

State and local election security, which I support.

I see two members of the Senate Intelligence Committee on the floor, and I am extraordinarily proud of the bipartisan, unanimous work that we have done to point out what happened in 2016 and to lay out with a great deal of specificity what we need to do as a nation to protect ourselves in 2020.

This legislation I am proposing today is really kind of the simplest, lowest hanging fruit. I think we all say that we don't want foreigners interfering in our elections. All this legislation says is if a foreign government or foreign agents interfere to try to help or hurt any Presidential candidate, we ought to make sure there is no ambiguity that the appropriate response is not to say thank you but the appropriate response is to call the FBI.

That is the message we have heard from Director Wray. That is the message we have heard from the intelligence community. If we can't agree on that, gracious, where are we?

And, candidly, in other times we might not have needed this kind of legislation. It seems so patently obvious.

I am disappointed with the objection. We will keep trying.

With that, I yield the floor to my colleague from Oregon.

The PRESIDING OFFICER. Objection is heard.

The Senator from Oregon.

UNANIMOUS CONSENT REQUEST—S. 2238

Mr. WYDEN. Mr. President, I want to thank the vice chair of the Select Committee on Intelligence and pick up on his remarks.

For my colleagues, I believe they have asked that I give my remarks before I offer my unanimous consent request, and that is what I will do.

Mr. President, America is 266 days away from the 2020 elections, and Majority Leader McCONNELL has yet to take any concrete steps to protect our foreign elections from hacking or foreign interference. Thanks to this legislative blockade, the Senate has been totally derelict in its duty to stop foreign cyber attacks on our election.

I want to give just one concrete example, having listened to my colleague from Tennessee. There is not one single nationwide, mandatory election cyber security standard on the books. That means there is not even a prohibition on voting machines having an open connection to the internet. Colleagues, that is the equivalent of stashing our ballots in the Kremlin. There is no such cyber security prohibition.

The election security debacle of 2016 was 4 years ago, but still this body has refused to act. We know Russian hackers probed all 50 State election systems. They hacked at least one election vendor. Russians penetrated two Florida county election systems, according to Florida's Governor. That is just what we know about.

Despite all the ways foreign hackers have already made it into our election infrastructure, the Congress has re-

fused to arm State and county officials with the knowledge and funding they need to secure their systems.

I will state what I tell my constituents at townhall meetings at home—and I have more of them scheduled this weekend—I believe, as of today, the 2020 election is going to make 2016 look like small potatoes. The list of threats and vulnerabilities ought to be a wake-up call—a wake-up call—for every Member of this Senate. There were the ES&S voting machines that for years came with preinstalled remote-access software. There is the fact that Russia hacked an election vendor called VR Systems in the summer of 2016. VR Systems electronic poll books in North Carolina malfunctioned on election day that year, and one polling place had to shut down for hours. It was 2½ years before the Department of Homeland Security even investigated what had happened, and the government still has not adequately responded to questions I and Senator KLOBUCHAR have asked about this.

Right now, many election officials across the country are buying election systems that they believe in good faith are high tech, but they are in fact vulnerable to hacking and are outdated the moment they come out of the box. There is the alarming trend of states using mobile voting apps, like Voatz, that haven't been vetted by top security experts.

This is the reason why so many cyber security experts have been sounding the alarms for years, warning that putting computers between a voter and their ballots is a prescription for disaster. What happens when a “glitch” changes a candidate's vote totals by just 2 percent or 5 percent instead of 50 percent? What happens when a glitch shuts down machines in some precincts and not others, disenfranchising voters and skewing election results?

Five States still exclusively use hackable, paperless voting machines, and nine other States still use paperless machines in some counties.

These are serious problems, but there are some clear solutions. I proposed a bill called the PAVE Act, which has three key priorities that are universally supported by people who are knowledgeable in the election security field: paper ballots, routine post-election risk-limiting audits, and mandatory Federal cyber security standards for election systems.

Last year, the House passed a major election security bill called the SAFE Act, which included most of the PAVE Act. Senator KLOBUCHAR and I, on behalf of colleagues on this side of the aisle, introduced the Senate version of the SAFE Act. The SAFE Act has all three key elements recommended by our Nation's top cyber security experts—paper ballots, security standards, and postelection audits—as well as the funding necessary to make sure States can live up to the new standards.

