

judicial nominees on their independence, their fairness, their temperament, and their judgment.

Unfortunately, these days, the Republican majority seems to have thrown qualifications out the window. Instead, they give out lifetime appointments to the court like candy. This doesn't prevent partisanship from influencing our judicial system; it ensures partisanship. The latest example is Lawrence VanDyke's nomination to the Ninth Circuit Court of Appeals, which has jurisdiction over Montana.

Mr. VanDyke is a familiar face to Montanans because he grew up and attended school in the great State of Montana. He also served as Montana's solicitor general before resigning to run an unsuccessful race for the State supreme court.

Montanans can separate the wheat from the chaff pretty well, and after examining his record and judgment, they found Mr. VanDyke unqualified to serve on the State's highest court. Montanans rejected him overwhelmingly at the ballot box, but now the majority leader wants to give him a lifetime seat on the bench.

Once you start to dig into Mr. VanDyke's extreme record, it is not hard to see why folks in my State were concerned about his ability to be fair and independent. This is a man who believes a government should insert itself between a woman and her doctor when she is trying to make private healthcare decisions. This is a man who, as Montana's solicitor general, worked to oppose same-sex marriage and questioned the ability of same-sex partners to properly raise children. This is a man who supports opening our public lands to mining and drilling.

By the way, our public lands contribute more than \$7 billion to our economy. Nonetheless, open it up, drill it, and mine it. And this is a man who ridiculed Montana's deep belief that corporations are not people. He argued in favor of unchecked money flowing into our elections. He believed that corporations were people and, in fact, his race for supreme court in Montana received over \$600,000 in outside spending—\$170,000 from the Koch brothers alone.

My guess is that some of my friends on the other side of the aisle view Mr. VanDyke's extreme positions as an asset, not an issue. They may point to the fact that he claimed he would be objective during his confirmation hearing.

The fact is, we cannot trust Mr. VanDyke to put aside his past positions and give everyone who comes before his court a fair shake, to be fair and impartial.

Mr. VanDyke has never been a judge, and he was rated as "not qualified" by the nonpartisan, nonpolitical American Bar Association.

By the way, this isn't the first nominee who has come up who has been rated as "not qualified." I asked a lawyer friend of mine what that means,

and he said, basically, if you can't achieve a "qualified" rating by the American Bar Association, you are a train wreck. That is what Mr. VanDyke is.

His nomination is opposed by over 200 conservation, education, civil rights, and other organizations. He is also opposed by six former Montana Supreme Court justices, folks that Montanans did elect to sit on the highest court in our State. They wrote of Mr. VanDyke:

It is doubtful that he understands that judicial decisions must be based solely on the facts of the case and on the law. . . . We strongly believe that Mr. VanDyke has demonstrated that he has neither the qualifications nor the temperament to serve as a federal court of appeals judge.

His coworkers from his time as Montana's solicitor general seem to agree. A former assistant attorney general who worked with VanDyke wrote privately to his colleagues:

Ever since he has arrived, Mr. VanDyke has been arrogant and disrespectful to others, both in and outside of this office. He avoids work. He does not have the skills to perform, nor desire to learn how to perform, the work of a lawyer. Now that he has resigned—

That was when he resigned to run for the supreme court—

and refuses to work on cases assigned to him, while remaining on the payroll for the next several months.

In fact, even Mr. VanDyke doesn't consider himself qualified to perform the basic duties of a lawyer. He once explained in an email that he has no experience in discovery, experts, stipulations, or in meeting and conferring with opposing counsel.

I am no lawyer, but those sound like the tasks that someone up for a lifetime judicial appointment should know how to do.

Let me put it this way. If I were looking for a contractor to do work on my farm and the contractor had these kinds of qualifications, I would not hire him for 1 minute, much less give him a job for a lifetime.

I spend more time in Washington, DC, than I would like, which is how I know there is no shortage of lawyers around here and around the country. There is absolutely no reason that we can't find someone better suited to this position than Lawrence VanDyke.

I know it is too much to hope that the Senate will act with as much common sense as the folks in Montana do, but I do expect us to have the decency to respect the will of Montana voters and reject Mr. VanDyke for a seat on the Ninth Circuit Court of Appeals.

