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

Foreign Intelligence Surveillance Court should the court decide to take that kind of action.

I note that in this article I have attached and I referred to earlier, the court has now given the FBI a January 10 deadline to come up with a response to what the court is asking about.

Of course, the court, I am sure, had to be troubled by what it saw as not only the sloppy work but the intentional misrepresentation and outright lies used by the FBI in this instance to get this foreign intelligence surveillance warrant against Carter Page—as well they should be concerned.

But the Foreign Intelligence Surveillance Court is different from ordinary courts. It handles cases that are critical to our national security, full of highly sensitive, largely classified information, and these same sorts of remedies that you might use in an ordinary court may or may not apply.

The way I see it, if we don't take corrective action—if the FBI doesn't take corrective action, if Congress doesn't undertake a review of this whole FISA process—we will be in danger of losing this ability to investigate or to collect intelligence to keep our country safe. The only way that happens currently is if the public trusts Congress and the FISA Court to enforce the laws and rules to make sure that privacy interests of American citizens are adequately protected, and only based upon an extraordinary showing—an evidentiary showing by the Government that a FISA warrant is warranted should that be ordered by the court.

All of that is at risk unless, I believe, reform is undertaken and the court takes corrective action in whatever means it thinks appropriate to punish those who misled it in issuing these four FISA warrants for Carter Page.

This whole episode, I believe, sets a very dangerous precedent. If these agents and lawyers are able to break every rule to investigate a political campaign of an American President and are facing no consequences, what is to stop others from doing that in the future? If they can use the awesome power of the Federal Government to investigate a Presidential campaign and someone who later became President, what chance do ordinary Americans have of making sure that the rules will be applied to them and that their privacy will be respected?

We have to have accountability for these errors and these intentionally deceptive representations. We can't have people like that working at the FBI who are charged with supporting our national security. We can't allow that to continue or to happen again.

We need to see that adequate disciplinary measures are undertaken by the FBI, perhaps by the court itself, while Congress looks at what we can do to reform this whole FISA procedure to make sure things like this do not happen in the future.

I was glad to see, in his report, the inspector general said that his office has initiated a full audit to look into the FBI's compliance with FISA procedures across the board.

He also noted that the FBI's National Security Division Assistant Attorney General had sent a letter to the FISA Court in July of 2018, outlining some of the errors made in the Carter Page FISA applications and saying that DOJ lawyers will be supplementing that information based on the inspector general report that the inspector general testified on last week.

As we look for ways to prevent this type of abuse from happening in the future, we need to hear from the FISA Court what it believes is appropriate discipline and appropriate measures it needs to take to protect the integrity of their proceedings and to stop things like this from happening in the future. All of this would be critical not only to find what went wrong but also what Congress does or does not need to do to protect the integrity of this process.

FISA—the Foreign Intelligence Surveillance Act—is absolutely critical to our national security, and we must not only protect the integrity of the process but restore the American people's trust in it.

I know this isn't something that can be solved overnight, but I am committed to working with all of our colleagues here in Congress, as well as the Justice Department and the Foreign Intelligence Surveillance Court, to try to do what we need to do to prevent these failures from ever happening again.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From The New York Times, Dec. 17, 2019]

COURT ORDERS F.B.I. TO FIX NATIONAL SECURITY WIRETAPS AFTER DAMNING REPORT

(By Charlie Savage)

In a rare public order, the secretive Foreign Intelligence Surveillance Court responded to problems with the eavesdropping on a former Trump campaign aide uncovered by an inspector general.

A secretive federal court accused the F.B.I. on Tuesday of misleading it about the factual basis for wiretapping a former Trump campaign adviser and ordered the bureau to propose changes in how investigators seek permission for some national security surveillance.

In an extraordinary public order, the presiding judge on the Foreign Intelligence Surveillance Court, Rosemary M. Collyer, gave the F.B.I. a Jan. 10 deadline to come up with a proposal. It was the first public response from the court to the scathing findings released last week by the Justice Department's independent inspector general about the wiretapping of the former Trump adviser, Carter Page, as part of the Russia investigation.

''The frequency with which representations made by F.B.I. personnel turned out to be unsupported or contradicted by information in their possession, and with which they withheld information detrimental to their case, calls into question whether information contained in other F.B.I. applications is reliable,'' Judge Collyer wrote.

The court ''expects the government to provide complete and accurate information in every filing,'' she added.

While the inspector general, Michael E. Horowitz, debunked the claims by President Trump and his allies that senior F.B.I. officials were part of a political conspiracy, his investigation also exposed a litany of errors and inaccuracies by which case agents cherry-picked the evidence about Mr. Page as they sought permission to eavesdrop on his calls and emails.

