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 support. 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 commonsense 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

defend that State's law. That didn't stop Mr. VanDyke from defending the law nor did it stop the Federalist Society from providing him with the help he had requested in contriving arguments and concocting ill-founded claims to support the law.

When Mr. VanDyke wants a particular outcome but can't figure it out himself or he can't find the legal path to it, he turns to the Federalist Society for answers. There is no great mystery here about how he will act when he is faced with similar situations if he is confirmed as a judge for the Federal Court of Appeals for the Ninth Circuit.

Unfortunately, Mr. VanDyke's promotion of the NRA's extreme positions is far from the only plank of his far-right agenda. He has made many statements that are hostile to LGBTQ rights, including questioning the ability of gay parents to raise children and suggesting that protecting LGBTQ rights is an affront to religious liberty. He has fought tirelessly to uphold State bans on gay marriage, and he has fought to allow discrimination against LGBTQ people in public accommodations. His open hostility to LGBTQ people was one of the main reasons the ABA rated him ''not qualified.'' Not only is it clear how he would rule on issues relating to those rights, but the ABA was not even confident that he could treat LGBTQ litigants fairly regardless of the issue before him. That is disqualifying.

Mr. VanDyke is also an ideologue on reproductive rights issues. His adherence to his extremist positions against women's healthcare and reproductive rights has blinded him to the need about these rights. In 2013, he signed an amicus brief that stated: ''A growing body of scientific literature shows that a fetus can suffer physical pain at 20-weeks' gestation.'' That view was rejected emphatically by the American College of Obstetricians and Gynecologists, which felt compelled to put out a statement that laid this dangerous ''fetal pain'' myth to rest.

Whether he cannot tell the difference between fact and fiction or simply feels comfortable misleading the court, this kind of behavior is disturbing for a Federal judicial nominee. Ordinarily, this kind of indifference to the truth would be disqualifying for a Federal nominee. Ordinarily, blind adherence to ideology would be disqualifying for any nominee to an important position of trust and respect. Ordinarily, the fact that a nominee is unqualified would be disqualifying itself. Yet, for Mr. Trump, these are not disqualifying flaws. They are, in fact, the reasons for his nomination.

So let's send the White House a message that we will insist on qualified nominees. They may have views that are different from ours, but they should be qualified to hold these lifetime positions of trust on our Nation's highest courts. I hope that we will reject Mr. VanDyke's nomination.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. MURPHY. Mr. President, I join my colleague from Connecticut, Senator BLUMENTHAL, and others in urging my colleagues to oppose the nomination of Lawrence VanDyke.

I may risk repeating some of the ground that has been covered by Senator BLUMENTHAL, but I think it is important enough that we reiterate over and over the dangerous nature of this particular nomination.

I have come down to speak on the floor in opposition to maybe only a handful of the President's judicial nominees. In fact, if you look up the voting record, I probably am amongst a very small handful of Democrats who have routinely voted for the President's nominees—not just judicial nominees but also his appointments to positions in his administration.

Often in committee, I am the only Democrat supporting some of the President's nominees and appointments, and that is because I have come to the conclusion that this body should give deference to the administration and to the President when it comes particularly to filling the positions of those who work for him in political appointments but to a degree as well in the judiciary.

So I put my votes where my test is, and probably with only two or three exceptions in the Democratic caucus, I have voted for more of the President's nominees than the rest of my colleagues on this side of the aisle. My test is pretty simple. One, I want individuals who are qualified. Obviously qualifications are sometimes in the eye of the beholder, but I want folks who know something about the job they are about to undertake or have some set of skills that will be relevant. Second, I want to make sure the candidates we are reviewing for judgeships or administration posts are not out of the mainstream—I mean the conservative mainstream. I don't want folks who have radical points of view.

Mr. VanDyke doesn't pass that test as far as I am concerned, and that is why I chose to come down to the floor and express my opposition to his nomination. In particular, I do not believe Mr. VanDyke is within the mainstream when it comes to his positions on the issue of gun violence.

