

So that is a pretty good package of good, useful reforms to get going in the right direction.

There is a very significant concern, mostly on my side of the aisle, about the special reconciliation process. In this bill you alternate between regular reconciliation and a special reconciliation process, and then, in the next biennial cycle, back to regular reconciliation and then special reconciliation. There is concern that the special reconciliation process might be used to jam things we don't like through—things like cuts to Medicare, things like very one-sided spending cuts that don't address the problem of tax spending.

We need to work to solve that. I pledge to Chairman ENZI that I will put my best efforts to try to come up with a way where we can get through that problem and move on to passing this bill, which I think will be very significant and very valuable once we iron out what I think is probably, actually, the last real gasp that we have in terms of objection to it.

I will also add that the bipartisan pathway that we have been working on for when the two parties can come together and agree to those things is in there. If we really want to do this in a bipartisan pathway, that is in this bill. I appreciate very much that Chairman ENZI included that in the bill. That provision passed the bicameral select committee unanimously—Republicans, Democrats, House Members, Senators, unanimously. That is a pretty good base to work off of.

I will close by quoting a phrase that I have heard usually from business folks from time to time. That is that in business, “debt doesn't matter, until it does.” But then it is the only thing that matters. At the moment, with interest rates where they are and with the world situation the way it is, one can make the case that debt doesn't matter. But when the day comes that it does matter, when interest rates pop up and the cost of servicing our debt begins to squeeze out other priorities, it gets very hard to go back and try to solve that problem then.

This is the kind of problem you have to head off in advance. So to the extent we can solve in a sensible way dealing with our debt and deficit during the calm period when debt doesn't matter, we will position ourselves to avoid the calamity that can come when it is the only thing that matters.

I pledge to use my best efforts to try to bring my side into agreement on this bill and to try to find a measure that solves our concern about what I think is really the only point of significant disagreement in this bill, which is what is behind the special reconciliation process, what mischief that might be got up to. I think if we can defang this, we can move forward.

Again, much appreciation to Chairman ENZI for his extraordinary leadership in the budget committee on this subject. I am determined to try to get

this done in this Congress while he is with us to see it through.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

DEBBIE SMITH REAUTHORIZATION ACT OF 2019

Ms. ERNST. Mr. President, I stand proudly before this body today in support of the passage of the Debbie Smith Act of 2019. Since its enactment in 2004, the Debbie Smith Act has been renewed twice with overwhelming bipartisan support. With the tireless work of Senator CORNYN and Senator FEINSTEIN, we will renew this vital piece of legislation for a third time today.

I want to thank Senator CORNYN very much for being such a diligent leader on behalf of this act.

The Debbie Smith Act removes one of the most substantial and burdensome roadblocks to survivors of sexual violence achieving the justice they deserve. I have told many people about the time I volunteered when I was a young woman in Iowa State University. I volunteered for a crisis hotline and a woman's shelter. The type of work I was able to volunteer for at that time was responding with a beeper to crisis calls at the hospital for women who had been through a rape. That, in itself, is very difficult, but the follow-on work that has to be done can often be just as difficult if evidence is not processed timely.

The Debbie Smith Act does this by providing funding for crime labs that process DNA evidence and by strengthening the national DNA database used to help solve these horrific crimes. In addition, this bipartisan bill supports audits of evidence awaiting analysis at law enforcement agencies and charges the Justice Department with the task of developing national testing guidelines.

We all know the criminal justice system isn't designed to be fair to survivors of sexual violence, and it is not easy on them. It certainly is not a comfortable process.

Coming forward as a survivor is not the end. It is just the beginning. That is why it is so important that this Congress, with Senator CORNYN's leadership, and our criminal justice system support survivors of sexual violence by funding the availability of DNA evidence to help bring these predators to justice.