I urge my colleagues to take a look at the record, to take a look at what he has done, to know it will not be a fair and impartial court if he is put on it, and I urge my colleagues to oppose his nomination.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

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

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

OVER-THE-COUNTER MONOGRAPH SAFETY, INNOVATION, AND REFORM ACT

Mrs. MURRAY. Mr. President, last week, when I joined my colleagues to recognize Senator ISAKSON, I mentioned that when Johnny says he is going to get something done, you know it will get done. The bill we are getting ready to pass today in a few hours, the Over-the-Counter Monograph Safety, Innovation, and Reform Act, which he has worked on with Senator CASEY, proves it once again.

Every day, people head to their local pharmacy or retail store for over-the-counter medications to deal with a cough or a sore throat or a stomach ache. Every day, parents across the country turn to the medicine cabinet after someone comes home with a scrape or a bug bite or poison ivy. Every day, there are countless other health concerns people look to treat quickly, safely, and effectively with over-the-counter drugs. That is why this legislation is so important.

The pace of scientific discovery seems to speed up every day, but the over-the-counter monograph system—the system for how these drugs are regulated and brought to market—has not kept pace. The current system has not changed, actually, since 1972, and it sorely needs to. Right now, even after the science has made clear that small changes to the monograph, or recipe, for an over-the-counter drug might make it safer or more effective, it can take years for those changes to be approved under the current outdated process. Even small changes to a drug label, including changes regarding important new safety information, can be held up for years.

The Over-the-Counter Monograph Safety, Innovation, and Reform Act takes long-needed steps to address this problem and streamline the way over-the-counter drugs are regulated and brought to market. These changes will allow the Food and Drug Administration to do more to protect public health and make sure over-the-counter drugs, ingredients, and labels reflect the latest science. It will also encourage the development of new products to better meet the needs of patients. The legislation allows the FDA to collect user fees for reviewing over-the-counter drugs to make sure it has the resources it needs to do this important job.

Many families rely on over-the-counter drugs each day for a lot of different reasons. It is very important that these medications and the labels we turn to for information about them are safe, that they are effective, and

that they are as up-to-date with the latest science as possible. Thanks to the efforts of Senator ISAKSON and Senator CASEY, this bill we will vote on this afternoon will help accomplish that by updating the over-the-counter monograph system for the first time in decades. I know how important this bill has been to Senator ISAKSON and how he has worked so hard on it for many years. I want to tell him how grateful I am. I want him to know that I am particularly grateful for his commitment to getting this done for families back in Georgia and across the country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

UNANIMOUS CONSENT REQUEST—S. 682

Mr. MARKEY. Mr. President, today I rise in defense of net neutrality. This week marks the 2-year anniversary of the Trump FCC's wrongheaded decision to repeal net neutrality.

First, let's be clear about what we are discussing today. Net neutrality is just another way of saying nondiscrimination. That is what it is all about. It is just another way of saying that big companies online can't discriminate against individual consumers; that large companies can't discriminate against smaller companies and startups; that corporations can't stifle speech online; that once you pay your monthly internet service bill, you can go anywhere you want on the internet without Charter or Comcast or AT&T or Verizon slowing down or blocking your path to a website of your choosing.

Despite all this, 2 years ago this week, the Trump Federal Communications Commission voted to throw out net neutrality at the behest of the broadband barons. Since then, we have watched as countless citizens, companies, and activists have continued to stand up and demand that net neutrality be restored.

This spring, the House of Representatives took an important step in passing the Save the Internet Act. My legislation in the Senate would overturn the Trump administration FCC's decision and restore net neutrality protections. In the Senate, we have already successfully passed the same proposal on a bipartisan basis.

In April of 2018, my Congressional Review Act resolution passed in the Senate by a bipartisan vote of 52 to 47. We debated net neutrality, and the Senate decided to join the majority of Americans and support a free and open internet. In that vote, we sent a message to President Trump about what it means to have an internet free of corporate control and open to all who want to communicate, engage, and innovate. We made clear that this Congress won't fall for President Trump's special interest agenda that just wants to block, slow down, or discriminate against content online just to charge Americans more on their cable and internet bills.

