

Party. Consider that the U.S. Army has barred soldiers from using TikTok. Everybody needs to understand this. The U.S. Army has said: You cannot use TikTok. This very body has expressed our concerns on a bipartisan basis with the platform's censorship and data handling practices.

It is no wonder that TikTok's chief executive officer canceled this week's scheduled meetings here in DC with Members of this body. The fact that millions of Americans, especially our American children, continue to offer their personal data to TikTok is beyond disturbing, but we will not be able to roll back the creeping surveillance state without setting our own standards for what is acceptable from both foreign and domestic companies.

When I introduced the BROWSER Act earlier this year, I did so not only to give Big Tech solid guidelines regarding data privacy and content but to set a new standard for what consumers expect from Big Tech. Our problem here in this country is pretty much one of awareness and of understanding that the exact same philosophy drives China's surveillance programs and their less obvious but much more personal individual monitoring schemes—their surveillance state scheme.

China's Communist Party is after more than just ad revenue and more complete data sets. Their goal, as those Hong Kong protesters put it, is to trick other countries in becoming more like China, which is not tilting toward freedom but tilting away from freedom.

My goal with the BROWSER Act and with my focus on what has become the surveillance state is to do the exact opposite—to enable freedom, to encourage freedom, not only here but around the globe—and to make certain that consumers here decide how much of their data they want to be able to share. We must make certain that we continue to support the cause of freedom wherever human beings show up to protect the freedoms they have.

I yield the floor.

#### RECOGNITION OF MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Democratic leader is recognized.

#### JERSEY CITY SHOOTING

Mr. SCHUMER. Madam President, I learned yesterday that two of the innocent victims in the shooting in Jersey City earlier this week are from my hometown, my home borough, the great borough of Brooklyn—Moshe Deutsch and Mindy Ferencz—and that the kosher deli where they were all killed in all likelihood was targeted as part of a hate crime.

This morning, I stand in solidarity with the Jewish communities of New Jersey and New York as they confront the anti-Semitic poison that motivated that horrible attack, and I stand in sorrow at the loss of innocent lives from my community. May their memory be a blessing.

I also salute the great police officer, as well, who fell in the line of duty trying to apprehend these brutal thugs.

#### IMPEACHMENT

Mr. SCHUMER. Madam President, on impeachment, the House Judiciary Committee will continue today its markup of Articles of Impeachment against Donald Trump.

The articles charge that President Trump abused the Office of the Presidency by soliciting the interference of a foreign power in our elections to benefit himself personally. The articles also charge him with obstruction of justice in the investigation into those matters.

Those articles were drafted after a months-long investigation into the President's dealings with Ukraine, which included scores of fact witnesses and expert testimony. Throughout that time, and still today, the White House refuses to participate in the House process. It has blocked key witnesses. It has withheld relevant documents. It has instructed members of the administration to defy congressional subpoenas and not to testify. Those that did testify did so bravely against the wishes of the White House.

What is the President hiding? What do these witnesses know? What do these documents show?

Those are fair questions that every American could ask and, because neither the President nor Republican Congress Members have presented any refutation of the facts in the impeachment charges or any exculpatory evidence other than grand conspiracy theories, the American people have a right to say the President must be hiding something.

If there are documents or witnesses the President believes could provide exculpatory evidence, nothing is stopping the witnesses from testifying and the documents from being sent over, except the President of the United States, who in all likelihood is afraid of what they show because they confirm and corroborate the lengthy factual basis that the House compiled to come up with the Articles of Impeachment. The fact that President Trump is blocking witnesses from testifying and blocking documents from release means that, more likely than not, those witnesses and documents do not and cannot refute the charges against the President.

When someone who might be guilty of a crime says he doesn't want witnesses of the crime to come forward, what do you think that means?

Why haven't the President and his allies presented exculpatory evidence—evidence that says this is not true? Why, instead, have they created these bobbles, these objects far away, saying: There is a conspiracy here. There is a conspiracy there.

It is the old lawyer saying: When you have the facts, argue the facts. When you have the law, argue the law. When you have neither, pound the table.

In this case, pounding the table means coming up with diversionary conspiratorial theories.

