further increase the fee revenue and fees for purposes of subsection (b)(2)(D) by an amount equal to—

''(A) $14,000,000 for fiscal year 2021;

''(B) $7,000,000 for fiscal year 2022;

''(C) $4,000,000 for fiscal year 2023;

''(D) $3,000,000 for fiscal year 2024; and

''(E) $3,000,000 for fiscal year 2025.

''(4) ANNUAL FEE SETTING.—

''(A) FISCAL YEAR 2021.—The Secretary shall, not later than the second Monday in March of 2020—

''(i) establish OTC monograph drug facility fees for fiscal year 2021 under subsection (a), based on the revenue amount for such year under subsection (b) and the adjustments provided under this subsection; and

''(ii) publish fee revenue, facility fees, and OTC monograph order requests in the Federal Register.

''(B) SUBSEQUENT FISCAL YEARS.—The Secretary shall, for each fiscal year that begins after September 30, 2021, not later than the second Monday in March that precedes such fiscal year—

''(i) establish for such fiscal year, based on the revenue amounts under subsection (b) and the adjustments provided under this subsection—

''(I) OTC monograph drug facility fees under subsection (a)(1); and

''(II) OTC monograph order request fees under subsection (a)(2); and

''(ii) publish such fee revenue amounts, facility fees, and OTC monograph order request fees in the Federal Register.

''(d) IDENTIFICATION OF FACILITIES.—Each person that owns an OTC monograph drug facility shall submit to the Secretary the information required under this subsection each year. Such information shall, for each fiscal year—

''(1) be submitted as part of the requirements for drug establishment registration set forth in section 510; and

''(2) include for each such facility, at a minimum, identification of the facility's business operation as that of an OTC monograph drug facility.

''(e) EFFECT OF FAILURE TO PAY FEES.—

''(1) OTC MONOGRAPH DRUG FACILITY FEE.—

''(A) IN GENERAL.—Failure to pay the fee under subsection (a)(1) within 20 calendar days of the due date as specified in subparagraph (D) of such subsection shall result in the following:

''(i) The Secretary shall place the facility on a publicly available arrears list.

''(ii) All OTC monograph drugs manufactured in such a facility or containing an ingredient manufactured in such a facility shall be deemed misbranded under section 502(ff).

''(B) APPLICATION OF PENALTIES.—The penalties under this paragraph shall apply until the fee established by subsection (a)(1) is paid.

''(2) ORDER REQUESTS.—An OTC monograph order request submitted by a person subject to fees under subsection (a) shall be considered incomplete and shall not be accepted for filing by the Secretary until all fees owed by such person under this section have been paid.

''(3) MEETINGS.—A person subject to fees under this section shall be considered ineligible for OTC monograph drug meetings until all such fees owed by such person have been paid.

''(f) CREDITING AND AVAILABILITY OF FEES.—

''(1) IN GENERAL.—Fees authorized under subsection (a) shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriations Acts. Such fees are authorized to remain available until expended. Such sums as may be necessary may be transferred from the Food and Drug Administration salaries and expenses appropriation account without fiscal year limitation to such appropriation account for salaries and expenses with such fiscal year limitation. The sums transferred shall be available solely for OTC monograph drug activities.

''(2) COLLECTIONS AND APPROPRIATION ACTS.—

''(A) IN GENERAL.—Subject to subparagraph (C), the fees authorized by this section shall be collected and available in each fiscal year in an amount not to exceed the amount specified in appropriation Acts, or otherwise made available for obligation, for such fiscal year.

''(B) USE OF FEES AND LIMITATION.—The fees authorized by this section shall be available to defray increases in the costs of the resources allocated for OTC monograph drug activities (including increases in such costs for an additional number of full-time equivalent positions in the Department of Health and Human Services to be engaged in such activities), only if the Secretary allocates for such purpose an amount for such fiscal year (excluding amounts from fees collected under this section) no less than $12,000,000, multiplied by the adjustment factor applicable to the fiscal year involved under subsection (c)(1).

