

Republicans here in the Senate have built a record of acting quickly on the President's nominees, and we are going to do the same with Mr. Clayton. The Senate Intelligence Committee has already announced that it will hold a hearing on Mr. Clayton's nomination this week.

Once he is approved by the committee, it is my intention to bring his nomination to the floor very quickly, and I hope we will have bipartisan support for making that happen.

While we didn't know exactly when it would arrive, we knew a nomination like Mr. Clayton's was coming. How? Because the President made it very clear that his choice of Bill Pulte for Acting Director of National Intelligence was a temporary pick.

Despite this, Democrats decided to hold section 702 of FISA hostage over Mr. Pulte's temporary, short-term appointment. Thanks to their decision, as of Friday, this program authorization has lapsed.

What does that mean? It means the Nation is currently operating without the full capacity of its most critical intelligence-gathering tool. Let that sink in for just a minute. Thanks to Democrats' actions, the Nation is currently operating without the full capacity of its most critical intelligence-gathering tool all over a short-term, temporary Presidential appointment.

You certainly don't have to take my word for it on the importance of the 702 program to the security of our Nation. Let me just read a few quotes from my Democratic colleagues last time we were in danger of having the program authorization lapse. This was from the Democrat leader:

[T]his very important tool for ensuring our national security is going to lapse, and that would be unacceptable.

From the senior Democrat from Delaware, and I quote again:

This program is critical to the security of our nation, and we could not permit it to lapse.

From the senior Democrat from New Mexico, and I quote again:

As a member of the Intelligence Committee, I've learned the vital role that FISA's Section 702 authority plays in bolstering our nation's ability to effectively fight terrorism, disrupt foreign cyberattacks, impede drug trafficking, and protect U.S. troops. For our national security and the safety of the American people, it is simply too important of a tool to let it expire.

Well, just last week the Democrat vice chairman of the Senate Intelligence Committee called section 702, and I quote again:

[O]ne of the most important intelligence tools [that] we have.

And yet despite all this, despite my Democrat colleagues' clear awareness and acknowledgment of the importance of this program, they voted to let the authorization for this program lapse.

And what the consequences of that will be, we cannot fully predict. We do know information secured through this

program has been repeatedly used to help protect our Nation and American lives from a range of threats from fentanyl to cyber attacks to terrorism. And that information from this program is used on a near daily basis by those entrusted with the defense of our country.

The Democrat vice chairman of the Senate Intelligence Committee has himself referred to the suspension of FISA—and I quote again—"a high-risk proposition."

So while we can't know the consequences of Democrats' decision to allow section 702 authorization to lapse, we do know it is almost certainly putting our Nation at greater risk. And I hope and pray that my Democrat colleagues will rethink their decision to take this program hostage and to restore this key safeguard of our country's security.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

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

DACA

Mr. DURBIN. Mr. President, I just left a rally across the street. There are probably 200 young people there. And it was a rally because today is the 14th anniversary of the creation of something called DACA. The story behind it is worth repeating.

It was more than 21 years ago that I introduced a bill called the DREAM Act. The DREAM Act said if you were a child—infant, toddler, young child—brought to this country by your parents, you ought to deserve a chance—you deserve a chance—to aspire to become a citizen in the United States. But it is a path that you have to fight and walk down personally.

I introduced the DREAM Act. I have called for it on the floor of the Senate several times over the last 20 years. I have gotten a majority vote, but I never could hit that magic number of 60 at the right moment.

There came a time when a new Senator came to this Chamber to join me in Illinois with an unusual name: Barack Obama. He was my colleague, my junior Senator, and he was a co-sponsor of the DREAM Act, which I just described to you.

The time came, in 2008, when he was elected President of the United States. I had hoped, with his leadership and help, we could finally pass the DREAM Act. But fate didn't give us that opportunity.

There came a time when I realized I had to appeal to him personally to help us with these young people, so that they wouldn't be deported, and he did. I wrote a letter with Richard Lugar, a

Republican Senator from Indiana, to President Obama. Then, on a bipartisan basis, we asked him to do something by Executive order to protect these young children from being deported.