House Republicans, rather than mount a vigorous defense of the President on the merits, have attacked the process. If House Republicans could focus on the merits, could find evidence that said: No, this is not true; that is not true; he did not try to influence Ukraine to help his campaign, they would have presented it.

Why has no evidence been presented directly refuting the core of the charge against the President? Because there probably isn't any.

In the Senate we have several Members who are swimming in the murky waters of conspiracy to divert attention from the fact that they don't have the facts and the law on their side. The only way they can defend the President's comments is to come up with crazy, out-of-line conspiracy theories that are not based on any evidence.

Some Senate Republicans find it so difficult to argue the President's defense on the facts that they resort to fiction. For instance, in the past few weeks, certain Republicans have actually helped spread disinformation invented by Putin's intelligence services. He said that Ukraine, not Russia, interfered in the election. No one believes it. There is no factual basis of it. Of course, Putin would say he wants to divert attention from Russia, but it is amazing that Senators would traffic in those theories, totally made up, not one bit of fact. It is a low moment for the Senate when their blind obeisance to President Trump overshadows any need to find truth and to defend rule of law. That is not what a democracy is about. That is the edges of dictatorship.

Chairman GRAHAM conducted an entire hearing yesterday to give public viewing to the now completely debunked conspiracy theory that the FBI investigation into the Trump campaign began with political motives. Inspector General Horowitz, to his credit, stuck to the findings in the report. He found no evidence of bias. So Senator GRAHAM, as he tends to do these days, put on a big show, a lot of ranting, a lot of raving—no refutation of the fact of what the IG found.

So it is just like Ukraine where certain Members are so unable to defend what the President did with Ukraine, they latch on to Russian propaganda, or they come up with these histrionics, again, to try to divert attention, a shiny object to take the American people's attention away from the wrongdoing that the House is accusing him of. In fact, the deputy counsel of the FBI actually said that the department "would be derelict in its responsibility" if it did not open an investigation into Trump. She is not a political person. She is a law enforcement officer.

If you think President Trump is above the law, go right ahead, but that is not what George Washington or Benjamin Franklin or Thompson Jefferson

or Alexander Hamilton thought this Nation was about; that is not what generations of Americans who fought and died for our country thought it was about. We have reached a low moment in American history and a very low moment for the Republican Party now that it has been taken over by Donald Trump. This is not the Republican Party of the last 150 years.

All of this is a backdrop to the impending trial of President Trump, where two lines of argument may be presented in a court of impeachment. One line of argument—accusations against the President—has relied on facts, public record, and the sworn testimony of dozens of officials with knowledge of the events. The other line of argument—the defense of the President—has so far relied on conspiracy, innuendo, hyperventilation about the process, with no refutation of the specific facts that the House has found.

The American people will be savvy enough over the next several months to tell the difference.

#### TAX REFORM

Madam President, now, on taxes, this month marks 2 years since President Trump and the congressional Republicans passed a trillion-dollar tax cut for large corporations and the richest Americans. Republicans make many promises to sell this legislation as a boom for jobs and middle class. They were outlandish at the time, and now, recent history has proven them even crazier. Two years later, these phony promises have not come close to living up to their billing.

President Trump promised the tax bill would benefit middle-class America, creating a \$4,000 raise for every American family. No way. Ask the average American family. The rich Americans will say yes. The top 1 percent will say yes, but, of course, they received a tax cut 64 times the size of the one given to the middle class. President Trump and Republicans promised the bill would prompt businesses to increase investments into their companies, leading to job growth and higher wages. This, too, has proved a fantasy. Less than 5 percent of all workers in America were ultimately promised pay increases or bonuses as a result of the tax cut.

Out of 5.9 million employers, only 413 announced bonuses to workers or wage hikes. Do you want to know where the lion's share of that Republican tax cut went? Shareholders, not workers. In the 2 years since the tax bill, the annual total of corporate stock buybacks have shattered records over \$1 trillion in 2018.