''(C) COMPLIANCE.—The Secretary shall be considered to have met the requirements of subparagraph (B) in any fiscal year if the costs funded by appropriations and allocated for OTC monograph drug activities are not more than 15 percent below the level specified in such subparagraph.

''(D) PROVISION FOR EARLY PAYMENTS IN SUBSEQUENT YEARS.—Payment of fees authorized under this section for a fiscal year (after fiscal year 2021), prior to the due date for such fees, may be accepted by the Secretary in accordance with authority provided in advance in a prior year appropriations Act.

''(3) AUTHORIZATION OF APPROPRIATIONS.—For each of the fiscal years 2021 through 2025, there is authorized to be appropriated for fees under this section an amount equal to the total amount of fees assessed for such fiscal year under this section.

''(g) COLLECTION OF UNPAID FEES.—In any case where the Secretary does not receive payment of a fee assessed under subsection (a) within 30 calendar days after it is due, such fee shall be treated as a claim of the United States Government subject to subchapter II of chapter 37 of title 31, United States Code.

''(h) CONSTRUCTION.—This section may not be construed to require that the number of full-time equivalent positions in the Department of Health and Human Services, for officers, employers, and advisory committees not engaged in OTC monograph drug activities, be reduced to offset the number of officers, employees, and advisory committees so engaged.

**''SEC. 744N. REAUTHORIZATION; REPORTING REQUIREMENTS.**

''(a) PERFORMANCE REPORT.—Beginning with fiscal year 2021, and not later than 120 calendar days after the end of each fiscal year thereafter for which fees are collected under this part, the Secretary shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report concerning the progress of the Food and Drug Administration in achieving the goals identified in the letters described in section 201(b) of the Over-the-Counter Monograph Safety, Innovation, and Reform Act of 2019 during such fiscal year and the future plans of the Food and Drug Administration for meeting such goals.

''(b) FISCAL REPORT.—Not later than 120 calendar days after the end of fiscal year 2021 and each subsequent fiscal year for which fees are collected under this part, the Secretary shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on the implementation of the authority for such fees during such fiscal year and the use, by the Food and Drug Administration, of the fees collected for such fiscal year.

''(c) PUBLIC AVAILABILITY.—The Secretary shall make the reports required under subsections (a) and (b) available to the public on the internet website of the Food and Drug Administration.

''(d) REAUTHORIZATION.—

''(1) CONSULTATION.—In developing recommendations to present to the Congress with respect to the goals described in subsection (a), and plans for meeting the goals, for OTC monograph drug activities for the first 5 fiscal years after fiscal year 2025, and for the reauthorization of this part for such fiscal years, the Secretary shall consult with—

''(A) the Committee on Energy and Commerce of the House of Representatives;

''(B) the Committee on Health, Education, Labor, and Pensions of the Senate;

''(C) scientific and academic experts;

''(D) health care professionals;

''(E) representatives of patient and consumer advocacy groups; and

''(F) the regulated industry.

''(2) PUBLIC REVIEW OF RECOMMENDATIONS.—After negotiations with the regulated industry, the Secretary shall—

''(A) present the recommendations developed under paragraph (1) to the congressional committees specified in such paragraph;

''(B) publish such recommendations in the Federal Register;

''(C) provide for a period of 30 calendar days for the public to provide written comments on such recommendations;

''(D) hold a meeting at which the public may present its views on such recommendations; and

''(E) after consideration of such public views and comments, revise such recommendations as necessary.

''(3) TRANSMITTAL OF RECOMMENDATIONS.—Not later than January 15, 2025, the Secretary shall transmit to the Congress the revised recommendations under paragraph (2), a summary of the views and comments received under such paragraph, and any changes made to the recommendations in response to such views and comments.''.

## EXECUTIVE SESSION—Continued

The PRESIDING OFFICER. The Senate will resume executive session.