Unfortunately, the rules for a Congressional Review Act that allow just 30 Senators to force the majority to schedule a vote is not an option in this Congress because the right to bring a Congressional Review Act resolution to the floor has a time limit on it, which has now expired. So, instead, today we once again call for an immediate vote on the Save the Internet Act.

Already, in June, our Republican colleagues failed to listen to the voices of their constituents and blocked a vote from happening. Sadly, the Republicans plan to stonewall us again and to block this vote. This is yet another example of the Republican Party refusing to side with the ordinary people in our country—families, small businesses, startups, entrepreneurs, anyone with an idea who needs the internet to get it off the ground.

Under Senator MCCONNELL's leadership, the Republicans have buried this bill in their legislative graveyard. Instead of passing legislation, instead of acting on legislation which already passed in the Senate in 2018 and which passed the House of Representatives this April, Leader MCCONNELL has done little but confirm unqualified, extreme-right nominees for the Trump administration.

Just listen to some of the bills that Senate Republicans refuse to act on that have already moved through the House of Representatives this year: the Violence Against Women's Act, voting and democracy reform, gun background checks, paycheck fairness, and the Paris climate agreement. The answer from the Republican leadership is no, no, no, no. That is what continues to happen. Net neutrality is part of that chorus of "noes" that the Republicans aim at legislation the American people want and need to have passed here in the Senate.

But the Senate majority leader and his Republican colleagues can keep populating the legislative graveyard at their political peril because this is the agenda the American people want to see the Senate debating. They want to see these laws put on the books to protect families in this country. The issues they are blocking are enormously popular, and most have bipartisan support. Net neutrality is one of those issues.

The Save the Internet Act—the bill we are debating today—does exactly what the American people want. It restores the rules that ensure families aren't subjected to higher prices, slower internet speeds, and even blocked websites because the big internet providers want to pump up their profits. That is what today's fight is all about. It is a fight for innovation; for entrepreneurialism; for the American economy; a fight for free speech, which is the cornerstone of our democracy; and a fight for the most powerful platform for commerce and communications in the history of the planet.

Some will argue that since the Trump FCC ripped away the net neu-

trality rules, everything has been just fine, but we are not falling for that. As the legal challenges over this issue have taken place over the last 2 years, internet providers have had every incentive to keep a low profile, to keep things as they were. But ultimately, the question before the Senate today is whether consumers trust their internet companies to do the right thing without being told they have to. We know that consumers rightfully don't trust the broadband barons.

It is time we do the right thing for the American people. We can start with passing the Save the Internet Act and protecting the internet as we know it. The American people want action now. The Democrats are committed to fighting on their behalf. Net neutrality just stands for nondiscrimination online. You can't be biased against a smaller voice, a smaller company, a startup; it is not allowed. That is what net neutrality says to all the big broadband giants—you cannot discriminate. Net neutrality is something that is at the heart of what the 21st century should stand for in this internet age.

I urge my colleagues to support this motion.

I yield to the great leader of the State of Washington, Senator CANTWELL.

Ms. CANTWELL. Mr. President, I rise today to join my colleague from Massachusetts, who has been a leader on this important issue of net neutrality. I want to speak and back up what he said today about why it is so important and that we need to fight to protect a free and open internet, before I do, I would just like to mention that yesterday we filed a bill dealing with trade enforcement.

The reason I bring that up is because today there is going to be a lot of discussion about trade writ large. It is very important that in the trade discussion, we also have trade enforcement. Much of what we filed yesterday is what we hope to see in an agreement that is now being unveiled, and this builds on capacity building, which is very important. We want to make sure we have the enforcement capabilities at USTR and now the capacity and enforcement in Mexico to make these agreements work in the future. I look forward to discussing that with my colleagues.

I am really here to talk about how 2 years ago, the Trump administration, basically, with the FCC at the helm, repealed net neutrality and put Big Cable in charge of our internet future. Despite 83 percent of all Americans and a majority of Independents, Democrats, and Republicans supporting a free and open internet—that means making sure they weren't charged excessive rates—the FCC chose to side with cable companies.

Not long after, Verizon throttled the broadband service of Santa Clara firefighters in California when they were in the midst of fighting the massive Mendocino Complex Fire in 2018. Despite firefighters' urgent pleas to stop