

(1) in paragraph (4)(C), by inserting “rural-area small businesses,” after “women-owned small businesses,”; and

(2) in paragraph (6)(B)(iii), by inserting “rural-area small businesses,” after “women-owned small businesses,”.

AMENDING THE FEDERAL ELECTION CAMPAIGN ACT OF 1971 TO EXTEND THE ADMINISTRATIVE FINE PROGRAM FOR CERTAIN REPORTING VIOLATIONS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 2747, introduced by Senators KLOBUCHAR and FISCHER.

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

The legislative clerk read as follows:

A bill (S. 2747) to amend the Federal Election Campaign Act of 1971 to extend the Administrative Fine Program for certain reporting violations.

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

Mr. CARDIN. Mr. President, I ask that the bill be considered read three times.

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

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. CARDIN. Mr. President, I know of no further debate on the bill.

The PRESIDING OFFICER. If there is no further debate, and the bill having been read the third time, the question is, Shall the bill pass?

The bill (S. 2747) was passed, as follows:

S. 2747

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF ADMINISTRATIVE FINE PROGRAM.

Section 309(a)(4)(C)(v) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30109(a)(4)(C)(v)) is amended by striking “December 31, 2023” and inserting “December 31, 2033”.

Mr. CARDIN. Mr. President, I further ask that the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

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

Mr. CARDIN. I yield the floor.

NOMINATION OF TANYA J. BRADSHER

Mr. GRASSLEY. Mr. President, I have just learned that the majority leader has filed for cloture on the nomination of Ms. Tanya Bradsher to be Deputy Secretary at the Department of Veterans Affairs. In addition to my remarks on the Senate floor on July 18, I would like to provide more context to my decision to oppose her nomination, especially in light of new information that has come to my attention.

Ms. Bradsher, if confirmed, would be second in command at a deeply trou-

bled agency. Both the VA and Ms. Bradsher in her current role as chief of staff have shown repeated indifference to congressional oversight. Records show that she played a key role in the VA's deficient response to my investigation of VA corruption that I launched in 2021. Another of my investigations has revealed that she also failed to secure sensitive veterans' health information, PII, and whistleblower information in the VA's correspondence system, VA Integrated Enterprise Workflow Solution, also called VIEWS, which is under her direct authority. My oversight has shown that VIEWS exposes veterans' private and sensitive information to thousands of VA employees, only a small number of whom are authorized to see it. The VA and Ms. Bradsher provided misleading information about that as well, which I will discuss here.

If confirmed, Ms. Bradsher would be in charge of the VA's effort to modernize veterans' electronic health records. This involves the healthcare records of millions of veterans, which obviously contain huge amounts of sensitive information. Ms. Bradsher's failures on privacy issues as chief of staff and her lack of transparency to the Veterans Affairs Committee show that we can't trust her to secure this sensitive information or to take the lead and address Agency failures, of which VA has many.

As part of Ms. Bradsher's committee proceedings, she responded to questions for the record about veterans' medical records stored in the VIEWS correspondence system at the VA. Ms. Bradsher provided misleading and often contradictory answers to Senators' questions. When asked about veterans' medical records exposed in VIEWS, she responded that the VIEWS system doesn't “handle” medical records. This was deeply misleading, as my staff had already verified that sensitive medical records are stored in VIEWS, and often exposed improperly for thousands of VA employees to see. Ranking Member MORAN, unconvinced, pressed her about her answer. She then admitted that these health records are indeed stored in VIEWS as part of VA correspondence. Either she didn't know this on the first round of questions or she intentionally misled the committee. Both of these are disqualifying for a nominee to this position.

And Ms. Bradsher's remaining answers were no better. When asked whether she knew anyone who may have been harassed, doxed, or who may have had any negative consequences from their information being exposed in VIEWS, she answered that she didn't. That is astonishing given the fact that one of the internal whistleblowers approached her office just last year complaining of exactly that. This whistleblower told Ms. Bradsher's deputy that she had been harassed and feared for her safety. Both I and members of the committee had reminded Ms. Bradsher of that correspondence

before she answered. Yet she apparently hadn't even bothered to review it before answering questions. She also repeatedly dodged responsibility for her failures and provided no plan at all to secure veterans' and whistleblower PII already exposed in VIEWS. We shouldn't reward a nominee and the VA for their inattention, neglect, and lack of candor.

When whistleblowers last year informed the Office of Special Counsel—OSC—about these VIEWS privacy flaws, OSC found a “substantial likelihood of wrongdoing” related to potential violation of Federal privacy laws. On August 2, 2022, OSC directed VA to investigate and report back within 60 days. The VA, however, continued to ask for extensions, which led to the report being released only recently, during the August recess.