The Senator from Maryland.

### UNANIMOUS CONSENT REQUEST—S. 1060

Mr. VAN HOLLEN. Madam President, after a discussion that we will have on the Senate floor, I intend to ask unanimous consent that the Senate pass S. 1060, which is a bipartisan piece of legislation called the DETER Act.

What is the DETER Act? The DETER Act is legislation that I introduced with Senator RUBIO. It has bipartisan sponsorship, and it is designed to send a very clear and simple message to Russia or any other countries that are thinking about interfering with our elections and undermining our democracy that, if we catch you, you will suffer a severe penalty. It won't be a few

sanctions against a few of the oligarchs. It will hit big parts of your economy. It will hit your banking sector. It will hit your energy sector. It will hurt, so you better think before you try to interfere in any future election.

Now, Senator RUBIO and I introduced this legislation a number of years ago, and in response to concerns that were raised, we made a number of important changes, but despite those changes, we are still here in the U.S. Senate with less than 1 year to go before a national election, and we have not passed this bill to deter foreign interference in our elections.

We know what Vladimir Putin's ambitions are. He wants to sow division in our electorate. He wants to make our political process even more polarized. He wants to undermine the public faith in the democratic process. That is not just my conclusion. That is the unanimous verdict of the U.S. Intelligence Committee and the community after the 2016 election, but it is not just them.

Our own Senate Intelligence Committee, on a bipartisan basis, issued its findings. It also found that those were Putin's intentions, and it found that, in 2016, Russia interfered in all 50 of the States, to a greater or lesser extent—all 50 of the States. And what Vladimir Putin clearly has learned and taken away from all of this is that he can attack our democracy and attack our elections with impunity because the rewards are high. He creates division. He accomplishes his objectives. And the price is zero. There is currently no cost to Vladimir Putin from interfering in our elections.

So what the DETER Act is designed to do is to raise the costs for the coming elections, to make it clear that, if we catch you next time, there will be a penalty to pay. We know that Putin hasn't gotten this message because there is no penalty right now, and that is why, on November 5, just a few weeks ago, we got another unanimous prediction from U.S. intelligence agencies. All of them jointly stated:

> Russia, China, Iran, and other foreign malicious actors all will seek to interfere in the voting process or influence voter perceptions. Adversaries may try to accomplish their goals through a variety of means, including social media campaigns, directing disinformation operations or conducting disruptive or destructive cyber-attacks on state and local infrastructure.

That was just a few weeks ago—unanimously, from the intelligence agencies. Clearly, Vladimir Putin hasn't gotten the message. What the DETER Act is all about is sending that message that he will now know that there will be a penalty to pay upfront.

Look, there are only two ways we can protect our elections, and we need to do both. One is to harden our election infrastructure here at home, which is to try to make it harder for somebody to use cyber attacks to get into our election systems and make it harder for them to abuse our social media platforms. This is a case where the best defense is a good offense because we can harden our systems, but you can be sure that the Russian Government cyber security folks will always be looking for a way around it, just like the arms race. So just like the arms race, deterrence is the best way to protect the integrity of our democracy by letting them know upfront that there will be this very tough price to pay.

We hoped and thought we could address this issue in the National Defense Authorization Act. What better place is there to defend the integrity of our democracy than in the legislation that is designed to protect our national security? In fact, the U.S. Senate unanimously passed the resolution I have in my hand, S. Res. 330, which says very clearly that we wanted folks at the NDAA conference to require the administration—any administration, future administration—to promptly submit a report on Russian interference or other interference following every Federal election, and that would include a detailed assessment of the foreign governments that were involved in that interference. The Senate, as part of that resolution, also voted to promptly impose sanctions on any foreign government determined to have interfered in a future Federal election, including individuals and entities within that country's territories.