Obviously this is a personal issue not just to me but to everybody in this Chamber, and we have a lot of disagreement—maybe a narrowing set of disagreements on the policy surrounding what we should do to better protect this country against the growing scourge of gun violence. But Mr. VanDyke has held a position that would take away from this body the ability to keep our friends and our neighbors and our constituents safe. Mr. VanDyke's record as a candidate for the supreme court and as solicitor general was to endorse views outside of the mainstream that would take away from us the ability to pass laws to keep people safe. Let me tell you what I am talking about.

First and foremost, he was a vocal proponent of something called the Firearms Freedom Act. As solicitor general of Montana, he argued that the Federal Government should not have the power to regulate gun ownership in his State of Montana.

This is a political cause that is picking up steam in some conservative circles around the country, but it is still a radical notion, the idea that the Congress can pass a law restricting who can own a gun or what kinds of guns can be owned and that a State can just claim those laws are not valid in that State. That is what Montana was attempting to do, and that is what Mr. VanDyke was pushing—the idea that that State was just going to conveniently avoid enforcing Federal firearms acts and laws.

That position is unconstitutional, and Federal courts have held that it is unconstitutional, but that didn't stop Mr. VanDyke from pushing what is essentially a political cause—the idea that one of the ways to stymie Federal action on guns is to just convince States to pass laws saying they won't enforce Federal laws. That is a very slippery slope to go down—certainly on the issue of enforcement of firearms laws, but it is a slippery slope to go down with respect to any Federal laws that States may want to ignore or invalidate.

Second, Mr. VanDyke has taken a position opposing the constitutionality of restrictions on the sales of certain types of weapons.

We have big disagreements here as to which kinds of weapons should be sold commercially and which kinds of weapons should be reserved for law enforcement and the military. I believe that semiautomatic, assault-style weapons like the AR–15 are best left in the hands of those they were designed for—soldiers and law enforcement. Many of my Republican colleagues don't agree. But that should be a debate we have here, and I simply do not believe our Founding Fathers would accept the premise that the Constitution restricts our ability to decide what kinds of weapons should be in civilian hands and what kinds of weapons should be in the hands of the military. There was all sorts of gun regulation happening at the time of the passage of the U.S. Constitution. They were not unfamiliar with the idea that government was going to have a hand to play in regulating firearms, and I reject the idea that the Constitution bars us from having those debates.

Mr. VanDyke has spent a lot of time arguing that the Constitution prohibits Congress from acting to keep dangerous weapons out of the hands of civilians. It is one thing to have a policy objection; it is another thing to put somebody into the Federal court system who doesn't think we should have ownership as a political body of a question that is inherently political, not constitutional.

I come to the floor to point out just a handful of ways in which Mr. VanDyke's record, I believe, is outside of the conservative mainstream when it comes to guns. I think he holds positions that would make even NRA-endorsed Republicans in this body a little uncomfortable, especially this idea that States can nullify Federal firearms laws.

Although I think there are many reasons to draw issue with this particular nominee, I put this set of issues at the top of the list. Again, this is coming from someone who has spent a lot of time supporting the President's nominees with whom I have big policy disagreements. I think this is beyond a question of policy disagreements. This is someone who is going to bring some pretty radical ideas on what the Constitution allows States to do and what the Constitution allows this body to do when it comes to keeping our constituents safe.

I would urge us to oppose Lawrence VanDyke's nomination.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

(The remarks of Mr. LANKFORD pertaining to the introduction of S. 3009 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. LANKFORD. I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, let me begin by commending our friend from Oklahoma for his patience. It takes a lot of patience to get things done around here. It also takes a lot of perseverance. Sometimes I think that if you can't convince people, maybe you can just wear down their resistance over time. But this is an idea whose time has come, and I congratulate our friend from Oklahoma and Senator HASSAN and would love to join them in supporting their effort. Thank you.

IMPEACHMENT

Mr. President, as you heard from the Senator from Oklahoma, this has been another wild week in Washington, DC. It looks like the House is working to remove the President of the United States and that their work is nearing the finish line.

This morning, the House Democrats unveiled articles of impeachment, and it looks like the Judiciary Committee is headed for a vote later this week. I assume that means it will come to the floor of the House next week before they leave.

On top of that, this morning, Speaker PELOSI announced that House Democrats and the Trump administration had reached an agreement on the USMCA—the United States-Mexico-Canada trade agreement—which would be the successor to NAFTA.