That report should stop this nomination in its tracks. It reveals that even as Ms. Bradsher and the VA attempted to deny and downplay the serious matters I brought to the attention of the Senate Veterans Affairs Committee, the VA had already determined internally that these allegations were true. And not only are they true, but the VA's internal report shows they were even worse than I thought. The VA now admits that more than a hundred more employees have improper access to sensitive data in the VIEWS system than they originally represented. And the report revealed that the VA knew since at least July 2019 that these data privacy issues existed for “a massive number of cases [in VIEWS] that were improperly marked ‘not sensitive,’” a full 3 years before whistleblowers reached out to Ms. Bradsher's office last July. This was, therefore, a known issue when Ms. Bradsher took office. Not once did Ms. Bradsher in responding to members of the Senate Veterans Affairs Committee even bother to mention these significant facts, nor apparently did she lift a finger to take care of these issues in the 16 months she was in office before the whistleblowers spoke out to her deputy last year.

The VA's report further calls Ms. Bradsher's candor into question. It seems to directly contradict Ms. Bradsher's answers to questions for the record in her committee proceedings. For example, in response to Senator BLACKBURN, Ms. Bradsher claimed that, “the VIEWS system has controls in place to protect personal and sensitive information . . . system access is logged. Audits also are done to make sure information on the VIEWS system is accessed appropriately.” Yet the VA's report to OSC specifically noted regarding VIEWS that, “there is no program of auditing or detection in place . . . to log when a user views whistleblower identities and sensitive personal information without authority.” It looks like Ms. Bradsher has some explaining to do.

Democrats on the committee likewise failed in their duty to get to the truth of this matter. They didn't accept the whistleblowers' offer to speak

with them and answer questions about the allegations they raised with Ms. Bradsher's office and reported to OSC. Given the VA's record on whistleblower retaliation, those brave folks risked their jobs and livelihoods to come forward. But there was one job the committee wasn't willing to risk: Ms. Bradsher's promotion to Deputy Secretary. Rather than exercising its solemn constitutional duty to properly vet a Presidential nominee, the committee's majority instead took the VA's word on the matter and voted the nominee out without duly investigating, days before a report that ended up providing highly relevant information about the VA's data privacy failures on her watch. The full Senate shouldn't make an even worse mistake by confirming the nominee after the VA's report verified the allegations I brought to this body's attention.

Even before Ms. Bradsher's committee hearing was held, the VA had already admitted to OSC that the VIEWS allegations raised by whistleblowers to Ms. Bradsher's office last year were true. It is not all in our imagination, as VA tried to mislead the U.S. Senate into thinking. The VA admitted as much in its own letter to OSC on May 26 of this year, before Ms. Bradsher's VA Committee hearing, stating that the VA's OSC-ordered investigation at the outset of its investigation had already "fully substantiated" allegations whistleblowers raised that, "VA officials are violating the Privacy Act of 1974 and the provisions of VA Directive 6502 and VA Handbook 6500 by improperly storing the personally identifiable information of whistleblowers, employees, and veterans in the Veterans Affairs Integrated Enterprise Workflow Solution (VIEWS) system of records because such sensitive information is not marked as sensitive and is therefore accessible to all VA employees that have access to VIEWS." In other words, VA admitted that it violated Federal privacy laws related to VIEWS by not securing sensitive data, but Ms. Bradsher withheld this key fact from the committee when questioned, and the VA insinuated otherwise in its last-minute misleading memo circulated by the committee majority on the eve of her committee rubberstamp.

Despite their legal obligation to be candid with Congress and not to omit material facts from their statements to this body, this deeply misleading memo to members of the Senate Veterans Affairs Committee right before their vote on Ms. Bradsher failed to even address the VA's preliminary findings, and it misled the committee by minimizing data security issues in VIEWS. The VA memo claimed that, "[the Committee minority staff's conclusion] that thousands of VIEWS files are not being properly treated as sensitive is misguided." The VA's report, however, specifically stated that, "[c]onsidering that over 200,000 [VIEWS] cases were created over the

past three calendar years alone, and the rate at which the presence of sensitive personal information can be found in cases, the 'Not Sensitive' cases containing sensitive personal information before remediation actions were implemented is easily estimated to have been in the multi-thousands at the time the whistleblowers came forward with the allegations."

The memo also implied that a search of VIEWS conducted by the committee's Republican staff as part of their investigation, which turned up "countless" records responsive to the term "whistleblower," didn't "show[]" that files with the names of whistleblowers were not treated as sensitive," again ignoring the fact that they had already confirmed to OSC that VIEWS files did expose the personally identifiable information of whistleblowers. The VA report, dated July 21, notes that even at that time, 2 weeks after the minority's search, key whistleblower terms when searched still returned, "cases and files containing significant whistleblower identification and sensitive personal information," although to a "significantly lesser degree" than before. This contradicts the VA's implication in its misleading memo before Ms. Bradsher's committee vote that private whistleblower information did not come up at all when searched for.

