

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.

The USMCA—United States-Mexico-Canada trade agreement—has been waiting for action all year, as Senator ERNST said. I am glad to see that Speaker PELOSI is finally moving on this. It is an agreement that will grow our economy and includes robust protections for American workers. We have to get this across the finish line.

I am especially proud of the work we are doing on the Environment and Public Works Committee. We passed a bipartisan 5-year highway bill. It had a unanimous vote, 21 to 0. It would help improve roads, highways, and bridges that Americans count on every day to travel safely, whether they are going to church, going to the job, or going on a family trip. Reauthorization of the Federal Surface Transportation Program is a top priority for the coming year.

We have a lot to do in the coming days, but we also have lots to do in the coming year. I hope we will work together and not practice the past practices of this year. I hope we will work together to get the job done.

I yield back.

The PRESIDING OFFICER. The Senator from Florida.

Mr. SCOTT of Florida. Madam President, I rise to speak today about the things Congress is failing to accomplish while Democrats in the House continue their obsession with impeaching this President to overturn the results of the 2016 election. Let's be clear. That is what is happening here. Democrats lost the election in 2016 and realized they are going to lose again in 2020. They are trying to use the impeachment process to hurt the President.

That is shameful enough, but let's think about what Congress is not doing. Congress is not passing a budget. Congress is not funding our military. Congress is not securing our border. Congress is not lowering the cost of prescription drugs. Congress is not doing the things the American people sent us to Washington to do.

I won't accept that. I have a background in business, and in the real world, if you don't do your job, you don't get paid. It is that simple. If Congress can't accomplish even the most basic tasks—passing a budget and appropriations bills in an orderly fashion—lawmakers shouldn't get a paycheck, period.

The current system is broken. No one takes responsibility, and there are no consequences. That should change. That is why we need to pass my No Budget, No Pay proposal now. Withholding paychecks from Members of Congress who fail to pass the budget will help prevent government shutdowns, which hurt the economy and millions of everyday Americans. It is also an important step to promote fiscal responsibility in the face of our staggering national debt, which stands at over \$23 trillion.

No Budget, No Pay is moving through Congress with bipartisan sup-

port. It was approved by the Senate Homeland Security and Governmental Affairs Committee in June, and it is included as part of the Prevent Government Shutdowns Act. We need to pass No Budget, No Pay now to show we are serious about the future of this Nation.

Members of Congress make \$174,000 a year. All we are asking them to do is the most basic function of government—pass the budget. It is not complicated. If you are a Member of Congress, rich or poor, and you don't believe Congress can or should pass a budget every year, then go home. There are lots of other competent people who can have your job. When the American people don't do their job, there are consequences.

It is time we make Washington just a little bit more like the real world, so I ask all my colleagues to join with me to pass No Budget, No Pay.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. CASSIDY). Without objection, it is so ordered.

NOMINATION OF LAWRENCE VANDYKE

Mr. BLUMENTHAL. Mr. President, in the midst of all of the historic and profoundly significant events happening these days in Congress, there may be a temptation to overlook some of the judicial nominations that are coming to the floor of the Senate, some of them almost a caricature of the unqualified nominees that we have seen all too often. One is before us today, Lawrence VanDyke, who has been nominated to the Ninth Circuit.

Over the past 3 years, we have watched the Trump administration march ceaselessly to degrade the judiciary. Yet, even in having witnessed this travesty firsthand, I find Mr. VanDyke's nomination truly astonishing and alarming. Once again, we are faced with a nominee who lacks the support of his home State Senators, who is not even from the State for which this seat is designated, and who was rated "not qualified" by the American Bar Association. That is a pretty tough set of qualifications—or lack of them—to match, but Lawrence VanDyke has done it.

These departures from bedrock principles that once guided the exercise of the Senate's constitutional duty to advise and consent should disturb all of us, but even more disturbing is Mr. VanDyke's record as an unrelenting ideologue who has spent his entire legal career promoting an extreme political agenda. Unfortunately, that is exactly what we can expect of him if he is confirmed to the Ninth Circuit Court of Appeals. That ideological, rightwing, extremist image and record are exactly why he has been nominated by the President, who has outsourced many of

these decisions about nominations to the far-right groups that he feels, evidently, he has to follow.

Mr. VanDyke has already made it abundantly clear how he will rule on gun violence prevention issues. In an NRA questionnaire that he completed when he ran for the Montana Supreme Court in 2014, Mr. VanDyke stated that he would not support any legislation that would regulate firearms and ammunition; any restrictions on the possession, ownership, purchase, sale, or transfer of semiautomatic firearms; or legislation mandating the use of locking devices and safe storage procedures.

There are currently bills before Congress that would do each of these things. I should know, for I sponsored them. None of these proposals—none—would get a fair hearing in Mr. VanDyke's court. That predilection never disavowed, never refuted, never denied should be disqualifying.

Worse still, in the same questionnaire, Mr. VanDyke stated that the only reason he was not currently a member of the NRA was that he didn't "want to risk recusal if a lawsuit came before me where the NRA was involved." In other words, he would join the NRA; he supports the NRA; he feels like he should be a member of the NRA; and he wants to rule in favor of the NRA, but he might have to recuse himself if he were to join the NRA. That statement alone should be disqualifying.

Remember, we are talking about a life-tenured position on the Federal judiciary, not just for a few years. This is not an elected position on a State court. This is a Federal nomination to the second highest, appellate-level court in the United States, second only to the U.S. Supreme Court.

Mr. VanDyke's hostility to common-sense gun violence prevention also led him to challenge a law passed by the voters of a State he was charged with serving. In 2016—now we are talking about Nevada, not Montana—the voters of Nevada approved a ballot measure to expand background checks to cover the private sale of firearms. This closed a critical loophole in that State's laws. I have repeatedly emphasized that we must address this loophole at the Federal level. Nevada addressed it at the State level, but Mr. VanDyke, who was at the time that State's solicitor general, took the very unusual step of working to undermine the voter-approved law.

Meanwhile, when he worked for the Montana attorney general, he was all too happy to defend an extreme and poorly drafted State law that sought to exempt from all Federal regulation the firearms and ammunition that were made in Montana. Don't take my word for it, as Yogi Berra said. You can look it up. Mr. VanDyke himself stated in an email to the Federalist Society that this statute was "ill-advised" and that he could not come up with "any plausible (much less good arguments)" to