He created DACA, and the DACA Program was very straightforward. By Executive order, if you were one of those people brought to the United States as a child and you were living in this country and had no strikes against you—anything serious—you ought to deserve a chance to work without fear of deportation. That is what DACA is. It allows the individuals who qualify to work in this country without fear of being deported.

President Obama signed that Executive order 14 years ago today. Mr. President, 835,000 individuals are protected by DACA, protected from deportation and arrest—835,000.

Who are they? Teachers, nurses, caregivers. They do a myriad of jobs, but they do them all proud to be a part of America.

And every 2 years, they have to be examined again to continue with DACA. Every 2 years, they have to pay a \$600 filing fee to go through a background check—a criminal background check—to make sure they are no danger to anyone. They have to pass that every 2 years.

Now, what has happened under President Trump is the worst. What they have done is to shut off this renewal of DACA status for these thousands of people as they become due. It means that many of them are now being deported by Trump—by President Trump—and his administration.

I have heard his speeches so many times I can repeat sections of it. He said he was going to go after the undocumented immigrants in America. He was going after the rapists, the murderers, the terrorists, the criminally insane, and those who prey on our children.

Well, that doesn't apply to DACA at all. Each of these individuals has gone through a thorough background check—a criminal background check—and they don't have anything like that in their background. If something terrible should occur involving them, I would be the first to say they have to be forced out of this country and leave. But for those who were brought here as children, who really want to be part of our future, this is their only chance.

So I left the rally across the street, in the shadow of the Capitol, with hundreds of DACA recipients who are asking for protection to continue, which they believe that they are entitled to under the law.

The courts—the Federal courts—have ordered this administration to start renewing DACA applications. The administration ignores them and doesn't do it. That, to me, is wrong—just plain wrong.

When you think that these kids grew up in America, went to their classroom every day and pledged allegiance to

that flag, believing they were part of this great Nation, you must believe, as I do, that they deserve a chance to prove it. Many of them are doing it to this day.

So there will be several of my colleagues joining me on the floor a little later this afternoon to talk about DACA.

But this is an important program for over 800,000 individuals who are critically important to America's future, and I hope that we can find a way in our hearts to realize they are not the worst of the worst. In many cases, they are the best of the best. All they are asking for is a chance to be part of America's future.

IRAN

Mr. DURBIN. Mr. President, on a separate topic, over the weekend, we learned that the United States and Iran had reached a preliminary deal to end the current conflict. While I am glad that we might be seeing an end to the hostilities, I am deeply concerned about what might be in that agreement.

What was announced was only an end to the fighting, Iran's stranglehold over the Strait of Hormuz, and the U.S. blockade—moves that return us to the status quo before the President's invasion of Iran, over 100 days ago. In fact, after months of being promised an imminent deal by President Trump, the current loose framework stunningly avoids critical issues related to Iran's nuclear program. Don't you remember that was the reason he gave for invading this country?

And from what was being reported, the terms and the sanctions relief sound very similar to an agreement which was reached by President Obama and the Iranian people, before the election of Donald Trump—the JCPOA.

Let me be clear. Iran and its proxies and its nuclear program are all threats to the United States and its allies. But did we really start a war to return to the same deal President Trump abandoned during his first term as President? Is that it?

Now, I have heard my colleagues lament the Obama-era deal was weak and ineffective, compared to what President Trump has negotiated.

Let's be clear on the key points from that Obama agreement. It severely restricted Iran's enrichment capabilities, notably extending nuclear weapon breakout time. It also included some of the most intrusive inspections ever agreed to—international inspections of Iran during the Obama administration.

In fact, I hosted the IAEA Director General a number of times in my office. I sat across from him and asked him point-blank: Are there any doors locked? Are there any doors blocked that you can't get into to find out what is going on?

He said: No. Every time we identify anything like that, they open the doors.

Inspections, though difficult, were working.

The deal included the backing of the P5+1 nations under President Obama. He didn't go it alone, as President Trump did in his invasion of Iran. The nations that joined in supporting the JCPOA of President Obama included, of all things, Russia and China. Today, we stand alone in our negotiations with Iran.

The Obama agreement included specific wording, which said:

Iran reaffirms that under no circumstances will Iran ever seek, develop, or acquire any nuclear weapons.