Accordingly, the VA's memo to the committee in advance of the Bradsher vote was not only misleading, but it was also arguably obstructive conduct meant to deceive and frustrate the Congress from knowing the full set of facts in this matter. Such conduct is indefensible. But the Democrat majority blindly and irresponsibly accepted it.

Moreover, these more significant changes that the VA points to in the VIEWS system were made at the eleventh hour, only in response to significant Senate attention and public criticism. The VA's report noted that, "changes applied to VIEWS CCM in July 2023 significantly reduced the accessibility of whistleblower identities and sensitive personal information contained in archived and active cases." Note carefully, July of this year, well after Ms. Bradsher's committee hearing. That they have made changes years after finding out about the problem and only after having their nominee embarrassed in a very public way illustrates problems of honesty and transparency that are illustrations of deeper systemic problems in the VA and its present culture of cover-up.

And that is just the tip of the iceberg with this nominee and this Agency. Ms. Bradsher has failed to accept responsibility for her demonstrated failure to secure veterans' private data and attempted to deflect her responsibility by pointing to the OSC-ordered investigation. She has never explained why she would need to wait for that investigation to be complete, a full year, before complying with Federal privacy laws and securing any veterans' data

she could as soon as possible. She likewise has never explained why she did nothing in the year-and-a-half before whistleblowers approached her office, despite the VA being aware of veterans' personal data being unlawfully exposed. As I said in my floor speech on July 18, this obfuscation is yet another sign that Ms. Bradsher is a "business as usual" nominee for the VA. Our veterans deserve better.

Now to the other objection I have to this nomination. Ms. Bradsher also played a key role in the VA's stonewalling of my investigation into VA corruption. Documents obtained through the Freedom of Information Act—FOIA—by third parties show that Ms. Bradsher helped lead the VA's response to my inquiry launched in April 2021 into the conflicts of interest of a senior VA official, Ms. Charmain Bogue. Under Ms. Bradsher's leadership, the VA waited nearly nine months and until I had sent four letters demanding a response, before even answering. Even then, in late December 2021, it refused to answer any of my questions, citing Inspector General Missal's ongoing investigation.

Well, that investigation ended early last year. The VA still hasn't answered those questions, despite repeated requests. Congress has a right and constitutional responsibility to independently investigate to determine how these conflicts were allowed to exist and why the VA berated the internal whistleblower who brought it to the Agency's attention rather than providing praise for exposing government wrongdoing. This is especially important given the fact that the inspector general didn't have the chance to finish his investigation due to Ms. Bogue's resignation from VA so she didn't have to cooperate and provide answers that may have implicated her in a criminal conflict of interest.

I have inquired about other issues as well in this ongoing and largely one-sided correspondence with VA. This includes whistleblower retaliation, potential failure to secure information about a publicly traded company that may have enabled insider trading, and, most recently, allegations of contract irregularities, with senior officials who resigned under ethical cloud receiving tens of millions of dollars in lucrative VA contracts. The VA has failed to answer dozens of questions on these matters, and they will be in hot water with this Senator from Iowa until they do.

I will oppose this nominee due to the well-documented stiff-arm she has given Congress, her failure to protect sensitive veteran information, and her penchant for providing misleading information to the Senate. I urge the Senate to reject this nomination not only because of the nominee's clear inability to get the job done the right way, but to also send a message to the VA that it must put veterans first.

The PRESIDING OFFICER. The Senator from Oklahoma.

BORDER SECURITY

Mr. LANKFORD. Mr. President, many Americans may not know and many in this Senate Chamber may not know that this week we actually passed a milestone on immigration in the United States. This week, less than 3 years into President Biden's term, we have now had more people illegally cross the border in the less than 3 years under the Biden administration than we had under the 8 years of the Obama administration and the 4 years of the Trump administration.

If you count both terms of the Obama administration and the Trump administration, that was 6 million people who illegally crossed the border. Under this President, in less than 3 years—not 12, in less than 3—we have now had more than 6 million people illegally cross the border.

We had a hearing this week with DHS folks to be able to talk about what in the world is going on. We met not with the policymakers because the policymakers won't meet with us; we met with the folks who are on the line to say: What is the process; how are things actually working; what steps are actually taken; and then what happens from here.

I also had the opportunity to be able to look at some of the budget issues and other things that are coming up, which I will explain later, but I wanted to be able to walk through where we really are right now and what is really happening at the border because since the expiration of title 42, in the days that followed that in May, the administration announced: Look, the numbers are dramatically down. And for a month, the numbers were down some, but then they popped right back up, so much so that the Washington Post last week had a headline that read the highest number of illegal family crossings in the history of the country was in August of this year.