Let me emphasize that point. Every Senator here supported that—or at least nobody objected to that. We have been working for over 2 years to get this done, and we keep hearing that the Trump administration doesn't want to do it. Of course, we haven't been told by the Trump administration why they object. Even Secretary Pompeo, in testimony before the Senate Foreign Relations Committee, said he supported the concept. In fact, every witness in the Senate Banking Committee and Senate Foreign Relations Committee asked about this and supported this legislation. You have to ask the question why: Why is there such opposition? If it is because of President Trump, we need to be doing our job here in the legislature, not the bidding of the White House.

I yield to the Democratic leader.

Mr. SCHUMER. Madam President, I thank my colleague from Maryland for his diligence in this issue of utmost importance to the integrity of our elections, to our national security, and basically for trust in government. If the American people feel that a foreign country can interfere in their elections and, particularly, that their President is OK with that, I worry and pray for our democracy.

For the past few years, Senate Democrats have sought to pass legislation to improve the security of elections. There are many ways to do this—hardening our election infrastructure, shoring up cyber defenses, and requiring paper ballots. One of the most important has been advocated with passion and vigor by my colleague from Maryland, and that is deterring foreign adversaries from trying to interfere with elections in the first place.

For the past year, Democrats have been pushing legislation that would do just that by instituting mandatory crosscutting sanctions against any adversary—Russia, China, Iran, North Korea—that even dared to attempt to meddle in our democracy. It is a bipartisan idea. Senator VAN HOLLEN has legislation that is cosponsored by Senator RUBIO. We tried hard to pass this measure in the annual defense bill. Senate Republicans and Leader MCCONNELL blocked the provision from the final agreement.

Here we are today, asking our Republican colleagues to relent and allow this bipartisan legislation to pass the Senate on its own. Our top national security officials have warned us that our adversaries are right now—right now, as we speak—working on ever more sophisticated methods to meddle in our elections. That is what Putin does. He doesn't have the military power or the economic power, but he has long tentacles and clever ways to undermine our democracy. Are we going to stand there benignly and let it happen? That is outrageous.

Why have Leader MCCONNELL and Senate Republicans opposed it? I hope it is not because the Russian Foreign Minister is in town this week. I hope it is not because anyone wants to invite foreign interference.

I am worried that it is just as my colleague from Maryland said: Donald Trump, who has shown no regard for the rule of law, for fairness, for decency, or for honor, if he thinks Russian interference will help him, he says: Let's do it. What is bothersome is that my colleagues on the Republican side of the aisle move forward on his wishes, right to the undermining of our democracy.

I guarantee that if Leader MCCONNELL would allow the vote on this legislation, it would pass almost unanimously. Remember, the motion to instruct conferees on NDAA to include this legislation passed nearly unanimously. I would plead with my good friend—he is a good man from Idaho, Senator CRAPO—and I would plead with Leader MCCONNELL: Stop this now. If Trump is getting you to do this or if the White House is, which I suspect is true, that is not your duty to this country, and you must put that higher than your duty to President Trump.

I yield back to my friend.

Mr. VAN HOLLEN. Madam President, I thank the minority leader. As he indicated, the Russian Foreign Minister, Foreign Minister Lavrov, is in town. There is a report saying that Secretary Pompeo said to the Russians: Don't interfere in our elections.

Wagging your finger is not enough to scare off Vladimir Putin. That is why you need the DETER Act.

Of course, saying that is a big advance over the President of the United States, who has been denying Russian

interference in our elections. It is not enough to scold the Russians. It is not enough to scold Foreign Ministers. It is not enough to scold Vladimir Putin. You have to raise the price for interference, and they need to do it upfront.

Madam President, as in legislative session, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be discharged from further consideration of S. 1060 and the Senate proceed to its immediate consideration. 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. Is there objection?

Mr. CRAPO. Madam President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAPO. Madam President, I think the record really needs to be set straight. The picture that is being painted here is that the Republicans or President Trump or both don't care about the fact that Russia is and has been trying to interfere in our elections and that, for some reason, our refusal to allow this specific act to move forward until it is fixed is evidence of that.