The order specifies no particular reforms for the bureau's policies for seeking permission to wiretap people under the Foreign Intelligence Surveillance Act, or FISA. But it indicated that the court will weigh in on whether the F.B.I.'s proposals are sufficient.

At a Senate Judiciary Committee hearing last week about the report's findings, the chairman of the panel, Senator Lindsey Graham, Republican of South Carolina, addressed the FISA court directly, telling the judges that they needed to take steps to preserve political support for the national security surveillance system.

''The FISA system, to survive, has to be reformed;'' Mr. Graham said. ''To the FISA court: We're looking to you to take corrective action. If you take corrective action, that will give us some confidence that you should stick around. If you don't, it's going to be hurtful to the future of the court, and I think all of us are now thinking differently about checks and balances in that regard.''

Mr. Horowitz is scheduled to testify about the report again on Wednesday at a hearing before the Senate Homeland Security and Governmental Affairs Committee.

Mr. Horowitz suggested several changes. He recommended that the F.B.I. overhaul the forms used to ask the Justice Department to submit a FISA request or renewal to ensure they identify any information that cuts against suspicions about a target; surface any reasons to be skeptical about an informant whose information is included; and require agents and supervisors to reverify factual assertions repeated from prior applications when they seek renewals.

In a statement issued when the report was released, the F.B.I. director, Christopher A. Wray, said he accepted Mr. Horowitz's findings and embraced the need to make changes. He said he was ordering ''concrete changes'' to ensure that that FISA process was ''more stringent and less susceptible to mistake or inaccuracy.''

Among the other ideas floated by reform proponents, including the American Civil Liberties Union: appointing a third party to critique the government's cases for wiretapping people, at least in sensitive investigations, or allowing defense lawyers with security clearances to see the government's evidence presented to the FISA court on those rare occasions when it is used to prosecute a suspect.

Mr. Horowitz has already begun an audit of other, unrelated FISA applications to see whether there is a broader pattern of problems in how the F.B.I. is portraying the evidence about suspects. Another possibility for reform is that going forward, the bureau's general counsel could oversee recurring audits of a random sampling of FISA applications, so that case agents will always have to take into account that someone may later second-guess their work.

In his report, Mr. Horowitz scrutinized the four applications that the Justice Department submitted between October 2016 and June 2017 to wiretap Mr. Page, whom F.B.I. agents suspected might be a conduit between the Trump campaign and Russia during its covert operation to manipulate the 2016 presidential election.

The review uncovered a deeply dysfunctional and flawed process riddled with inaccuracies and material omissions. Investigators highlighted facts that made Mr. Page look suspicious while failing to mention potentially exculpatory ones, and when they

sought to renew the wiretap, they failed to correct earlier statements whose credibility had since come under serious question, the report found.

Justice Department lawyers who deal directly with the FISA court passed that misleading portrait onto the judges. While Mr. Horowitz's findings placed most of the direct blame on a handful of case agents and their supervisors who worked directly with the raw evidence, his report also blamed senior officials for permitting a culture in which such actions could happen.

The report said Mr. Horowitz's investigators had found no evidence that political bias against Mr. Trump was behind the problems—as opposed to apolitical confirmation bias, gross incompetence or negligence. But the inspector general said the explanation the F.B.I. offered—that the agents had been busy with other aspects of the Russia investigation, and the Page FISA was a minor part of those responsibilities—was unsatisfactory.

Congress enacted FISA in 1978 to regulate the government's use of domestic surveillance for national-security investigations—those aimed at monitoring suspected spies and terrorists—as opposed to ordinary criminal cases. The law sets up a special court, made up of 11 sitting district court judges who are selected to serve staggered terms by the chief justice of the Supreme Court, and decide whether the evidence shows a target is probably a foreign agent.

In 2018, government records show, the court only fully denied one of 1,080 final applications submitted under FISA to conduct electronic surveillance. However, the court also demanded unspecified modifications to 119 of those applications before approving them. There were 1,833 targets of FISA orders, including 232 Americans, that year.

National-security wiretaps are more secretive than ordinary criminal ones. When criminal wiretap orders end, their targets are usually notified that their privacy has been invaded. But the targets of FISA orders are usually not told that their phone calls and emails have been monitored, or that their homes or businesses have been searched.

And when people are prosecuted for crimes based on evidence derived from ordinary criminal wiretaps, the defendants and their lawyers are usually allowed to see what the government told judges about them to win approval for that surveillance, giving them the opportunity to argue that investigators made mistakes and the evidence should be suppressed.

But defense lawyers, even those with security clearances, are not shown FISA applications for their clients. As a result, there is no prospect of second-guessing in an adversarial court setting to keep F.B.I. agents scrupulous about how they portray the evidence when seeking to persuade FISA judges to sign off on putting a target under surveillance.

