

The United States is a nation of laws. Whistleblower laws have existed since the founding of our Republic to protect patriotic Americans who come forward and stand up for our Constitution. We don't get to determine when these laws apply and when they don't. We don't get to decide if the law applies whether you like what the whistleblower said or whether you don't. These are laws. No person—no person—is above the law.

This whistleblower, whose complaint was deemed credible and urgent by a Trump appointee, is protected by these statutes. There is no legal doubt about that. Every single Member of this body—every single one—should stand up and say that it is wrong to disclose his or her identity. That is what my colleague Senator HIRONO will ask us to do in a moment.

Before she does, I want to thank my colleagues on the other side of the aisle who have spoken up in defense of whistleblower protections. Some of my Republican colleagues have spent their careers defending whistleblowers. We need them today. We need these Republican colleagues, who should be here standing up for the protection of whistleblowers.

The threats we have seen over the last few days are so egregious—so egregious—that they demand bipartisan outrage from one end of this Chamber to the other, whether you are a Democrat, Republican, Independent, liberal, moderate, or conservative.

What is happening here is another erosion of the values of this Republic for political expediency. Exposing the whistleblower's identity would endanger their health and safety and that of their families. It would also be a chilling message to future patriots that they do their duty to report wrongdoing at the risk of exposure, retaliation, and retribution.

Why don't we see a single other Republican stand up in favor of this today? We should.

Let's send a message today that the Senate reaffirms our Nation's longstanding tradition of defending whistleblowers. I urge every single Member of the Senate to support it, and I recognize somebody who has been valiant in this fight to protect the duty enshrined by the Continental Congress and the Constitution, my good friend, the Senator from Hawaii.

The PRESIDING OFFICER. The Senator from Hawaii.

UNANIMOUS CONSENT REQUEST—S. RES. 408

Ms. HIRONO. Mr. President, if you work for the Federal Government, you work for the people. You have a duty by law to come forward to report misconduct, fraud, misdemeanors, and other crimes going on in government.

This duty has been on the books since 1778. Why? Because people working in government are in a pretty good position to see when something is not right in their workplace.

We want a government that is doing right by us.

It is not easy for whistleblowers to come forward to report wrongdoing in

government. That is why we have laws that protect a whistleblower from intimidation, discrimination, and retaliation, and laws that protect their identity.

On August 12, a whistleblower—and we don't know whether this was a man or a woman, so for ease of reference, I will refer to the whistleblower as "she"—came forward, as the law required, to file a complaint with the Inspector General of the Intelligence Community.

The complaint alleged that the President was "using the power of his office to solicit interference from a foreign country in the 2020 U.S. election."

The inspector general, also as required, determined that the complaint was credible and involved an urgent concern.

The House, on learning of the whistleblower's complaint, began to ask questions. What did the House investigation uncover? That the whistleblower's complaint was right.

Bill Taylor, the top U.S. diplomat in Ukraine; Tim Morrison, the top Russia and Eastern Europe expert on the National Security Council; and others have corroborated the whistleblower's complaint about the President.

Just yesterday, the U.S. Ambassador to the European Union, Gordon Sondland, confirmed that security assistance for Ukraine was dependent on the Ukrainian Government's launching an investigation into the President's political opponents.

Let's face it. What Donald Trump did was wrong. It is wrong for the President of the United States to shake down the Ukrainian President to get dirt on his political rivals in return for almost \$400 million in U.S. military aid to help Ukraine fight Russia. Faced with growing evidence of Donald Trump's wrongdoing, what happens? What happens is a President and his minions attack the whistleblower, suggesting that she was spying and guilty of treason.

Donald Trump has threatened the whistleblower with "Big Consequences"—capital B, capital C—and put her safety at risk with comments such as: "I do not know why a person that defrauds the American public should be protected." Guess what, he wasn't talking about himself.