I was watching one of the television shows yesterday. One of my colleagues on the other side of the aisle obviously missed this point. He said there was no guarantee in terms of nuclear weapons in Iran.

Well, there was never a guarantee, but there was a pledge and a promise—an enforceable one—and enforceable inspections.

It sounds to me, under the best case scenario, in which all enriched uranium—the most dangerous of which was developed under Trump, after he withdrew from the JCPOA—is removed from Iran, we are simply moving toward the same type of agreement all over again, at a cost of billions of dollars to the American taxpayer.

I sure hope my Republican colleagues, who so loudly objected to the JCPOA, will scrutinize Trump's deal with the same zeal and that we have just that opportunity, because we passed a measure, back during the early Obama negotiations, called the Iran Nuclear Agreement Review Act.

Several Senators joined in that effort and won. Senator TIM KAINE of Virginia still serves in this body.

This was bipartisan legislation, passed overwhelmingly in 2015, which will apply to any new agreement with Iran. The law requires the administration to submit to Congress, within 5 days, any agreement with Iran over its nuclear program, after which the Foreign Relations Committees will hold hearings. And then Congress can vote to approve or disapprove the deal.

So I look forward to a close look at what the final deal looks like. And if, as predicted, it is similar to what Trump abandoned, we have to ask ourselves whether this war was really worth the American lives and the cost in American servicemembers.

NOMINATION OF JUSTIN D. SMITH

Mr. DURBIN. Mr. President, on a separate issue, the Senate will soon vote on the confirmation of one of the President's personal attorneys to the Federal appellate court. If it sounds familiar, it is because we have seen it before.

Last summer, the Senate confirmed another of the President's personal attorneys, Emil Bove, to be on the Third Circuit. It was previously unheard of for a President to do anything like this, but those rules are out the window.

That is why the President nominated Todd Blanche, who represented him in cases that were filed against him, to serve as the next Attorney General. And that is why President Trump nominated Justin Smith, who is currently representing him in civil cases brought by E. Jean Carroll.

Ms. Carroll is one of dozens of women who have come forward to credibly accuse the President—credibly accuse the President—of sexual assault. In Ms. Carroll's lawsuits, juries found President Trump liable for sexual abuse and defamation, awarding Ms. Carroll nearly \$90 million in damages. And that is being appealed.

But this conflict of interest raises serious questions. These are lifetime appointments to Federal judgeships—lifetime appointments which have to be given to people who have been carefully scrutinized. We have not done that when it comes to Mr. Smith. We can do better.

Mr. Smith has filed numerous briefs and motions in which he has challenged the verdicts against the President. While all litigants deserve a zealous advocate, Mr. Smith repeatedly attacked Ms. Carroll—a sexual assault survivor—in court filings. Mr. Smith baselessly dismissed Ms. Carroll's allegations as “facially implausible” and “politically motivated.” He also falsely claimed that her allegations are a story that precisely matches the plotline from an episode of one of admittedly her favorite TV shows, ‘Law & Order’.

In addition to these lawsuits, Mr. Smith assisted in President Trump's defense in defense in Trump v. United States, the Presidential immunity case. But even apart from Mr. Smith's personal representations of the President, his record shows he is too ideological and too extreme for the Federal bench. Mr. Smith was an election denier long before he was hired by President Trump. While working in the Missouri Attorney General's Office, he joined the baseless effort to challenge the results of the 2020 election. When asked about this, he told the Judiciary Committee he was “proud to add [his] name” to that effort, once again demonstrating his loyalty to President Trump over the rule of law. During his legal career, in both government service and private practice, Mr. Smith has repeatedly worked to restrict abortion rights and the rights of LGBTQ Americans. His personal commentary on those subjects shows that his efforts reflect not only his legal positions but also his personal beliefs. In a blog post, Mr. Smith wrote: The Republican Party must have positions painted in bold colors on the critical issues that face this country. Abortion is murder. Gay marriage is sin.” He added: On these core principles of our party, there must be no equivocation. When asked whether he still holds these beliefs about abortion and same-sex marriage, Mr. Smith refused to condemn them. Those words are unbecoming of a