In support of that, he said that there is no penalty on the Russians because of their actions. I will remind my colleagues that I am the chairman of the committee that has jurisdiction over economic sanctions. On this floor, last Congress, we had this very debate. I was making the case then that we needed a broad, strong sanctions law against Russia for its election interference and not only for its election interference but also for its invasion of Crimea and for its cyber security attacks on the United States.

What happened then? We passed what I believe is probably the strongest, most extensive legislation putting into effect sanctions on Russia for election interference, for cyber security violations, for invasion of Crimea, and other malign conduct. Under that legislation, the administration has been active.

I want to read you just a little—I think that President Trump has probably put more sanctions on the Russians than any other President in our history. The Treasury's Russia sanctions program is among the most active of the sanctions programs that the United States has. This administration has sanctioned 335 Russian-related individuals and entities, 317 of which were sanctioned under Treasury authority.

By the way, the bill I referred to has an acronym. It is the Countering America's Adversaries Through Sanctions Act, or CAATSA. That is the legislation that the administration is using to deter Russian election interference and other activities in addition to other malign conduct.

Now, I want to state again, as my colleague knows, I agree and have agreed that we can work on further legislation, but we need to get it right because economic sanctions legislation is a two-edged sword. It hurts the United States and our allies often as much as it hurts the entities sanctioned, and because of that, we have to have the ability to be flexible in when to apply, how to apply, and how to adjust the impact of our sanctions; otherwise, we will see that we will do more damage to ourselves and our allies than to Russia.

By the way, we don't just need legislation dealing with Russia. We need legislation dealing with the same types of activities from Iran and China and North Korea, to name just a few of the others. We need to do it with the appropriate mechanisms.

The mechanisms in this bill have been designed more to attack the Trump administration and Republicans than to attack the Russians and those who would attack our country and our elections. I have said again and again and again that if we can fix the mechanisms so that they will work effectively to work against our enemies and protect America and our allies, as our current sanctions regimes do, then we can move forward with legislation that will even enhance what we did in CAATSA.

I will also remind my colleague that in addition to CAATSA, one of the reasons we have been so active in the United States is that we have passed significant additional legislation. I remind my colleagues and everyone that in addition to CAATSA and the already existing IEEPA legislation, which are very broad and powerful international emergency economic authorities that have previously existed in the United States to help our administrations push back against malign conduct from our enemies, we have also passed the Ukraine Freedom Support Act. I referenced Crimea earlier. We have passed the Magnitsky Act. President Obama, President Trump, and I believe President Bush, before them, have issued significant Executive orders on their own with their Executive order authority to expand sanctioning authority.

To create the picture that there is no deterrent is false. To create the picture that the Trump administration is trying to turn a blind eye to Russia's malign conduct is false. To create the picture that the Republicans, because they want to get a mechanism that works properly, are therefore willing to turn a blind eye to Russia is false.

When we can finally stop trying to play politics with this issue, when we can stop trying to make it anti-Trump or anti-Republican or make politics out of the problems that Russia truly is creating for us, maybe we can come together and pass yet another strong piece of legislation to move forward—but not as long as it is done with mechanisms and with lack of flexibility that actually undermine our own economic security and our system in applying the sanctions. Because of that, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Maryland.

Mr. VAN HOLLEN. Madam President, I want to address some of the comments made by the chairman of the Banking Committee and start by saying that I have appreciated the conversations he and I have had on this legislation over the years. Let me just address some of the comments that were made.

One is to say that, currently, the CAATSA scheme is enough to deter future Russian interference in our elections. If that were true, you would not have had every single one of our intelligence agencies just a few weeks ago predict that Russia will interfere in our elections again, along with other foreign malign actors.

If the laws on the books could deter that interference, why did they predict just a few weeks ago that they are coming for us in the upcoming elections?

Second, this is not a partisan attack on President Trump. This is a bipartisan bill. This bill not only has Senator RUBIO as the chief author, coauthor of the legislation, there are a number of other Republican and Democratic Senators on this bill as cosponsors. In fact, they are evenly matched on this legislation.

