

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 Can-

ada 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

an agent of a foreign power and improperly using his relationship with the Russian Government and the Russian intelligence services to become a threat to the national security of the United States?

I would think we would all agree, as a fundamental matter, that spying on an American citizen is no small thing, but that is what we are talking about here. There are strong and exhaustive processes in place to prevent the government from abusing the powers provided under the Foreign Intelligence Surveillance Act, and that supports where the Foreign Intelligence Surveillance Court comes into play.

This court, like most courts, relies on the honesty and the accuracy and the completeness of the information provided to do its job properly, but we know in the case of the Carter Page application, there were a multitude of errors. In fact, the inspector general has identified 17 errors in the four different applications for a warrant under the Foreign Intelligence Surveillance Act.

One of them jumps out at me because it involves a lawyer in the general counsel's office at the FBI altering a government record and intentionally deceiving the FISA court about Carter Page's involvement with the intelligence community—in this case another member of the intelligence community, a Federal agency. But this lawyer with the FBI Office of General Counsel intentionally altered that record so that, in the application for the FISA warrant, the FBI would literally be relying and deceiving the FISA court about the facts. That is a grave and serious and profound problem.

We know there are a number of other errors. That is hardly an error. That is an intentional act for which I understand the gentleman who made that doctored email has now been referred for a criminal investigation and perhaps prosecution for intentionally violating the FBI's policy and providing a deceptive piece of information to the FISA court.

Willingly, I know Mr. Horowitz is going to be asked about political bias, and he says there is no documentary or testamentary indication of political bias, but I think what this report demonstrates is something a lot more serious than political bias. It demonstrates an abuse of power that ought to concern every American citizen because, if these rogue agents at the FBI—primarily the leadership of the FBI—can do this to a Presidential candidate, Donald Trump, or the President of the United States, they can do it to any one of us. What sort of power would we have if the might of the Federal Government was concentrated in a raid against us in this sort of investigation? That is why we must take these sorts of failures and intentional deceptions very, very seriously.

Well, to make matters worse, we know this application relied on the deeply flawed Steele dossier. Well, the

Steele dossier was a piece of opposition research produced by the Hillary Clinton campaign against Donald Trump. What they did is they hired a former intelligence agent from the United Kingdom, Mr. Steele, to generate what has now been called a dossier. I want to remind my colleagues that, when Attorney General Barr testified before the Judiciary Committee earlier this year, I asked him if he could state with confidence that the Steele dossier was not a part of a Russian disinformation campaign, and the Attorney General said, no, he could not make that statement with confidence.

He told the committee that this is one of the areas he was reviewing as part of his investigation, but he said, "I don't think it's entirely speculative."

The inspector general touched on this in his report but noted that an investigation of this dossier falls outside the scope of the inspector general's oversight role. His job is primarily to do oversight of the FBI and the Department of Justice and not to investigate these outside matters. But we need to know with confidence whether this Steele dossier was part of a Russian disinformation campaign. We are all profoundly concerned about foreign countries becoming involved in our elections, and there was no more intrusive means of getting involved in the 2016 election than the generation of this dossier. We need to know its provenance. We need to know whether this was planted by our adversaries in order to create distension and discord, which has been obviously the result of this investigation for the last 3 years. So I hope Attorney General Barr or U.S. Attorney John Durham will be able to provide clarity on this topic.

This is especially important considering we learned from this 400-page-plus report that the dossier played a central and essential role in the FISA process. As time went on, a new and even exculpatory or innocent information was discovered. We know that the information provided by the FBI in these renewal applications for this FISA warrant were not correct.

Well, the inspector general failed to resolve whether the FISA was improperly issued, but the report suggested the FISA board is considering this question, as well it should. I have never sat on a FISA court, but I have spent 13 years as a State court judge. When you lie to a judge, that judge takes it seriously, and they have contempt powers and other recourse when that happens. So it is essential that the FISA court weigh in.

Let me say once again, no American should be subjected to this kind of abuse of power by their own government. That is why we need to restore the public confidence in the FBI. I believe Director Chris Wray has begun that process and make sure that these types of egregious errors and intentional acts do not become the norm.

