

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 unprecedent 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."

The Western United States has some of the most fragile and iconic public lands in the Nation. I object to letting Mr. VanDyke oversee them when he seems to care so little for their values. Mr. VanDyke's record shows that he is not a neutral arbiter of the law. Because of his poor qualifications and because of his extreme activist approach to the law, I will vote against his confirmation, and I urge my colleagues to do the same.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

USMCA

Ms. ERNST. Madam President, there are just 21 days left in 2019. With the days dwindling, Congress has made little progress on its to-do list that without question must be addressed before going home for the holidays. This is largely due to the distractions and delays caused by the Democrats in this body and especially by those across the Capitol.

Let's take the United States-Mexico-Canada trade agreement. President Trump signed it over 1 year ago. If approved, USMCA would create 176,000 new jobs by expanding access to markets and providing much needed certainty for American businesses and farmers. Literally, everyone benefits. Yet here we are still waiting for the House Democrats to bring it up for a vote—a vote that would be broadly bipartisan.

Speaker PELOSI even admitted today that there is no question that USMCA is much better than NAFTA. I am hopeful the House will finally vote on the measure next week before leaving town. This would be a great Christmas gift for American workers, farmers, and businesses.

But it is not just on trade deals. We are now over 2 months into the new Federal fiscal year. Yet Congress still has not approved the annual funding bills for this fiscal year. These bills will actually fund the government. Yet Democrats are stalling and throwing up roadblocks at every turn. They are failing to support our servicemembers, including providing them with the largest pay raise in a decade.

Just recently, I was on the ground in Kuwait and Afghanistan to meet with our U.S. troops, including Iowans of the Des Moines-based 103rd Sustainment Command. These servicemembers are relying on Congress to do their job so that our military men and women can carry out their job of protecting our homeland. As a former company commander in Kuwait, I realize just how vital resources are to our troops.

Let's not forget that Democrats agreed to a framework months ago on all of these bills. Yet they have repeatedly blocked consideration of these bills.

Similarly, the authorization for the Violence Against Women Act—a law that is deeply personal to me—expired a year ago and remains in limbo. For

months, the ranking member of the Judiciary Committee and I worked to develop a bipartisan bill to renew the law, which provides desperately needed resources to prevent domestic and sexual abuse and care for our survivors. We were making real progress, but all of a sudden, Senate Democrats walked away from the progress we made in an apparent attempt to make violence against women an election issue.

Folks, we cannot allow our political differences to keep us from performing our most basic constitutional duties: to provide for the common defense, fund the operations of the Federal Government, and support women and children across this country facing sexual and domestic abuse. I plan on continuing to work with Senator FEINSTEIN without regard to the political winds because we have to stop playing politics with women's lives and our Nation's defense.

At a time when Democrats and Republicans in Washington can't find many areas of agreement, these are all issues on which we should and absolutely can find common ground. I implore my Democratic colleagues to end the obstruction and delay. Work with us to fund the government and support our servicemembers. Pass the USMCA and provide resources for my fellow survivors of domestic and sexual abuse. The American people are counting on us.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mrs. CAPITO. Madam President, I am privileged to be on the floor today with the Senator from Iowa, Ms. ERNST. I am here to join in a chorus of voices to ask this Congress to do better, to do our to-do list, and to do the things people sent us here to do. I am going to highlight some of the critical items Congress still needs to get done. Senator ERNST talked about them very eloquently.

When I am home in West Virginia, people ask me about policies that impact their everyday lives. They ask about healthcare. They ask about the pensions and healthcare for our retired miners. They ask about surprise medical bills. I have certainly received them, and many people in this country every day, 2 or 3 months after an operation or a visit to the hospital, may receive a bill in the mail they had no idea was coming their way.

The high cost of prescription drugs is an issue that hits many of us in our pocketbooks, and particularly for those who suffer from disease or who are elderly, it is a particular strain on their wallets. They ask about national security and caring for our veterans. Here is one everybody complains about, including all of us here—robocalls. Can somebody please stop the onslaught of robocalls?

We have legislation, but we are not getting the action on it that we need. We need better trade deals that will help grow our economy and support our American workers.

Do you know what they are not asking me about? My constituents are not asking me about the latest impeachment headline. They are not asking me about witnesses in front of a House committee or the newest “breaking news” over on the House side. In their minds—it is just a bunch of Washington hoopla to most people.

A few days ago, I ran into some constituents while I was running errands, and they said to me: Just stop this. Stop this. Something similar happened while I was grocery shopping. The butcher said to me: Aren't you just tired of it?

Well, yes, I am.

We have 2 weeks until Congress leaves for Christmas break and 21 days until the end of the month, and we still have so much to do. Our sole focus should be on legislating and making life better for people across the country.

I can tell you, as somebody who has been in this body and in the House for several years, when you rush to judgment and when you rush to legislate, that is when things that you don't know get into bills and things that you want in bills don't get into bills. So rushing into legislating is not the fairest way to do it.

I am pleased that at long last, we are going to pass the National Defense Authorization Act that protects our national security and supports our men and women in uniform. We still need to pass appropriations bills that fund much of our Federal Government. I am the chairman of the Homeland Security Subcommittee, so I very much want to see us enact a bill that will provide critical resources to protect this country.

Homeland Security. Sure, we have Border Patrol, we have the wall, and we have ICE. Do you know what else we have? We have the Coast Guard, TSA, the Secret Service, FEMA—absolutely essential services. This includes funding for our immigration laws and also continuing to fund the work on the border wall system. I want to see us pass all 11 of these bills, as well as provide funding for our troops and our veterans. Funding medical research. I am committed to funding Alzheimer's research, addressing the opioid epidemic, infrastructure, and many other priorities.

I also have a priority that really affects just part of the country but deeply affects those of us in West Virginia. We need to enact the Bipartisan American Miners Act this year. Congress must act to save the healthcare of 13,000 retired miners and protect the pension benefits of about 92,000 people. More than 25,000 retired miners received benefits in West Virginia last year. We have a bipartisan bill to address this critical issue for our mining families and for West Virginia communities. It is critical that we pass this bill before the end of the year because this situation is getting more dire every single day.