In the absence of that disciplining factor, the Justice Department and F.B.I. have developed internal procedures that are supposed to make sure that the evidence presented in FISA applications is accurate and includes any facts that might undercut the government's case. But that system failed in the Page wiretaps, Mr. Horowitz's report showed.

At the Senate hearing, one of the rare areas of agreement between Republicans and Democrats was the need for change to the FISA system. Senator Richard Blumenthal, Democrat of Connecticut, who has unsuccessfully proposed legislation to tighten restrictions on national-security surveillance in the past, said he welcomed the moment.

''I hope my Republican colleagues who have been so vocal and vehement about the dangers of potential FISA abuses will join me in looking forward and reform of that court,'' Mr. Blumenthal said, adding: ''I hope that we can come together on a bipartisan basis to reform the FISA process.''

NATIONAL DEFENSE AUTHORIZATION ACT

Mr. CORNYN. Mr. President, I know this year is rapidly coming to a close, and we are all anxious to join our families for the holidays.

The impeachment frenzy, though, has almost completely engulfed the Capitol, particularly on the House side, for the past few months and has made it very difficult, if not impossible, for Congress to get much of its work done; hence, the last-minute rush to get things done that we should have done weeks and perhaps months earlier.

One of the victims of this impeachment mania has been the National Defense Authorization Act, and I am glad we finally were able to pass that today.

For the last 58 years, the NDAA—the national defense act—has passed with broad bipartisan support. But this year, things took a little different turn. While we maintained historical norms here in the Senate and passed the bill by a vote of 86 to 8, our House Democratic colleagues took a completely different route. They managed to come up with a bill that was so partisan that not a single Republican voted for it in the House.

A party-line vote in the House may not be newsworthy, but a party-line vote on the national defense authorization bill is.

Fortunately, after months of negotiations, Senator INHOFE, chairman of the Armed Services Committee, and Senator REED, the ranking member, were able to work with their House counterparts to reach a compromise on the bill, as I said, that passed earlier today.

This legislation is vitally important because it will give our commanders the predictability they need, as well as the troops the resources they have earned.

It also authorizes $400 million for military construction projects in places like Texas and 90 new F–35 Joint Strike Fighters that are made in Fort Worth.

Overall, the NDAA will strengthen our national security, and it will benefit all of our servicemembers and their families and our military bases, including those in Texas.

So I just want to say that I appreciate the hard work of Chairman INHOFE and Senator REED, the ranking member, and all of our colleagues on the Armed Services Committee on both sides of the Capitol and look forward to it being signed by the President, hopefully, without further delay.

This was a critical step to strengthen our Nation's military, but it is only part of our duty to provide our troops with the resources and training and the equipment they need to succeed. Now we need to take care of the defense appropriations bill, which has now been passed by the House and which will be coming over here to the Senate soon and which I expect we will act on by Thursday.

Sadly, though, this has also fallen to the wayside while our Democratic colleagues in the House have worked tirelessly to try to remove the President from office. We are in the posture of having to do that this week only because the agreement that was made last August on spending caps was walked away from by our Democratic colleagues in the Senate, and it has taken us all this time to get back to where we thought we were in the August timeframe.

Despite the deal reached over the summer to keep the appropriations process free from poison pill riders, our friends across the aisle have tried to force liberal wish list items into the bill.

Thanks to Senator INHOFE, that has largely been avoided. I must also thank MAC THORNBERRY, the ranking member on the House side.

We have also managed to avoid a government shutdown, but the process has certainly not been pretty. We have been forced to pass two short-term funding bills, which have kept the trains running but failed to provide the predictability we thought we were going to get into the future once the 2-year budget deal was agreed upon last August.

So I am happy in one sense that the deal was finally reached to avoid a government shutdown, and I am in the process of reviewing these huge funding packages that total about $1.4 trillion.

Let me just say that I also appreciate the hard work of our friend from Alabama, Chairman SHELBY, and our colleagues on the appropriations committees for their work to keep the doors open and to keep our commitments to our men and women in uniform.

I am hopeful we will be able to act before this funding expires this Friday.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Ms. MCSALLY. Mr. President, I rise today to talk about the importance of a vote we took earlier on the National Defense Authorization Act for Fiscal Year 2020.

This bill delivers on the needs of the warfighter today and invests in capabilities we must have for the future.

I also fought for and secured huge wins for the Grand Canyon State. As home to 10 military installations, Arizona plays a key role in many missions critical to our Nation's defense. Our bipartisan legislation highlights the incredible contributions that Arizona bases, citizens, and industry make to support our military each and every day.

Since I have been in Congress, I led the fight to stop the A–10 from being mothballed, and this bill continues to secure resources needed to modernize