Donald Trump's devoted rightwing allies have been quick to echo and amplify the President's attacks. The whistleblower's own attorney warned Acting Director of National Intelligence Joseph Maguire that the President's threats are compromising her personal safety. Just last Sunday, Donald Trump said: "There have been stories written about a certain individual, a male, and they say he's the whistleblower . . . if it's him, you guys ought to release the information."

House Minority Leader KEVIN MCCARTHY also insisted that the whistleblower "should come before the committee . . . he needs to answer the questions." While speaking at a Trump

campaign rally, my colleague from Kentucky who has joined me on the floor today, demanded that the media print the name of the whistleblower. Representative JIM JORDAN, one of Donald Trump's fiercest allies, dismissed the whistleblower as biased and called for her identity to be made public.

With his attacks on the whistleblower, Donald Trump has made clear that he will use the full power of his office to bully, intimidate, and threaten anyone who dares to stand up to him or to speak out against him.

Can you imagine what a young career foreign service officer at the State Department might do after seeing the President tell the world that whistleblowers are spies who defraud our government? Do you think that person would risk destroying their career and suffer the wrath of Donald Trump and his fiercest allies and supporters in reporting the President's misconduct?

How about a career employee at the Department of Defense who sees that military aid is being held up to pressure a foreign government to help the President of the United States win reelection? Do you think that Defense Department employee would risk being accused of betraying our country and acting as a spy?

Let's be clear here: The real purpose of these attacks is to scare anyone else who may be thinking of coming forward to stay silent. We see the President, time and time again, through tweets, in interviews, at his rallies, openly attacking anyone who questions or disagrees with him. The chilling effect of what the President is doing cannot be overstated. It totally undercuts our whistleblower laws. These are not normal times. In normal times, we would be protecting whistleblowers. That is what this resolution does.

The resolution I am presenting affirms that if anyone expects public servants to report misconduct, we have a corresponding duty to protect their identity and safeguard them from retaliation, from threats. The whistleblower has done her duty. Now, we need to do ours.

Madam President, as if in legislative session, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 408 introduced earlier today; that the resolution be agreed to; the preamble be agreed to; and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. PAUL. Mr. President, reserving the right to object.

UNANIMOUS CONSENT REQUEST—S. 2798

Mr. President, I support whistleblowers, and I do think they have a role to play in keeping government accountable. They should not lose their jobs or be prosecuted because of their willingness to speak, but what we have seen over the last few years is that we have a system that we should continue to refine.

When Edward Snowden exposed the breadth of unconstitutional government spying, that everything you do can be seen and stored by the government without cause, without an individualized order, in secret, in bulk, in defiance of the Fourth Amendment, not one finger was raised by those voices who are so proud now to defend whistleblowers, not one of them stood up for Edward Snowden.

Many, in fact, in Congress condemned him. They wanted to bring him to trial. Senators talked about hanging him from the closest tree, about executing him. People called into question his motives. Hillary Clinton implied that Edward Snowden was a foreign spy. CHUCK SCHUMER, who now has such outrage and defense of the whistleblower statute, lifted not one finger for Edward Snowden. In fact, he called him a coward.

So really I think that the outrage we see here is selective outrage, and it is because they are intent on overturning the election of the people. They are intent on removing Trump from office, no matter what, and they will use whatever means they can to do it.

Interestingly though, despite all of these people calling Edward Snowden a traitor, Congress ended up abolishing the bulk collection program that he exposed. Congress knew that they had done something illegal by collecting all of your metadata, all of your phone call data, without the permission of a judge and that it violated the Fourth Amendment.

They knew that he had probably become the greatest whistleblower of all time; yet where are the voices defending Edward Snowden now? Not one of these people who fake outrage over this whistleblower and President Trump and impeachment—not one of them will stand up for Edward Snowden. They would still put him in jail for life, if they could.

In the end, we did end bulk collection because Edward Snowden bravely came forward and said that the government was lying to us, that James Clapper, now a big President Trump hater, came before the Senate and he lied directly to Senator WYDEN when he said: We are not collecting your data.