Again, I thank the Senator for his diligent work on this. The bipartisan Debbie Smith Act helps to bring us to the end that our survivors need and they deserve. Thank you for your leadership.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, let me thank the Senator from Iowa for her leadership on so many issues, including this one. Obviously, through her work on the Judiciary Committee, where we

both serve and from where this important piece of legislation emanated, this has been a long journey. Unfortunately, the politics of the day seem to have slowed almost everything up that we are trying to do.

In particular, I also want to recognize the good work of the Senator from Iowa on the reauthorization of the Violence Against Women Act. I am a proud cosponsor of the legislation she is leading on. My hope is that after the fever breaks, sometime after the first of the year—I keep hoping for that moment—we will get back to the nonpartisan reauthorization of the Violence Against Women Act. In the meantime, I am happy to join the Senator on the floor and to talk about the importance of the Debbie Smith Act and to celebrate its imminent passage.

Since 2004, the Debbie Smith Act has been the guiding force behind our Nation's effort to eliminate the rape kit backlog. Just so everybody understands, at one point there was a report that there were as many as 400,000 of these forensic kits, which are used to collect DNA evidence following sexual assault, sitting in evidence lockers and police stations or in labs and which remained untested.

Once we are reminded of the importance of this evidence and how powerful it is to enable law enforcement officials to identify an attacker with almost complete precision and accuracy, the importance of making sure these kits were tested becomes all that more obvious.

Since 2011, the Debbie Smith Act has helped Texas—my State alone—reduce its backlog of unsubmitted rape kits by approximately 90 percent.

The benefits don't stop there, though. The primary goal of this program is to reduce the rape kit backlog and identify attackers—people who commit sexual assaults.

Processing this evidence can also assist investigations in other unrelated crimes because perpetrators do leave their DNA in other places other than just in the crime of sexual assault.

Once this evidence is tested, it is uploaded into the FBI's DNA database called CODIS. This is similar to a criminal fingerprint database and can help identify and convict people who commit other crimes as well.

For the civil libertarians among us—and I would like to consider myself one of them—this evidence is also very powerful in discounting or disqualifying potential perpetrators from suspicion because if, in fact, DNA of some other person is identified, it obviously is by exclusion of the other person who may be suspected but who will thereby be exonerated.

According to the National Institute of Justice, 72 percent of the hits in the FBI database system are the direct result of Debbie Smith Act funding. The benefits of this law cannot be overstated, and it is time once again—past time, really—to reauthorize this critical program. The Debbie Smith Act of

2019 will reauthorize important funding that supports testing this DNA evidence so we can continue to reduce and eliminate the rape kit backlog and ensure that it will not grow again in the future.

This legislation also supports important training for law enforcement, correctional personnel, forensic nurses, who are the ones who actually collect the DNA evidence using these forensic kits, as well as other professionals who assist victims of sexual assault.

The process of getting this legislation through both Chambers of the Congress has not been easy. I have to say I appreciate all of the advocates who fought tirelessly with us every step of the way to bring us to this moment on the precipice of passing this reauthorization. I want to particularly recognize the folks at RAINN who are consistently remaining above the political fray and always putting survivors first.

This legislation would not have been possible without its namesake, Debbie Smith, and the countless other survivors—people like Lavinia Masters, Carol Bart, and others—who continue to lend their voices to this fight. It is not easy for a woman to come forward and say: I was a victim of sexual assault, and I don't know who my attacker was, but I will go through this intrusive examination in order to assist law enforcement in making an identification and prosecuting the case. The fact is, if we don't catch these predators, they will commit further acts of sexual violence over and over again until they are finally caught and kept behind bars.

If you have not had the chance to meet survivors and hear their stories, you must because the survivors I have met and worked with over the years in Texas are truly inspiring. I am glad we can finally get this bill passed on their behalf.

Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 777, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (H.R. 777) to reauthorize programs authorized under the Debbie Smith Act of 2004.

There being no objection, the Senate proceeded to consider the bill.

Mr. CORNYN. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 777) was ordered to a third reading, was read the third time, and passed.