Director Wray sent a letter to the Department of Justice's Office of In-

spector General, detailing actions his agency will take to strengthen the FISA processes and make these documents less susceptible to errors or intentional alterations. I appreciate the Director's acknowledgement of these problems under the agency's previous leadership and his commitment to preventing similar errors and alterations.

That brings me to another concern. This has to do with something called the defensive briefings. This is something that Loretta Lynch, the former Attorney General, said was routine in counterintelligence matters. Let me explain for a minute.

The FBI provides many different functions. We are most familiar with its law enforcement investigation function. They investigate potential crimes and present that to the Department of Justice, which then decides whether to charge a person with a crime. That is one of the most important roles the FBI plays. But it also plays a very important role when it comes to counterintelligence; that is, countering the malign activities of foreign nations like Russia and China and the threats they pose to our national security.

What Loretta Lynch told us is that these defensive briefings are fairly standard. It is an opportunity for the FBI to advise the target of these threats by a foreign influence so that they can take steps to protect themselves. We know that both candidates, Hillary Clinton and Donald Trump, received something called the defensive briefings in August of 2015.

The defensive briefing for the Trump campaign lasted 13 minutes, according to this report. It was a check-the-box, perfunctory defensive briefing. I am confident the FBI did not come in to tell President Trump, then-Candidate Trump: The Russians are checking the doors and the windows, and they are trying to break into your campaign. You need to tell these people who are affiliated with your campaign to keep their eyes open and to knock off their association with these likely Russian intelligence officers.

At the time, the FBI believed the Russians were infiltrating the Trump campaign. The FBI should have told them, but they didn't. So this is different from a criminal investigation, as I said.

The FBI was presented with a couple of options when it came to advising the Trump campaign. One was to provide as much information as possible so that they could have given a real, constructive briefing about known threats and sufficient information to help the Trump campaign mitigate the threat. But that is not what the FBI did.

Option two was to provide a generic briefing—no specifics, no names, no real details, just a generic warning that foreign governments are actively working to interfere with the election and maybe a little lecture about cyber hygiene and why you should change your passwords, maybe get dual authentication when it comes to accessing websites and email, and not to

click on those phishing emails that we all get from time to time that could unload a Trojan horse or some other malware onto your computer. But that is not what FBI did here either.

Somehow, the FBI managed to come up with a third option, as documented in this report. They used this briefing not as a way to alert the Trump campaign of potential threats from Russian intelligence services; they used it as an opportunity to conduct an investigation against General Flynn, who worked on President Trump's campaign. They were even so bold as to insert one of those investigatory agents—part of the Crossfire Hurricane investigative team—into that briefing with President Trump and his campaign.

Knowing that the FBI did that in this case, I can't imagine many campaigns that would want a defensive briefing because you, frankly, couldn't trust the intentions of these officials. Would you believe that they were there to share intelligence and help you protect American national security or conduct an investigation, unbeknownst to you?

When we talk about the need to secure our elections from foreign interference, you can't, in the process, destroy public confidence in all of our institutions, including the FBI.

I want to be clear. I am glad Director Wray addressed these defensive briefings yesterday, among other matters. I have confidence in Director Wray, and I think a new leadership in the FBI since all of this terrible period occurred has been encouraging.

Director Wray has clarified what his predecessors clearly missed, saying: "The FBI's role in these briefings should be for national security purposes and not for investigative purposes."

This report has left me with a number of questions and a lot of concerns, and I am glad we will have the opportunity to ask Inspector General Horowitz more about this report tomorrow in the Judiciary Committee.

It is important that we get to the bottom of concerted efforts to deceive the Foreign Intelligence Surveillance Court and the use of salacious and unverified materials in order to justify the issuance of these very sensitive FISA warrants.

I believe some of the actions the inspector general has identified undermine public confidence in our public safety and national security measures, and that is something we should all be willing to fight for.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

#### HEALTHCARE

Mr. WYDEN. Mr. President, when the Trump administration comes to an end, it is going to leave behind a host of sad and, I would consider, shameful legacies, and right near the top of the list will be the shocking number of children who have lost healthcare coverage under this administration.