In my State, NAFTA is not a dirty word, and indeed, I believe, by the Chamber of Commerce figures, which indicate that NAFTA and trades between Mexico, United States, and Canada supports about 13 million jobs in the United States alone, and the USMCA will improve that NAFTA trade agreement, create more jobs and more prosperity. I will be looking to see what this looks like in writing.

We had Ambassador Lighthizer, the Trade Representative, on the conference call this morning trying to go through some of the top lines, but I am still reviewing the details of this agreement to ensure that it is in the best interest of my constituents, Texas farmers and ranchers, manufacturers, and consumers.

GOVERNMENT FUNDING

Mr. President, as you heard from the Senator from Oklahoma, we are just 10 days away from a complete government shutdown unless we reach some sort of agreement on spending bills. We thought we had taken care of this last August when Democrats and Republican Senators and House Members agreed to a top line of spending, but unfortunately, after the August recess, our Democratic colleagues walked that back and led us now up to the precipice of, yes, another government shutdown.

RUSSIA INVESTIGATION

Mr. President, on top of all of this, the Justice Department Inspector General, Michael Horowitz, yesterday released his report on the counterintelligence investigation of the Trumbull campaign and any potential contacts with Russia.

We know Director Mueller, Special Counsel, has concluded after about 2 years that there was no collusion, no obstruction, but this was an investigation of something called Crossfire Hurricane, which is a counterintelligence investigation by the FBI that ultimately led to the appointment of the special counsel.

I want to talk a little bit in advance of Inspector Horowitz's appearance before the Judiciary Committee tomorrow because it is very, very important. We may recall that this process started about a year and a half ago after speculation over the motivation and the methods of the FBI in opening up an investigation on President Trump when he was still Candidate Trump. The 2016 election was historic in many ways, but one of the ways in which it was historic in not a positive way was the fact that both Presidential candidates were under active FBI investigations leading up to the election—Hillary Clinton, for her use of a private email server.

We saw the press conference held by Director Comey on July 5, I believe it was, only to reopen the investigation publicly days before the election. You can imagine how Secretary Clinton felt about Director Comey's actions and what potential influence it had on the outcome of the election, but now, depending on which TV channel you watch or what sort of social media feed that you subscribe to, there are vastly different narratives about what this inspector general report that spans 400-plus pages does or does not prove. But when you take away all the spin, there are some key findings in this report that should be of grave concern to every American—Republicans, Democrats, unaffiliated. If you are an American citizen and you care about civil liberties, you should care about what is in this report.

First of all, there are errors and inaccuracies in something called a foreign intelligence surveillance warrant. People may not realize it, but the intelligence community cannot open up an investigation on an American citizen unless they get a warrant issued by a judge upon the showing of probable cause to believe that a crime has been committed.

Now, the law is different when it comes to non-citizens overseas, and that is what the Foreign Intelligence Surveillance Act purports to cover, the procedures and the protocol and the oversight of that very delicate yet very important process.

One of the things that gives me assurance that our intelligence community is operating within its guidelines and the law is the oversight that Congress provides on a regular basis. It is the laws we pass, like the Foreign Intelligence Surveillance Act. It is the work being done by the committees, the Select Committee on Intelligence.

I see Senator WYDEN from Oregon who serves and served with distinction on that committee for a long time, but those intelligence committees, both in the House and the Senate, provide essential oversight of our intelligence agencies to make sure they stay within the hashmarks, to stay within the guardrails that Congress prescribes under the law.

Then there are the internal rules used at the FBI, the National Security Agency, the Central Intelligence Agency, that they have to comply with, their own internal guidelines derived from the authorities Congress provides. Then there is a very important court called the Foreign Intelligence Surveillance Court. When the FBI believes they have to open an investigation into a potential intelligence matter, they can apply for a foreign intelligence surveillance warrant, which opens up authorities they can use to gather intelligence to investigate this threat to national security of the United States, but it is a very laborious and detailed process.

They have to apply to the court, and the court relies on the representations made in that application. That is why you have heard so much discussion in recent months and even years about the foreign intelligence surveillance application issued on some of the people affiliated with the Trump campaign, including a man named Carter Page. These documents are submitted to a Federal court to determine whether the government should have access to what would otherwise be private communications.

In this instance, the question was: Was there any indication Mr. Page was