It is impossible to look at the last 2 years with a straight face and say that the Republican tax cut was designed or is helping middle-class families. If anything, the Republican tax bill exacerbated the already staggering inequalities of work and wealth in our country. We need to start moving the needle in a completely opposite direction. Next year, voters will have a chance to

make that happen by voting for a change in the Senate leadership.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### NOMINATION OF LAWRENCE VANDYKE

Mr. DURBIN. Madam President, the Republican majority leader was on the floor a little earlier, and he talked about the business of the Senate and how busy we are in the Senate. I would like to state for the record, so far in the calendar year 2019, on the floor of this U.S. Senate, where the greatest deliberative body meets and considers the lofty issues of our time, in the year 2019—currently this year—we have considered 22 amendments in the entire year—22 amendments.

Madam President, six of them were offered by the junior Senator from Kentucky. One Senator had six amendments: Senator RAND PAUL. They were all defeated. Then some 16 other amendments were offered.

To put that into perspective, on a good day in the Senate, when the Senate was the Senate, there would be 10 amendments; bills would come to the floor; we would debate; amendments would be adopted. Some would lose. People would give speeches. We would pass legislation, send it over to the House, go to a conference. We don't do that anymore.

Under Senator MCCONNELL, the Republican leader of the Senate, we do not do that anymore. There were 22 amendments in the course of the entire year. If we were paid for the actual piecemeal that we do, we would not get a paycheck this year because we haven't done anything.

I will take that back. What we have done is to fill as many Federal court vacancies as possible with some of the most unqualified people ever offered by a President of the United States. This week, a man named VanDyke is being named to the court in Nevada. He has such a limited connection with Nevada that both Nevada Senators refuse to approve him for this court appointment. He has no connection to their State, but he was chosen by the White House.

He went through a background check by the American Bar Association, and they concluded unanimously that he was unqualified to be a Federal judge—unqualified. He is not the first. Under this President, we have had nine different court nominees found unqualified by the American Bar Association. You say, Well, that is going to happen, lawyers disagree.

Do you know how many were found unqualified under the Obama administration in 8 years? None, not one.

There are nine unqualified men and women now with lifetime appointments on the Federal bench because, for Senator MCCONNELL, that is his priority: Fill the bench with people of his political stripe at any cost.

Take up legislation? No. The Democratically-controlled House of Representatives has sent us over 200 different measures to consider on the floor of the Senate. Senator MCCONNELL has refused. He will not take up any legislation. He is very proud of it. To his credit, he is not ashamed or embarrassed. He says to call himself the Grim Reaper when it comes to measures coming over from the House. He is here to kill them, and he has done a pretty good job of that, if that is his goal in what he wants to achieve. When I hear him come to the floor and say we are not doing enough in the Senate—22 amendments in 1 year. I say to Senator MCCONNELL, you have been in the Senate for a long time. You know that that number tells the whole story.

#### FOR-PROFIT COLLEGES AND UNIVERSITIES

Madam President, it is the holiday season, and many families are gathering at special meals, giving gifts, with a lot of fond memories, but instead of celebrating, hundreds of thousands of people across America who have been defrauded by for-profit colleges and universities are just trying to get by. There will not be many presents that they will be able to give or probably receive. They have been waiting day in and day out for one person to make a decision. Her name is Betsy DeVos. She is the Secretary of Education. She can provide them relief from their federal student loans that they desperately need, but she refuses to do it.

After being lured with false promises, these people I am talking about ended up in programs at for-profit colleges and universities. Who were the for-profits? See if these names ring a bell: Corinthian, ITT Tech, Westwood, DeVry, University of Phoenix, Dream Center. These are for-profit colleges and universities, and these student borrowers were left with mountains of debt, worthless credits, and diplomas that employers laugh at when it was all said and done. Now, Secretary DeVos refuses to provide these students with relief from their student loan debt to which they are entitled under the borrower defense provision of the Higher Education Act.

Take Rachel from Missouri who attended Corinthian's Everest College. She says, "I am not able to buy my children clothes or shoes."

Pamela from South Carolina owes \$140,000 after attending the corrupt ITT Tech for-profit school. Here is what she says: "I have an autistic daughter that depends on me, and I can't afford to get a decent place to live or buy the things she needs." Is that any surprise with \$140,000 in debt from one of these corrupt for-profit colleges?

Jennifer, who attended the Illinois Institute of Art—not to be mixed up