Yet where is Edward Snowden in all of this, as these great defenders of the whistleblower statute are here? Not a word for Edward Snowden. Snowden himself said that he didn't have adequate protection to bring his claims internally because he was a government contractor and not an employee and not subject to the whistleblower statute.

Subsequently, Congress fixed that. Now, contractors in the intelligence community can make whistleblower claims. I agree with that. There are also now protections for some other contractors. We should extend and expand the protections, and we should make this protection retroactive to account for people like Snowden.

So the bill I will introduce today will expand the Whistleblower Act, it will

be made retroactive so Edward Snowden can come home to live in his own country. All he did was expose that his government was not obeying the Constitution. If this fake outrage here is really towards whistleblowing, why don't we make it retroactive and defend the most famous whistleblower of all time? That is what my bill would do.

While Snowden's disclosures were in defense of the Fourth Amendment, the Sixth Amendment guarantees an individual the right to face their accuser; yet the House of Representatives has been conducting a secret impeachment inquiry based on secret claims made by a secret whistleblower.

My bill would make clear that the Sixth Amendment is not superseded by statutes and that the President should be afforded the same rights that we all should, to understand the nature of the allegations brought against them and to face their accuser. This is in the Sixth Amendment.

So for all the caterwauling about whistleblower statutes, there is a high law of the land. It is the Constitution. It is the Bill of Rights. The Sixth Amendment says if you are accused of a crime, you get to face your accuser.

In fact, there was a resolution last week placed by 50 members of the Republican Caucus that condemns the process going on in the House. It condemns it because it says specifically, in the resolution signed by 50 Republicans, that the President should get to face his accusers, that he should have counsel and call on witnesses and to understand the basis of the charges against him.

See, here is the thing: The whistleblower should be called because they are making accusations against the President. That is the Sixth Amendment. We don't do away with the Sixth Amendment because we are talking about impeachment or talking about the President. But the whistleblower is also a material witness. The whistleblower is a material witness because he worked for Joe Biden. He worked for Joe Biden when Joe Biden and Hunter Biden were involved in corruption in Ukraine.

This person worked on the Ukraine desk. This person traveled to Ukraine. This person was involved with aid. So when Joe Biden says we are going to deny aid to Ukraine unless you hire a prosecutor that is looking into my son's company that is paying Hunter Biden \$50,000 a month, don't you think we have the right to call these people? Don't you think that Joe Biden should appear? Don't you think that Hunter Biden should appear? Absolutely, the whistleblower should appear because he is an accuser, but also because he is a material witness to the conflict of interest scandal that involves Hunter Biden and Joe Biden.

Fifty Republican Senators signed on to a resolution that says the President should get to face his accusers. My bill, the Whistleblower Act of 2019, would

make that clear, that the Sixth Amendment is not superseded by statutes and that the President should be afforded the right to understand the nature of the allegations brought against him and that the President should get to face his accusers.

Mr. President, as in legislative session, I ask unanimous consent that the Senator modify her request so that, instead, the Senate proceed to the immediate consideration of my bill, the Whistleblower Act of 2019, S. 2798, introduced earlier today; I further ask that the bill be considered read a third time and passed; and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER (Mr. COTTON). Does the Senator so modify her request?

Ms. HIRONO. Mr. President, reserving my right to object.

My colleague's bill was just dropped literally on my lap just now. I certainly have not had a chance to read through the bill, but the last paragraph of this bill—which by the way I think it is called the Whistleblower Protection Act—anyway, the last section of his bill caught my eye, and I will read it to you.

“Section 5. Ensuring Sixth Amendment protections. Congress reaffirms that in the case of criminal proceedings, prosecutions, and impeachment arising from the disclosures of whistleblowers, that the accused has a right to confront his or her accuser in such proceedings and that right is not superseded by the Whistleblower Protection Act.”