The SAFE Act, in my view, represents the most comprehensive com-

monsense defense against foreign election hacking. I strongly urge my colleagues to reconsider their opposition to this vitally important legislation.

Mr. President, as if in legislative session, I ask unanimous consent that the Rules and Administration Committee be discharged from further consideration of S. 2238, the SAFE Act; that the Senate proceed to its immediate consideration; 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 with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from Tennessee.

Mrs. BLACKBURN. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Oregon.

Mr. WYDEN. Just to give a brief response, I think it is unfortunate that my colleague is not even willing to engage in this discussion with respect to this.

I just want my colleagues on the other side of the aisle to think about their claims. They are saying, for example, that, well, they are sympathetic to the idea that there should be more money for election officials. The recent appropriations funding doesn't even have a requirement that it be spent on election security. States can buy brand new, insecure paperless voting machines that are pretty much useless when they come out of the box. They can even use the money to buy office chairs or a water cooler for the election office.

Again, I come back, and I hope my colleague from Tennessee will reflect on this because she is somebody who has spent a lot of time on technology issues.

The idea that this Senate is willing to say “You know, we are not even going to do something. We are not even going to act” when you can have voting machines with an open connection to the internet—it is just like stashing our ballots in the Kremlin. Something really is out of whack, and we ought to be coming together and passing the SAFE Act. We at least ought to be talking about it. What we have is a specific, documented case for an important piece of legislation, and the majority just says: That is the way it is. We are happy to say that you can have voting machines with an open connection to the internet. We are not even going to talk about it.

I think it is very unfortunate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

UNANIMOUS CONSENT REQUEST—S. 1247

Mr. BLUMENTHAL. Mr. President, as if in legislative session, I ask unanimous consent that the Rules and Administration Committee be discharged from further consideration of S. 1247 and the Senate proceed to its immediate consideration; 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 with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from Tennessee.

Mrs. BLACKBURN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BLUMENTHAL. Mr. President, I really regret there is an objection again to this bill which we have been seeking for floor consideration in this body to debate and pass.

We have been asking for floor consideration of various election security bills in the last several months—the PAVE Act, the Honest Ads Act, and the SHIELD Act—but, sadly and unfortunately for the country, the majority continues to stonewall. Our decisions are under attack, our elections are under siege, and 2016 was only a dress rehearsal.

Just yesterday, Attorney General Barr announced that Trump's personal attorney, Rudy Giuliani, is going to be feeding the Department of Justice unverified dirt from Ukraine on the President's political rival. In effect, the Department of Justice will become a political tool for the President. He is weaponizing law enforcement for his personal political end, and the Attorney General of the United States is becoming an aider and abettor to that polarization and politicization of the Department of Justice.

Only last week, for the first time in our Nation's history, we saw bipartisan support for removing the President from office. The basis for that bipartisan vote was, in fact, President Trump's illegal solicitation of election interference from a foreign government.

As Senator ROMNEY put it last week, Trump's demands of Ukraine constitute a "flagrant assault on our electoral rights, our national security and our fundamental values," noting that "corrupting an election to keep oneself in office is perhaps the most abusive and destructive violation of one's oath of office that I can imagine." He is right. We cannot allow this abuse to become the new normal, and it is fast becoming normalized.

My other Republican colleagues are running out of time to be on the right side of history. Others have conceded that what the President did was "wrong. Inappropriate . . . crossing the line," as Senator ALEXANDER put it.

Senator MURKOWSKI stated that she believed that "the President's behavior was shameful and wrong. His personal interests do not take precedence over those of this great nation."

Senator COLLINS, who first claimed that Trump learned his "lesson," has since admitted that she "may not be correct on that" after the President refused to admit any wrongdoing.

Now that Senate Republicans have let President Trump off the hook, there is no doubt that he will only be

emboldened in his efforts to illegally enlist foreign governments in his reelection campaign.

