

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

the A-10, based at Davis-Monthan Air Force Base.

We also succeeded in funding a new hangar and barracks at Marine Corps Air Station Yuma and additional F-35s at Luke Air Force Base and Yuma for training and deploying the next generation of F-35 pilots.

I also secured funding to upgrade the Barry Goldwater training ranges and many other Arizona initiatives.

The annual defense bill is about protecting the people who protect us. This year's bill reiterates to the men and women of our military that we have their backs. It provides the highest pay raise in a decade and protects military families from greedy contractors who provide their tenants dangerous and unlivable base housing. These contractors, who act more like slumlords than landlords, will now be required to implement a tenant bill of rights.

We also give military families more power in filing disputes and fund additional housing office personnel to ensure families have advocates on base.

I am particularly pleased to see 17 of my 18 reforms to combat sexual assault in the military are also included in this bill. Earlier this year, I disclosed that I, too, am a survivor of military sexual assault. After I did, I charged the top leaders at the Pentagon to immediately identify ways to improve the investigation process and support to victims.

My provisions increased the number of personnel investigating sexual assault cases and ensure a victim has access to a special victims' counsel within 72 hours of reporting an assault. These and my other improvements share the goal of getting justice for victims sooner.

The greatest disappointment in an otherwise bipartisan bill is the lack of backfill funding for military construction projects.

After unprecedented obstruction by Democrats on border security funding, some resources were diverted to border security projects under authorities legally granted to the President by Congress.

I hear from my constituents all the time in our pro-military and southern border State: We can and must secure our border and fund our military. Life is full of difficult choices. This shouldn't be one of them for any Member on either side of the aisle.

The Senate voted in a landslide, bipartisan way, 86 to 8, to fund effective military construction projects in this bill—in the Senate version of this bill. Then, during conference negotiations, Democrats refused to fully fund these projects due to political games surrounding border security.

Think about that for a minute. They didn't like the President diverting the resources to secure our border, so they decided to take it out on our military by refusing to backfill funding.

Our military deserves better. The American people deserve better.

Nevertheless, one of Arizona's fiscal year 2019 projects at Fort Huachuca

was stalled for unforeseen environmental issues at the construction site, so it wasn't ready to spend the fiscal year 2019 funds that we approved for it. This funding would have been diverted to some other purpose in any other year. It could have been funded in fiscal year 2020, but the Democrats refused to support that. The earliest the project will be ready to start is next summer.

The Secretary of the Army has assured me that this project will be in the budget for fiscal year 2021, which starts 9½ months from now, following the completion of this environmental cleanup. I will continue to fight for the funding for Fort Huachuca and resolve to work hand-in-hand with the Army until this project is complete.

Finally, I have to note that this is the first NDAA that this body has passed in decades without Senator John McCain. I think I speak for Members of the Armed Services Committee and this entire Senate when I say that we have felt his absence deeply this past year. While he may not have been physically with us, it still has the fingerprints of his leadership, grit, and ultimate dedication to servicemembers and military families.

His memory has propelled us to secure lasting, meaningful reforms for the men and women who serve, whether in uniform, as a family member, or in a supporting civilian role.

This is the 59th consecutive annual defense bill that has been passed. It remains a shining example, for the most part, of what we can accomplish when we work together to protect Americans and support our troops.

It was my privilege to bring home these massive wins, working with my colleagues on the Armed Services Committee, for our troops and for the great State of Arizona.

I yield the floor.

The PRESIDING OFFICER (Ms. MCSALLY). The majority leader is recognized.

#### NATIONAL LAW ENFORCEMENT MUSEUM COMMEMORATIVE COIN ACT

Mr. MCCONNELL. Madam President, I understand the Senate has received a message from the House to accompany H.R. 1865.

The PRESIDING OFFICER. The Senator is correct.

Mr. MCCONNELL. I ask that the Chair lay before the Senate the message accompanying H.R. 1865.

The Presiding Officer laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the House of Representatives (H.R. 1865) entitled "An Act to require the Secretary of the Treasury to mint a coin in commemoration of the opening of the National Law Enforcement Museum in the District of Columbia, and for other purposes.", with the following amendment to the Senate amendment.

#### MOTION TO CONCUR

Mr. MCCONNELL. Madam President, I move to concur in the House amend-

ment to the Senate amendment to H.R. 1865.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] moves to concur to the House amendment to the Senate amendment.

#### CLOTURE MOTION

Mr. MCCONNELL. I send a cloture motion to the desk on the motion to concur.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to concur in the House amendment to the Senate amendment to H.R. 1865, a bill to require the Secretary of the Treasury to mint a coin in commemoration of the opening of the National Law Enforcement Museum in the District of Columbia, and for other purposes.

Mitch McConnell, Susan M. Collins, Richard Burr, David Perdue, Pat Roberts, John Cornyn, Shelley Moore Capito, John Thune, John Boozman, Rob Portman, Richard C. Shelby, Roy Blunt, Jerry Moran, John Hoeven, Roger F. Wicker, Thom Tillis, Lisa Murkowski.

#### MOTION TO CONCUR WITH AMENDMENT NO. 1258

Mr. MCCONNELL. I move to concur in the House amendment to the Senate amendment to H.R. 1865 with a further amendment.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] moves to concur to the House amendment to the Senate amendment with a further amendment numbered 1258.

The amendment (No. 1258) is as follows:

At the end add the following.

"This act shall be effective 1 day after enactment."

Mr. MCCONNELL. I ask for the yeas and nays on the motion to concur with an amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

#### AMENDMENT NO. 1259 TO AMENDMENT NO. 1258

Mr. MCCONNELL. I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes an amendment numbered 1259 to amendment No. 1258.

Mr. MCCONNELL. I ask unanimous consent that the reading of the amendment be dispense with.

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

The amendment (No. 1259) is as follows: