President, but none of them are consistent with the special counsel's findings.

As I have laid out, despite the ongoing and increasingly sophisticated threat we face and despite the 2020 election being less than a year and a half away, we are still not prepared to defend against the inevitable Russian attack on our democracy. As Mueller said during his press conference on May 29, 2019, "I will close by reiterating the central allegation of our indictments—that there were multiple, systematic efforts to interfere in our election. That allegation deserves the attention of every American."

I could not agree more. We cannot forget that Russia interfered in our election in 2016 with hybrid warfare tactics and tried to do it again in 2018. And our intelligence community assessed that it is poised to conduct additional operations against our elections in 2020 with increasing sophistication. We cannot ignore these attacks or wish them away.

The impediments erected by the President and the people around him meant that despite the best efforts of the Mueller team, there remains unfinished business in getting to the bottom of what happened in 2016 and afterward, which is why it is critically important we hear from the special counsel.

While it is an important step that the special counsel is testifying to the House in front of two committees, I am making this statement about the questions that should be asked of Mueller because, as of this moment, there are no scheduled hearings or plan for him to appear in the Senate. We should be holding hearings in the Senate with testimony from the special counsel and others on many issues, including the ones I have raised. We should be passing legislation, including on election security, to ensure that we are appro-

priately reorganized across government and society ahead of the elections in 2020 and beyond. Indeed, the administration needs to take election security seriously. That means being proactive. It also means finding ways to reassure the American people about the legitimacy and validity of our elections. For example, we could require the Secretary of Homeland Security, with the concurrence of the Director of National Intelligence and the FBI Director, to rapidly assess and inform the public about whether any foreign interference or influence is detected against our election process, procedures, and infrastructure.

As Former Ambassador to Russia Michael McFaul wrote in the Washington Post after the special counsel's report was released: "the Mueller report is a good start, but it is only a start." There is too much at stake for our national security and the integrity of democracy to stop now.

#### NOMINATION OF MARK T. ESPER

Mr. President, I had the opportunity and the privilege, as we all did earlier today, to vote for Secretary Mark Esper as the next Secretary of Defense.

I have known Dr. Esper for more than a decade. He is a public servant and a patriot of the first order. I think the overwhelming vote today indicates the confidence we have in him, and it indicates the importance we understand that job holds for all of us. We have entrusted it to someone who began his dedicated service to the country as an 18-year-old at West Point, served in the Army, then went on to serve in administrations and as a public-spirited citizen through his entire life.

Mr. President, I rise to state my support for the nomination of Dr. Mark Esper, who was confirmed earlier today to be the 27th Secretary of Defense.

Dr. Esper has served this Nation in a variety of roles most of his life. He is a 1986 graduate of the U.S. Military Academy. He served in the 101st Airborne Division and participated in the 1990-91 Gulf War with the "Screaming Eagles." He retired from the U.S. Army in 2007, after spending 10 years on Active Duty and 11 years in the National Guard and Army Reserve.

After the Army, Dr. Esper worked in the private sector, but he also worked in several offices on Capitol Hill, including the offices of Senator and Secretary of Defense Chuck Hagel and Senate Majority Leader Bill Frist. He also was a professional staff member on the Senate Foreign Relations and Senate Government Affairs committees and the House Armed Services Committee. Until his nomination to be Secretary of Defense, Dr. Esper was serving as the 23rd Secretary of the Army. His wealth of experience in defense policy and in senior leadership positions in both the public and private sector should serve him well as Secretary of Defense.

It has been nearly 7 months since the Department has had a Senate-confirmed Secretary of Defense. At no

other time in history has the office of the Secretary remained vacant for so long. In addition, we must bear in mind the national security challenges facing our country. Currently, the Department is focused on competition with near-peer adversaries like China and Russia. As the Department pursues the new strategic direction established by the National Defense Strategy, Iran and North Korea remain dangerous, and the threat posed by violent extremist organizations is not diminishing. Furthermore, the Department must continue to recruit and retain high-caliber individuals, while restoring readiness, and pursuing new high-end capabilities for the force.

Despite these daunting challenges, the number of senior-level civilian vacancies throughout the Department is staggering. The constant turnover of senior civilian leadership, coupled with the duration of these vacancies, has been troubling. I believe it has had a significant impact on the Defense Department, which is adrift in a way I have not seen in my time on Capitol Hill. It is my hope that Dr. Esper will work to fill these civilian leadership positions because it is necessary to manage the difficult challenges facing the Department, as well as the extensive Pentagon bureaucracy.

In addition, Dr. Esper will help oversee national security policy for a President whose temperament and management skills are challenging. It is extremely important for our Nation that he be surrounded by leaders who can provide thoughtful advice and counsel. Diversity of opinion is important when crafting policy and making decisions that impact the well-being of our men and women in uniform. It is my fervent hope that Dr. Esper will be willing and able to provide the President with his best policy advice even if the President disagrees with the counsel or it runs contrary to his policy goals.

But most importantly, while the Secretary of Defense serves at the pleasure of the President, we should never forget that they also oversee the finest fighting force in the world, men and women who have volunteered to serve a cause greater than themselves. Our servicemembers and their families should always be at the forefront when considering defense policy or military action.

On a final note, I would also like to thank Dr. Esper's family, his wife Leah and their children, Luke, John, and Kate. They, too, will be serving our country, and we appreciate their support.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. BLUMENTHAL. 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 STEPHEN M. DICKSON

Mr. BLUMENTHAL. Mr. President, when it comes to air safety, the United States of America should be the gold standard for the world. In fact, better than the gold standard, it ought to be the Sullenberger standard.

We remember Sully Sullenberger, who was the pilot at the controls when the “Miracle on the Hudson” flight in 2009 landed safely. He prescribed the qualities that we should regard most highly as we choose a new Administrator of the FAA. He also gave us the leadership we need and should respect when considering the nomination of Stephen Dickson. We should reject it, and he articulated exactly why.

Chesley “Sully” Sullenberger said about Stephen Dickson that “his actions and words raise grave concerns about his ability to act with the integrity and the independence the next FAA Administrator must have to navigate the challenges of the ungrounding of the 737 MAX and to rebuild the global trust in the FAA’s confidence and ability to appropriately certify new aircraft design.” That is what he said in an interview with POLITICO, but he said it publicly on a number of other occasions. Those two qualities that he mandated in the next FAA Administrator as more important than any other—*independence and integrity*—are precisely the qualities that Stephen Dickson lacks. It is that failing which brings me to the floor now to oppose his nomination.

Sully Sullenberger highlighted the particular experience that exemplified that failing, which is Stephen Dickson’s involvement in a whistleblower case.

As I know from my experience as the U.S. attorney and attorney general, whistleblowers are the ones who bring information to light that can help save lives. Whether it is in the criminal area or air safety or drug effectiveness or many other areas, including other areas of transportation safety, whistleblowers play a vital role, so they need protection. They should never be retaliated against. They should never be objects of retribution. They should be protected and encouraged. That is what an air safety expert who really cares about safety—someone who respects independence and integrity—would do. That is exactly the opposite of what Stephen Dickson is alleged to have done in the case of Karlene Petitt.

Ms. Petitt’s case was brought to our attention after Stephen Dickson’s testimony to the Commerce Committee, so we had no real opportunity to ask him about it in his confirmation hearing. In fact, we never learned about Ms. Petitt’s case or a deposition that Dickson gave for it until after that hearing. He didn’t disclose it because he purportedly interpreted a Senate Commerce Committee questionnaire as asking about “my personal conduct and my behavior both in general and as an officer of a large public company or any instance in which I was named as

a party to a proceeding.” He didn’t think that a court case or a deposition fit that definition.

The simple fact is that Ms. Petitt alleged she was subject to retaliation after presenting Mr. Dickson and other Delta executives, including the current CEO, Ed Bastian, with a written report regarding Delta’s “Flight Operations’ Safety Culture” in January 2016. That report alleged significant facts that should have been investigated.

Following its submission and a meeting with a member of Delta’s human resources staff, Ms. Petitt was removed from duty. In fact, in March 2016, she was referred for a psychiatric examination. That is the way Delta reacted to her whistleblower complaint. The doctor chosen by Delta diagnosed her with bipolar disorder and found that she was unfit for duty. When she was evaluated by a panel of eight doctors at the Mayo Clinic and an independent third-party doctor, these psychiatrists concluded that Ms. Petitt did not, in fact, suffer from a mental illness and was entirely fit for duty.

The appearance and seemingly the reality is that her safety concerns were meant to be buried rather than taken seriously and addressed. Mr. Dickson played a part in that reaction to her whistleblower concerns. In fact, the psychiatrist who first evaluated her concluded that she must have this disorder because, as a woman, how can she be raising three young children and be studying for another possible degree and at the same time working as she was. That kind of evaluation was certainly entitled to very little respect.

Again, Mr. Dickson never disclosed it to us, so we could never ask him about it at the nomination hearing. He never disclosed it before that hearing. When he was called upon to explain this lapse, instead of taking ownership of his failing, he sought to minimize his involvement inconsistently with the facts of the case. His failure to disclose it and his reaction to it would itself be disqualifying, but there are other grounds as well.

He is simply not the right person for this agency at this time. Integrity and independence are now more important than ever because the airline industry and particularly Boeing need new leadership in oversight and accountability. New leadership from the FAA is critically important in light of its failure to ground those 737 MAX airplanes ahead of the rest of the world—in fact, the FAA follows the rest the world—and because of their delegation of authority for certification to Boeing and manufacturers generally. That delegation of authority essentially puts the fox in charge of the henhouse. It may have been for cost savings to the FAA because they could allow Boeing to hire, pay, and fire the certifiers, but at some level, it meant that Boeing then in effect controls the safety and scrutiny supposedly exercised by an independent FAA. That independence is critically important.

Mr. Dickson comes from a long career at Delta Airlines—in fact, a record at Delta that raises questions about his independence from the industry and at a time when that agency must guarantee its independence from that industry.

Our next FAA Administrator will, in fact, have enormous challenges in restoring public trust. This agency has been undermined by its failure to ground airplanes, to exercise independent judgment, and to do the kind of scrutiny necessary and what is needed, in fact, in new leadership. The FAA’s broken system—at least in public perception—requires a new voice, untainted by connections to the industry. We have an opportunity to find someone who will restore that confidence in America and worldwide.

He is very simply not the right person for this job, and I urge my colleagues to oppose him and to respect the advice given to us by Sully Sullenberger, who has highlighted those two qualities: *independence and integrity*—integrity not only in past careers but in dealings with the U.S. Senate, in full disclosure with respect to whistleblowers, in highlighting public safety above profits or interests of the industry. That is the kind of independence and integrity we need. I still have hope that we can find it if my colleagues join me in opposing this nomination.

Thank you.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

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

#### MUELLER REPORT

Mr. GRASSLEY. Madam President, on April 8, this year I came to the Senate to speak about the end of the special counsel’s investigation. Now that Special Counsel Mueller is set to testify tomorrow in the House of Representatives, I would like to reiterate several points I made in that speech that I believe are still very relevant today.

I noted that the facts show the real collusion was actually brought about by the Democrats. It is pretty well documented that the Clinton campaign and the Democratic National Committee hired Fusion GPS to do opposition research against Candidate Trump.

Fusion GPS then hired Christopher Steele, a former British intelligence officer, to compile the famous Steele dossier. That document was central to the fake collusion narrative, and it reportedly used Russian Government sources for information.

So the Democrats paid for a document created by a foreign national that relied on Russian Government



sources. Let's also not forget about news reports that the Democratic National Committee interfaced with the Government of Ukraine to try and get dirt on Candidate Trump—not Trump but the Democrats. Now that is the definition of collusion. Maybe that is why the Democrats seem totally uninterested in figuring out the origins of the Russian investigation because they were a prime mover in making it all happen.

Now they have asked the Justice Department to produce the Mueller report's underlying evidence, including all intelligence-related information. I agree with the need to see as much information as possible. In fact, I have cosponsored a bill that would do just that, but the Democrats' fury over Mueller's findings and their inconsistent positions makes me think all of this is more about politics than principle.

As I have said repeatedly, to guard against political gamesmanship, there is only one legitimate way to do this. Let's see all the documents, every one of the documents; meaning, that if Congress is going to review the Mueller report's underlying information, it should be able to review information relating to how—absolutely how the Russia investigation started. Anything less will fail to provide the full picture.

Furthermore, to be very consistent, we shouldn't stop at the Russia investigation. The Democrats want all of the Mueller information but seem to be turning a very blind eye to other investigations where Congress, as well as the public, have yet to see it all. Again, that leads me to believe that their request for Mueller-related documents is a political ploy.

Take, for example, the Clinton investigation. As I have written about publicly before, the Justice Department inspector general produced to Congress a highly classified document relating to this Clinton investigation. That document raises additional questions for the FBI and the Justice Department. These agencies ought to produce additional information to Congress and answer these questions to provide full accounting of what transpired.

Here is an excerpt, then, from the inspector general's unclassified report on the Clinton investigation:

"Although the Midyear team [that happens to be the code word for the Clinton investigation] drafted a memorandum to the Deputy Attorney General late May 2016 stating that review of the highly classified material was necessary to complete the investigation and requesting permission to access them, the FBI never sent this request to the Department."

So this tells us four things. One, the FBI apparently was aware of highly classified information potentially relevant to the Clinton investigation in its possession; secondly, that the FBI drafted a memo in May of 2016 to get access to the information; three, that memo said review of the information

was necessary to complete the investigation; and fourth, the fact that the memo was never sent.

So, with great emphasis, how could the Obama administration's FBI finish the investigation if they never got access to all potentially relevant information?

Now, there ought to be great Democratic outrage at that apparent failure, and there doesn't seem to be. Will Democrats ask the Justice Department for all underlying information relating to Hillary Clinton's investigation?

Then there is another example. What about the case called Uranium One? I have been pushing for years for more answers about this transaction that allowed the Russian Government to acquire U.S. uranium assets. I have received classified as well as unclassified briefings about this matter.

My staff recently went to FBI headquarters to review additional classified material, and I have identified some FBI intelligence reports that may shed more light on the Uranium One transaction. However, the Attorney General has refused to provide access to those other documents.

Well, if the Democrats demand intelligence-related information from the Justice Department regarding the Mueller report, there should be no reason whatsoever why they shouldn't do the same for Uranium One.

The American people rightly ought to expect something as simple as consistency. If you aren't consistent with what you ask for, then you will not have any credibility.

My attitude and approach is straightforward and nonpartisan. Let's see it all—Russia, Clinton, Uranium One, all of it. As I said on April 8, sunlight is the best disinfectant.

As we listen to and watch tomorrow's testimony going on in the House of Representatives, with Mueller coming back to tell us probably nothing new because he said he isn't going to say anything that isn't already in the 448-page report, let's keep that in mind. Let's see all of it—Russia, Clinton, Uranium One, as well as anything the Democrats are asking for in regard to the Mueller report.

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

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

#### 9/11 VICTIM COMPENSATION FUND

Mr. CORNYN. Madam President, for every American who is old enough to remember, the attacks of September 11, 2001, can be recalled as if they happened yesterday. It is one of those rare, almost generational moments that stand in the forefront of our Nation's collective memory. I am confident that if we lined up all 100 Members of the Senate and asked them where they were that morning, they could tell you.

I was in Austin, at home, on the telephone talking to then-Governor Perry, now the Secretary of Energy. My wife got my attention and said: Hold on. You are going to want to see this.

I turned to look at the television just as the second airplane hit the World Trade Center. I don't have to tell you; we all remember the heartbreak, confusion, and anger that welled up in all of us as we saw those images.

In the days and months and years since the attack, we vowed as a nation to "never forget" the events of September 11. I think that is one of the pivotal moments in our Nation's history. We will never forget the 3,000 lives that were lost that day, the loved ones they left behind, or the courage demonstrated by the brave first responders who came from across the country to help in the aftermath of those horrific attacks.

Today, Members of the Senate had an opportunity to vote on legislation to turn that promise to "never forget" into something tangible. I am proud that we have now permanently authorized the 9/11 Victim Compensation Fund. This fund was created to support those who answered the Nation's call to help on 9/11 and in the months that followed that attack.

Now, nearly 18 years later, first responders from across the country are being diagnosed with cancers, respiratory diseases, and other illnesses because of their dangerous work on that day. For them, each day serves as a tragic reminder of the heartbreaking images most of us just witnessed on a television screen.

The legislation we passed today is the Never Forget the Heroes: Permanent Authorization of the 9/11 Victim Compensation Fund Act. As the name suggests, it permanently authorizes funding to support those American heroes who led lifesaving recovery operations following the attacks on 9/11. As I suggested, many of the diseases that affect these men and women, such as cancers and respiratory diseases, may not have become apparent for years after 9/11. It is the nature of these diseases.

Ensuring the longevity of this fund is critical to providing these heroes with the resources they need, whether that life-changing diagnosis comes today or 50 years from now. It is part of our commitment as Americans to support our first responders and the heroes who ran not away from but toward the danger on that fateful day.

Throughout my time in the Senate, I have worked to support our first responders who were there for our communities during the most difficult times. The 9/11 first responders represent the very best of America, and they deserve every ounce of assistance we are able to provide.

This legislation received 402 votes in the House of Representatives and 97 votes here in the Senate, something nearly unheard of these days. I appreciate our colleagues who have been

working to get this legislation passed to provide these men and women with some peace of mind. I am proud to be one of the cosponsors, and I am now glad it is headed to the President's desk for his signature.

#### PRESCRIPTION DRUG COSTS

Madam President, a survey last summer found that many Texans are struggling to afford the rising cost of their healthcare. Three out of five surveyed reported forgoing or postponing care because of the cost barrier. That includes cutting their pills in half, skipping doses, or not filling a prescription because they simply couldn't afford to do so. With healthcare costs on the rise, things aren't expected to get any easier unless we do something about it.

The Centers for Medicare and Medicaid Services estimated that between 2018 and 2027, customers can expect to see prescription drug spending increase by an average of 6.1 percent a year. That is a faster increase than hospital stays, doctors' visits, or any other healthcare expenditure. There seems to be bipartisan agreement that something must be done. But the real question is what that something is: What are your ideas about how to make that something a reality?

Many of our progressive Democratic friends have embraced Medicare for All as the solution to the problems that exist in our healthcare delivery system. Their proposal, though, would kick about 180 million Americans off of their private insurance and force them into one big government-run plan. It would drain the vital program that seniors have relied upon for more than a century and replace it with a watered-down version that would result in long waiting lines for inferior care. The government would tell you what clinic you had to go to, what doctor you could see, and what prescriptions you could actually take. You would lose your freedom and power to decide what is best for you and your family when it comes to your healthcare. You would have to simply take what you could get on somebody else's schedule.

Last but not least, Medicare for All would completely bankrupt our country. I think this approach is akin to having a pipe burst in your house, but instead of repairing it, tearing the whole thing down and rebuilding it from scratch. It is unaffordable. It is unpopular. It is unnecessary and goes against all logic.

Don't get me wrong. Our healthcare system is not perfect, but Medicare for All is actually worse, and it would create more problems than it would solve.

Instead, I support targeted reforms that have been offered by a number of our colleagues here—most on a bipartisan basis—to lower healthcare costs and to give people more choices in terms of what fits their needs the best. On Thursday, the Senate Finance Committee will be marking up a package of bills that will aim to reduce prescription drug costs for seniors and families. Last month, the Senate HELP Com-

mittee overwhelmingly passed a bipartisan bill to reduce out-of-pocket healthcare costs and increase transparency and eliminate surprise medical bills. A few weeks ago, the Senate Judiciary Committee, on which I serve, unanimously reported out legislation that would keep pharmaceutical companies from gaming the patent system.

All of these reforms are intended to repair the problems that exist without completely leveling the existing healthcare system. For example, the package that passed the Judiciary Committee included a proposal I introduced with our colleague from Connecticut, Senator BLUMENTHAL, called the Affordable Prescriptions for Patients Act. This bill takes aim at two practices often deployed by pharmaceutical companies to stomp out competition and protect their bottom line.

First, this bill targets a practice called product hopping. When a company is about to lose exclusivity of a product—that is, when their patent is about ready to run out—they often develop some sort of minor reformulation and then yank the original patented drug off the market. That prevents generic competition. There is no doubt that legitimate changes have warranted a new patent, but, too frequently, we are seeing this deployed as a strategy to box out generic competition.

About 90 percent of the drugs we all take are generic and not branded drugs under a patent. That means we get less expensive drugs that are just as effective as the original branded product. That is the way our system is supposed to work, by making generic drugs more readily available and affordable. By defining product hopping as anti-competitive behavior, the Federal Trade Commission would be able to take action against those who engage in this practice.

Our bill would also target something known as patent thicketing by limiting the patents companies can use to keep competitors away. Some drug companies like to layer on patent after patent in an attempt to make it virtually impossible for biosimilar manufacturers to bring a competing product to market. While the patent on the actual drug formula may have expired, there are still, in some cases, hundreds of other patents to sort through that discourage competition.

This bill would limit the number of patents these companies can use and streamline the litigation process so that companies are spending less time in the courtroom and, hopefully, more time in the laboratory developing life-saving innovative drugs. Competitors would be able to resolve patent disputes faster and bring their drugs to market sooner. Of course, better competition means better prices for patients.

It is also good news for taxpayers. Just last week, we received the cost estimate of this bill from the Congressional Budget Office, and they found it

would lower Federal spending by more than one-half billion dollars over 10 years. This is just the savings to the Federal Government under Medicare and Medicaid. There would undoubtedly be additional significant savings for consumers with private health insurance.

The Affordable Prescriptions for Patients Act does not prevent manufacturers from making improvements to their products, and it doesn't limit patent rights. It also doesn't hamper innovation, and it doesn't spend money we don't have on a system we don't really want. It simply stops those who knowingly game and abuse our patent system.

Our country is proudly a leader in pharmaceutical innovation, partly because we offer robust protection for intellectual property. When you create a new drug, you are granted a patent, an exclusive right to sell that drug for a period of years. But this legislation ensures that those who game the system—the bad actors—are no longer able to take advantage of these innovation protections in order to maintain their monopolies at the expense of the American people after their patent should have expired.

I believe there is more we can do to improve our healthcare system and bring down out-of-pocket costs for the American people, but instead of tearing down the whole house, let's make the repairs we actually need.

#### ORDER OF PROCEDURE

Mr. CORNYN. Madam President, I ask unanimous consent that notwithstanding rule XXII, the postcloture time on the Dickson nomination expire at 11 a.m. on Wednesday, July 24; further, that following the disposition of the Dickson nomination, the Senate vote on the cloture motions for the Berger and Buescher nominations; finally, that if cloture is invoked, the Senate vote on the confirmations of those nominations in the order listed at 3 p.m. and, if any of the nominations are confirmed, the motions to reconsider be considered made and laid on the table and the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### LEGISLATIVE SESSION

#### MORNING BUSINESS

Mr. CORNYN. Madam President, I ask unanimous consent that the Senate proceed to legislative session and be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

#### NOMINATION OF ELIZABETH DARLING

Mr. WYDEN. Mr. President, today I am lifting my hold on the nomination