This has nothing to with President Trump. In fact, this determination and this law would not even kick in until after the 2020 elections. I don't know who is going to be President then. This has nothing to do with President Trump. This has to do with protecting our elections. Is it informed by what happened in 2016? You bet it is. We know—again, from all our intelligence committees and community agencies, every one of them headed by somebody nominated by President Trump—that the Russians attacked us in 2016. A few weeks ago they said the same thing will happen in 2020, and that will happen especially if we don't raise the price.

The CAATSA legislation, as the Senator knows, was put in place by an overwhelming veto-proof vote in the U.S. Senate. It was required because the Russians interfered, but it was retrospective. So, yes, we punished some of the oligarchs who were close to Vladimir Putin, but that is not enough, clearly, to raise the price to Vladimir Putin from deterring him from doing it again.

Again, we just heard that from our own intelligence agencies. If you want to raise the price for future interference, you need to not just hit a few oligarchs, you need to let them know, some of those Russian Government banks are going to get hit; their energy sector is going to get hit.

By the way, there is actually more flexibility in this bill than I would like. As the chairman of the committee knows, the original bill Senator RUBIO and I introduced did not have waiver authority for the President of the

United States. The version that is before us right now contains waiver authority for every single one of the sanctions if the President makes a national determination and says the waiver will not hurt our national security.

It has more flexibility than I would like because my view is you need to set up a machine that is almost automatic. If we catch you interfering, there will be a price to pay. Under this bill, if we catch them, yes, there will be sanctions, but the reality is, the President can decide to waive those sanctions.

We have come a long way. This is a bipartisan bill. This is about protecting our democracy. It is not about any particular individual or any particular President. It wouldn't even kick in until after the next elections, and those sanctions will only kick in if there is interference. The whole purpose of this bill is to have sanctions that are tough enough so Putin doesn't interfere or another foreign government doesn't interfere and so they don't go off the sanctions. That is the whole purpose.

I hope we will vote on this. The clock is ticking. I am going to be on this floor week after week until we come together and pass something that actually has some teeth and will deter that very foreign interference that every intelligence agency predicted will happen as recently as 5 weeks ago. That will happen unless we act.

I yield floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAPO. Madam President, not to belabor the point, but I just want to respond briefly. Yes, there are Republicans and Democrats on this bill, but many of the Members who are on this bill have told me they are ready and willing to amend and make it work.

I have offered and have tried now for months to get that done. I am willing to continue trying to improve and strengthen this bill, but the notion that this is just somehow trying to protect the President from having to make tough choices is simply false.

I will read today—as has been indicated, we have leaders from Russia in America today, and in response to that, our Secretary of State Pompeo said:

> The Trump administration will always work to protect the integrity of our elections, period. . . . Should Russia or any foreign actor take steps to undermine our Democratic processes, we will take action in response.

All of the authorities in this legislation we are debating right now exists already under CAATSA. I guess the argument is that President Trump will not use them. Well, the reality is he will. Secondly, I have indicated my willingness to work on this legislation.

Rather than continuing to stand on the floor and debate why we like or don't like what President Trump is doing, I think we ought to get down to the serious business of legislating.

I yield the floor.

Mr. VAN HOLLEN. Madam President, I hope we will get down to the serious business of legislating. As I indicated in the hearings that have been held in the Senate Banking Committee and Senate Foreign Relations Committee, there was overwhelming support for moving forward with the DETER Act; that is, deter Russian interference in our elections.

I will say it again. This authority, this sanction, if there is interference, does not kick in until after the next Presidential election. It is not designed to focus on any particular President. It is designed together on a bipartisan basis—and this is a bipartisan bill—to set up a mechanism in advance to let Vladimir Putin or other malign foreign actors know, if they interfere, there will be a price to pay. Not maybe, not let's just guess about it, there will be a price to pay unless a President decides to waive it, which, as I said, was a concession we made to address people's concerns about some flexibility, but we need to send the upfront message that at least initially these sanctions will take effect, and they will hurt. That is the only way to deter someone like Vladimir Putin and the Russians from interfering in our elections: raise the price and make it clear they will pay it.