So suddenly the Sixth Amendment right for a defendant to confront the accuser is being applied to the impeachment proceeding. It has never been done before. By doing this, the Senator from Kentucky, in my view, is truly undermining the Whistleblower Protection Act. So to call his bill the Whistleblower Protection Act of 2019 is, in my view, laughable.

By the way, in this particular instance we don't need the whistleblower's testimony. The whistleblower's complaint, the substance of her complaint, has been corroborated numerous times. So all this is to send the message out there that all you people who work for the Federal Government, if you see some kind of wrongdoing misdeed going on, don't come forward because expect retribution, expect the President to come after you, expect the President's minions to come after you.

What is the point of having a whistleblower statute which—you know, which is a duty, it imposes a duty on Federal employees to come forward—and at the same time as we impose this duty, we have the good Senator's resolution saying: Yes, come forward, but we are going to out you, subject you to threats, intimidation, retaliation.

This whistleblower's own attorney has said that her safety is in question, so using the Sixth Amendment and

sort of tie it to impeachment proceedings is—I am just flabbergasted.

Mr. President, I object.

The PRESIDING OFFICER. The objection is heard. Is there objection to the original request?

Mr. PAUL. Mr. President, reserving the right to object.

I am disappointed that any Senator would come to the floor and find the Bill of Rights laughable. The Sixth Amendment is an important part of our Constitution, and the right to face your accuser is incredibly important. It is disappointing that an actual U.S. Senator would come to the floor and say that it was laughable to apply the Bill of Rights to the President. I am disappointed that it has come to this.

I will hope that Americans would look at this and say, absolutely, the President deserves the same protections that the rest of us deserve.

The PRESIDING OFFICER. Objection is heard.

The PRESIDING OFFICER. The Senator from Hawaii.

Ms. HIRONO. I think the Senator from Kentucky should listen because I certainly did not find the Sixth Amendment laughable. I found his resolution, calling it the Whistleblower Protection Act, which in fact undermines whistleblower protections, appalling and laughable.

With that, I, once again, object to his request.

The PRESIDING OFFICER. Objection is heard.

The Senator from Pennsylvania.

Mr. CASEY. Mr. President, I ask unanimous consent to speak as in morning business.

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

TESTIMONY OF LIEUTENANT COLONEL  
ALEXANDER VINDMAN

Mr. CASEY. Thank you, Mr. President.

First, I want to briefly recognize this afternoon the brave public servants who have testified in the House in recent weeks in defense of national security, the rule of law, and our democratic institutions—most recently, LTC Alexander Vindman.

Despite Lieutenant Colonel Vindman's two decades of military service and a Purple Heart for his sacrifice to our country in Iraq, his character has faced brutal attacks from cable news and from some current and former Members of Congress. These comments about him are reprehensible attacks with no basis in fact.

Verbal abuse of Lieutenant Colonel Vindman not only disrespects his integrity and his service but undermines our institutions and ultimately makes our Nation less safe—less safe. So questioning the character, loyalty, or patriotism of Lieutenant Colonel Vindman is an attack on all veterans and is also an attack on our military.

Former U.S. Ambassador to Russia Michael McFaul put it this way in a Washington Post column just last week, and I will quote part of the column:

Such smear tactics are revolting and un-American. Vindman has served our country with honor and distinction, both on and off the battlefield. . . . And he is a patriot—as you would expect from someone with his outstanding resume. . . . The idea that Vindman might have dual loyalties with another nation is preposterous. Vindman was born in the totalitarian Soviet Union, not “the Ukraine.” His family, which is Jewish, fled religious persecution. He is not Soviet or Ukrainian or Ukrainian American: He is simply an American. Using birthplaces or hyphenated adjectives to disparage fellow Americans is always wrong. It is especially so in the case of Lt. Col. Vindman.

That is the op-ed from a distinguished Ambassador.