What is happening with Rudy Giuliani, Senator GRAHAM has said, may be that he has been "played by the Russians." That, in fact, is likely what is happening, but the President's personal attorney, Rudy Giuliani, may also be playing the President, and the President most certainly will be playing the country if he uses the Department of Justice for his personal political aims and enlists foreign interference in our election.

That is why this bill is so critically important. The Duty to Report Act offers my Republican colleagues the opportunity to start redeeming themselves for their votes last week.

If they really believe the President's actions were wrong, they should support this legislation. It is a very simple idea. Really, it is so simple that a lot of people believe it is already the law—if you see something, say something. If you see a violation of law with a foreign government interfering in our election, if you see an attempt to enlist that foreign government, if you see an acceptance of assistance, report it.

The Duty to Report Act would require campaigns, candidates, and family members to immediately report to the FBI and the Federal Election Commission any offers of foreign assistance. Simple. It codifies into law what is already a moral duty, a patriotic duty, and basic common sense.

It is already illegal to accept foreign assistance during a campaign. It is already illegal to solicit foreign assistance during a campaign. All this bill does is require campaigns and individuals to report what is already illegal to the FBI so law enforcement can protect our great Nation. This legislation would ensure that if the Trump campaign or any campaign were offered assistance from a foreign, hostile government in a future election, the FBI would be informed and could act to protect our country.

Let me repeat: 2016 was a dress rehearsal for what our intelligence community is already reporting as ongoing right now in election interference, and it is more than Russia. It is other nations. Already, Iran has proved to be an active and present disrupter, and other nations will follow their lead.

With the 2020 election looming, we need to stop this kind of foreign interference and ensure that it is the American people, not Russia, China, Iran, or any other nation, who decides who our leaders will be and the direction of our democracy—and not just decide but also influence and impact in ways that are opaque and concealed, pernicious and insidious. We need to act to provide a duty to report.

I regret the objection to our unanimous consent request, and I, certainly, along with my colleagues on this side of the aisle, will continue this effort to fight to protect our Nation against foreign interference.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I ask unanimous consent that before we recess, I be allowed to finish my remarks.

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

NOMINATION OF ANDREW LYNN BRASHER

Mr. SHELBY. Mr. President, I rise today in the U.S. Senate in support of Andrew Brasher of Montgomery, AL, whom I recommended and was later nominated by President Trump to sit on the U.S. Court of Appeals for the Eleventh Circuit, a very important post.

I believe Judge Brasher to be an esteemed choice for this high honor. Formerly Alabama's solicitor general and currently a U.S. district judge for the Middle District of Alabama, Judge Brasher is no stranger to the courtroom. I have the utmost regard for his vast legal ability and his commitment to the rule of law, and I believe he is well suited for this respected position.

Judge Brasher excelled academically from a young age. He earned his bachelor of arts with honors from Samford University in Birmingham, AL, where he graduated summa cum laude and met his wife Julia there. He currently serves on the school's board of overseers.

Judge Brasher went on from Samford University in Birmingham to graduate cum laude from Harvard Law School and was the first in his family to receive his juris doctorate. While in law school at Harvard, he was a member of the Harvard Law Review and received the Victor Brudney Prize. The Presiding Officer probably recalls this, but this is a high honor at Harvard granted annually at the law school to the best student paper on a subject associated with corporate governance. This is a very high honor.

Upon graduation, Judge Brasher served as a law clerk to Judge William H. Pryor, Jr., of the U.S. Court of Appeals for the Eleventh Circuit, making him neither a stranger to the courtroom nor to the Eleventh Circuit. Following his clerkship with Judge Pryor, Andrew Brasher practiced law in Birmingham, AL, with the law firm Bradley Arant Boult Cummings. During his time with Bradley Arant, he worked in the firm's litigation and white-collar criminal defense practice groups. He eventually joined the Alabama attorney general's office, serving for several years as the deputy solicitor general and then went on to become the solicitor general for the State of Alabama.

Judge Brasher's experience speaks for itself. He has argued and won cases before the U.S. Supreme Court, the U.S. Court of Appeals for the Eleventh Circuit, and the Supreme Court of Alabama. While serving as solicitor general of the State of Alabama, Judge Brasher won two Best Brief Award honors from the National Association of Attorneys General. This accomplishment, as the Presiding Officer knows,