Mr. CORNYN. Mr. President, I have further remarks, but I understand the leader is on his way here to file some important documents and help us progress with our work this week.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

FEDERAL INTELLIGENCE SURVEILLANCE ACT

Mr. CORNYN. Mr. President, I understand the majority leader will be here soon, and when he does come, I will be glad to yield to him. In the meantime, I want to talk about last week's report from the inspector general of the Department of Justice on the FBI's counterintelligence investigation into the Trump campaign and its contacts with Russia in 2016.

This is a very long report. It is more than 400 pages long, and it outlines a series of errors—17, all counted—made by the FBI under the leadership of Director James Comey.

It is important for people to realize that all these mistakes were made in a previous administration and not under the leadership of FBI Director Chris Wray, and they don't reflect, in my view, the actions of the rank-and-file FBI agents. But it is a serious matter, and we need to get to the bottom of it, and we need to take corrective action.

The report details a pattern of concerning behavior by those who were charged with protecting and defending the United States, and it raises a lot of red flags.

Last week, the inspector general testified before the Judiciary Committee. I told him at that time—and I think it bears repeating—that as an ardent supporter of law enforcement and our intelligence community, I worry that the mistakes and the intentionally misleading conduct undertaken by some leaders in the FBI under the previous administration will undermine the public's confidence in what is a very sensitive but important area, like foreign intelligence surveillance.

We rely on the men and women of the FBI to identify and counter threats to our national security, all the while protecting incredibly sensitive information and the privacy of American citizens. It requires a tremendous amount of trust from the American people, and I am afraid that some of the information that surfaced in this report puts that trust in jeopardy.

The inspector general detailed a number of truly disturbing and alarming facts about how this investigation was conducted, especially when it comes to the Foreign Intelligence Surveillance Act, otherwise known as FISA.

FISA is a means whereby FBI agents can go to the Foreign Intelligence Surveillance Court and show probable cause that an American citizen is an agent of a foreign power. Obviously,

these are very, very sensitive investigations, and the sort of authority that is given to the FBI under these circumstances is very intrusive. In my view, it is entirely justified and necessary when, in fact, you are protecting the United States from very real counterintelligence matters. But the inspector general identified 7 mistakes in the initial Carter Page foreign intelligence surveillance application and 10 additional ones in 3 renewals. These were not typos or misspelled words; these were misrepresentations meant to deceive the court so they would issue a foreign intelligence surveillance warrant.

To make matters worse, even as new exculpatory information came to light on Carter Page, this information was not shared with the Foreign Intelligence Surveillance Court—information that they would have found relevant in considering whether the FBI and the U.S. Government had met their required showing.

I asked the inspector general whether he believed that if the court knew what we know now, would the court have ever issued the FISA warrant in the first place? He perhaps wisely said he was not in a position to predict what the judges may or may not do, but he said he knew they wouldn't sign a warrant if they were told that all of the information was not included and certainly not if they were lied to, as occurred here in the Carter Page foreign intelligence surveillance warrant. As a former judge myself, I think that is absolutely accurate.

But that begs the question, What is the FISA Court going to do about this? We know what we need to do because already the FBI Director has indicated that there are a number of areas where he believes this whole process needs to be reformed in order to restore public trust in the integrity of this process.

I was interested to see a report in the New York Times that is dated today at 4:55 p.m. entitled "Court Orders FBI to Fix National Security Wiretaps After Damning Report."

Mr. President, I ask unanimous consent that following my remarks, this article be printed in the RECORD.

Take a step back from this scenario and think more broadly about how this type of behavior may play out in a criminal proceeding. For example, imagine you are a judge and you find out that you were lied to by the prosecution, that you were presented with information that was not only incorrect but intentionally fabricated to help build their case. What would you do? Well, depending on the scenario, the court may hold that individual in contempt of court. The judge may decide to throw out some of the evidence or the entire case and possibly—probably—refer that lawyer to disciplinary proceedings, where that lawyer would be in jeopardy of losing his or her law license. These are remedies that exist if these sorts of actions happen during ordinary court proceedings, and I believe they are probably available to the