I am sure folks can't really see the specific numbers here, but this trend line is what is important, taking figures from the Census Department—people who are not political; they are not Democrats or Republicans. What this chart, based on census data shows, is that, for year after year after year, we saw the number of uninsured kids in America go down. That is something I think was important for our country. It said a lot about our values, and it certainly said a lot about our healthcare system.

Sure, we are going to spend more than \$3.5 trillion on healthcare. If you were to divide that up into 320 million Americans, you can send every family of four a check for \$40,000. So we are spending enough on healthcare, but we are not spending it in the right places.

In particular, I wanted to come to the floor—and I am glad to see my friend, the Presiding Officer, who has worked with me on a variety of healthcare issues; we have some areas we are going to be talking about in the days ahead. To me, one of the areas of healthcare, until recently, we could all take pride in was this chart, which nobody could really see, but it showed this trend line in which the number of uninsured kids was going down.

Unfortunately, in the Trump administration, that trend line of years and years and years of more kids getting healthcare coverage has been reversed, and now more kids are uninsured.

How did the Trump people do it? They are not going to stand up in front of a government agency and say: Oh, we just don't like kids. But what they did is hurt those kids and their parents by keeping them in the dark for years while there were efforts, bipartisan ones—my friend, who joined the Finance Committee recently, knows that our previous chairman, Senator Hatch, worked with me for a record-setting extension for the Children's Health Insurance Program. The efforts to expand coverage for kids were all bipartisan—always—going back, really, for decades now, particularly on the Finance Committee.

I think of the late Senator John Chafee and the late Senator John Heinz—people whom I admire so much—and they always wanted to find common ground, Democrats and Republicans, working for children. But now the Trump administration, in the dark, has come up with proposals that have made it harder for parents to sign up their kids, harder for them to stay enrolled, and harder for these families—parents with young kids—to even know about their rights, their rights to healthcare.

So now, as a result of the Trump administration's reversing this trend of years and years of expanded coverage for kids, we have hundreds of thousands of parents clinging to the hope that their kids don't get hurt on the playground, catch flu in the classroom, or worse.

We know that this falls hardest on the families walking an economic

tightrope. Every month they are balancing their food against their fuel bill, their fuel bill against their healthcare. One injury, one illness, could be financially devastating for these kids and their families, and it can be a major setback for kids for years, if not for the rest of their lives. How is a sick kid supposed to succeed in school and get ahead if they are unable to see a doctor when they have serious illnesses?

I have mentioned that I know the two sides—this side of the aisle and that side of the aisle—can work together to find common ground on children's healthcare.

At the end of his service, Chairman Hatch—who, as my colleague the distinguished Presiding Officer knows, cared greatly about kids; he was very involved with the late Senator Ted Kennedy and others in coming up with the children's health plan—said: We want to set a record. We want to get a 10-year extension of the Children's Health Insurance Program.

We managed to do it. But if you cut the services for people to find out how to get enrolled, stay enrolled, and if there are changes in programs, those changes in policy, which took place when the Trump administration came to Washington, rippled through very quickly to communities across the country where vulnerable Americans depend on getting good quality healthcare. I just think it is unconscionable.

As I mentioned earlier in my remarks, for a country with the resources America has, you wouldn't step in if you saw this trend of progress—fewer uninsured kids—suddenly be reversed. And it really happened very quickly. When the Trump administration took over, you would say: Hey, let's get Democrats and Republicans together, pull out all the stops to fix it, and get the trend line going in the right direction again with more kids getting healthcare coverage. We would have had to take on the Trump administration here in the Congress. We would have had to take on all of those programs in which the Trump administration made it harder for kids to get enrolled and to stay enrolled, but it would have been the right thing. It would have been the right thing for Democrats and Republicans in the Congress to step in and take on the Trump administration and say: Look, we understand there can be debates and differences of opinion, but you don't score points by attacking the services for children available under the Affordable Care Act.

I am going to keep working to reverse this crisis. My colleagues have been coming from this side of the aisle all through the day to talk about this scourge: the reversal of the trend in this country with respect to healthcare coverage. We used to be expanding it for kids. Now it is going the other way. The amount of coverage is being reduced.