The PRESIDING OFFICER. The Senator from Nevada.

NOMINATION OF LAWRENCE VANDYKE

Ms. CORTEZ MASTO. Madam President, I rise today because of my firm opposition to Lawrence VanDyke's nomination to the Ninth Circuit Court of Appeals, which has jurisdiction over my home State of Nevada. Mr. VanDyke lacks the support of both his home State Senators, JACKY ROSEN and I. His qualifications are inadequate and his ties to Nevada are minimal.

His nomination sets a dangerous precedent for the Senate and would allow future administrations to nominate virtual outsiders to communities across the country over Senators' objections.

The President could have chosen a better nominee. Senator ROSEN and I tried to work with the administration to identify well-respected attorneys from Nevada as potential appeals court judges. Instead, the President decided to nominate someone with no current ties to our State, someone whom the American Bar Association has rated as ''not qualified'' for the Federal bench, someone who holds extreme beliefs about reproductive rights, LGBTQ rights, gun violence prevention, and environmental protection.

The American Bar Association interviewed 60 of Mr. VanDyke's former colleagues, and those colleagues characterized him as arrogant, lazy, an ideologue, and lacking in knowledge of the day-to-day practice, including procedural rules.

Mr. VanDyke's nomination is unprecedented for all of these reasons. If confirmed to the Ninth Circuit, Lawrence VanDyke would be the first judicial nominee appointed to the bench without the support of his home State Senators, with a ''not qualified'' rating from the American Bar Association, and without ties to the community whose appeals court seat he would occupy.

I would like to ask my colleagues: What kind of message are we sending when we confirm individuals who don't have the support of their local communities?

We need judges with the knowledge, the maturity, and experience to understand the impact their decisions will have on the States over which they preside. How will my colleagues feel when a future administration attempts to do the same thing to their State, when a Democratic President, perhaps, nominates a Californian to sit on a district court in Kentucky or a lifelong DC resident is sent to a court in Texas?

Mr. VanDyke's qualifications and connections to Nevada are just one part of my objection to his confirmation. I also believe Mr. VanDyke's views are just too extreme to promote to the Federal bench. He signed the State of Montana on to a brief in an Arizona case that argued that Roe v. Wade ''should . . . be revisited.''

On LGBTQ protections, Mr. VanDyke at his confirmation hearings broke down in tears of frustration at the very idea that he might be unfair to LGBTQ litigants. He insisted that he believes in treating ''all people . . . with dignity and respect,'' but he didn't treat LGBTQ people with dignity and respect when he wrote in a 2004 article that same-sex marriage hurts families, children, and society. It certainly doesn't reflect an attitude of dignity and respect to support extreme groups like the Family Research Council and the Alliance Defending Freedom, both of which have been designated as anti-LGBTQ hate groups by the Southern Poverty Law Center.

The people who can legitimately shed tears about Lawrence VanDyke's record on LGBTQ rights are those who are still shunned because of whom they love.

On the issue of preventing gun violence, Mr. VanDyke made his stance clear in a questionnaire the NRA sent to him when he was running for the Supreme Court of Montana. In his answers to the NRA's questions, Mr. VanDyke said he believed that ''all gun control laws are misdirected.'' In Nevada, we believe in Second Amendment rights, but we also agree—as almost all Americans do—that commonsense measures like background checks keep us safer.

Finally, Mr. VanDyke has done his best to erode environmental standards and protections. As solicitor general of Nevada, he signed on to a lawsuit that threatened the critical sage grouse protections. Governor Sandoval, the Republican Governor at the time, said that lawsuit ''did not represent the State of Nevada, the governor, or any state agencies.''