When I reflect upon Lieutenant Colonel Vindman's service to our country and his integrity, I am reminded of one of the lines—we could use many—from “America the Beautiful”:

Oh, beautiful for patriot dream

That sees beyond the years

That is what he was doing when he testified, just like that was what he was doing when he was serving our Nation in Iraq and when he was wounded in Iraq, and what he has done as a member of our national security team as part of the work he has done in this administration—seeing beyond the years. Part of the dream of a patriot is thinking about the impact of your actions on future generations.

We need to make sure that we are very clear about where we stand on his character, on his commitment to the country, and on his courage in coming forward.

#### TURKEY AND SYRIA

Mr. President, I want to move to the grave question of Syria and what has happened over just the last couple of weeks. I know this is a position held by Senators in both parties, but I oppose President Trump's recent decision to withdraw U.S. Armed Forces from Syria.

Following a phone call with Turkish President Erdogan on October 6, President Trump announced that the United States would be withdrawing U.S. troops from northern Syria. This cleared the way for the Turkish Armed Forces to proceed with an operation—an effort to target Kurdish and Islamic State, or ISIS, fighters in northern Syria. The President's decision is already impacting U.S. national security, as many analysts have predicted.

We have abandoned our Kurdish allies, who have been instrumental in not only retaking territory from ISIS but also in detaining ISIS combatants. We learned last week that they made the most important contribution of critical intelligence, helping U.S. forces locate and eliminate ISIS leader Abu Bakr al-Baghdadi.

That leads me to the role that Russia plays, especially in the aftermath of the decision the President made about our troops in northern Syria. Following an initial U.S.-brokered ceasefire, Turkish and Russian authorities have agreed to a more permanent status, sharing control of Syria's northern border. Turkish and Russian forces are not only occupying Kurdish-

held areas but also further expanding Russia's role in Syria and committing war crimes against Kurdish civilians, according to the United Nations.

Russia has already occupied U.S. military camps in the region, and Turkish President Erdogan's deepening relationship with Vladimir Putin, as evidenced by Turkey's S-400 missile system, only undercuts U.S. influence in Syria, all but guaranteeing that U.S. interests will not be represented in a future Syrian political settlement.

President Trump's decision serves to benefit Vladimir Putin. Prior to the withdrawal, the United States was Russia's only military equal in Syria, but Russia is now the primary—and, according to some analysts, the sole—power broker in Syria.

In the vacuum left by the United States, Putin will be able to return control of the country to Bashar al-Assad. Also, he will be able to exercise increased control over Turkey, a NATO ally, and also return to its Cold War-era dominance—the Russians, that is—in the Middle East.

I am holding an article, which, from a distance, you can't see the headline. It is from the Washington Post, dated October 16 of this year. It says that in Ukraine and Syria, Trump's moves are helping Putin. It was written by Anne Gearan. Anne Gearan is a respected reporter on national security issues and foreign policy. This article—and I will not go through all of it—catalogs how the Trump administration has allowed Russia to assert dominance globally. I mentioned the headline, but here is some of the text of the article. The first few paragraphs of the article by Anne Gearan say as follows:

Whether by chance or by design, the foreign policy crises involving Syria and Ukraine that have enveloped the White House have a common element. In each case, President Trump has taken action that has had the effect of helping the authoritarian leader of Russia.

Russian forces are now operating between the Turkish and Syrian militaries, helping to fulfill Moscow's main aim of shoring up its alliance with Syria and the Russian military port housed there—an outcome Russian President Vladimir Putin has sought for years.

Trump's actions in Syria and Ukraine add to the list of policy moves and public statements that have boosted Russia during his presidency, whether that was their central purpose or not, confounding critics who have warned that he has taken—

She is referring to our President here—

too soft a stance toward a nation led by a strongman hostile to the United States.

Anne Gearan goes on to describe the long list of President Trump's actions that demonstrate the strange deference to Russia, which has ultimately compromised the furtherance of U.S. national security interests in Syria and beyond.

I also want to make reference to another recent news article. The headline at the top of this New York Times article, dated Sunday, October 13 of this