Most folks turned away. They heard the administration say: Look, the numbers went down, and so they looked away from what is happening at the border, but our numbers are at the highest ever. And the complication of how they are actually being treated is the highest ever.

So let me walk you through some of the things that came up in the hearing that I want to be able to walk through on this because when you cross the board illegally at this point, there are lots of options there, and the options are designed by the Department of Homeland Security and by the White House not to deter people from crossing the border but to facilitate a more rapid crossing. So there are multiple processes that have been set up that are entirely new.

Let me give you one. If you come to a port of entry, you can now, before you get to a port of entry on the southern border, actually check in ahead of time to make your process of checking in faster. It is an app that you can get on your phone called the CBP One app.

If you download that app, you fill out the form where you are from, then when you get to the border, you will be expedited through the process at the port of entry and released into the country. If you are one of those folks who have filled out the app and have gone through, you will be quickly screened. According to the testimony that we heard yesterday, 90 percent of those folks are released almost immediately into the country, and within 30 days they have a work permit.

Now, these are not folks who have applied for a visa. These are not the folks who have gone through the H-1B or H-2B or any of those processes. These are not folks who have actually gone through the formal process of getting a work permit. These are folks who have come from all over the world, have filled out an app right before they came across the border, and then they were facilitated right into the country.

If you think these are folks who are coming in from Guatemala, Honduras, and Mexico, more than 150 countries have crossed the border this year. And I will walk through some of those numbers in just a moment.

One option that you have to be quickly expedited into the country without seeking prior approval is just to fill out the app ahead of time and then your paperwork is done and you are across the border even faster when you get here.

The second option is you actually don't fill out the form. You just show up at the port of entry and say: I didn't fill it out ahead of time. The response at that point is: It will take you a little bit longer to process—several hours more time to be able to go through and fill the things out. You will still be released. You will still be given what is called parole into the country. You will still be given a work permit within 30 days to be in the country, not because you applied for a work permit early or went through the legal process, not because you are any of the tens of thousands of people all over the world who want to work in the United States so they legally approach the issue; these are folks who just crossed at a port of entry, either filling it out ahead of time or just filling it out when you get there, quickly expedited, unlimited numbers.

Third group. The third group are the folks who actually come between the ports of entry. These are the folks who didn't cross. These are folks who came through the open desert or swam across the river in the Rio Grande. These are the folks who crossed, got into the country. Some of them bolted and ran from Border Patrol. Some of them turned themselves in. It just kind of depends on where they are. These individuals—not between the ports of entry, haven't done anything ahead of time—they are treated much more different. These individuals are actually picked up between the ports of entry, taken to a Border Patrol station where they process their paperwork. They fill

out all the information, and then they release them into the country.

But the consequence is because they didn't come in a port of entry, it is going to take them 2 months to get a work permit—2 months—not 1 month.

So let me review. If you come in at a port of entry, no matter who you are and no matter where you are from, they will check and see if you are on a terror watch list, and if you are not on the terror watch list, then they are just going to allow you in.

They will set up a court hearing. Whether you cross between the ports of entry or whether you cross at the port of entry, they will set up a court hearing for you to be able to plead for asylum or to be able to ask for your parole extension or whatever that may be or what they call a change of status.

Let's review some of the court hearing dates here to be able to walk through where we are. If you come between the port of entry and you ask for asylum as soon as you cross the border and you are caught somewhere in the desert and you say: I want to plead asylum. I have fear and had to leave my country, they will line up a hearing after you are released into the country. Let's say you want to go to New York City. You can go anywhere you want to. You say: I want to go New York City, and that is where I want to land. Over 100,000 people recently have asked to go to New York City. So they transfer you to go to New York City.

Right now, they will set up the next hearing date for you. Let me look at the list here. The next hearing date for you to get a hearing on your asylum claim and your notice to appear is in October of 2032—October of 2032. That is the next open hearing date that they have available.

So let me run this past you. Right now, on our southern border as of this exact instant, some people are checking in, and they are getting parole. Within 30 days, they are released to be able to get into the country with a work permit. They are traveling anywhere they want to in the country. We have no background for these individuals, and they are told to check into a hearing 9 years from now.

Anybody want to guess how many folks are going to show up at that hearing 9 years from now?

I mentioned before, many of these individuals are not from Central America. In fact, just this year—just this year—we have had 15,000 people who have illegally crossed the border, many in the open desert area, from China.

When I talk to the folks from the Oklahoma Bureau of Narcotics at home, they tell me most of the criminal organizations that are growing illegal marijuana and facilitating drug trafficking in my State are Chinese nationals who have illegally crossed the border. They are partnering with Mexican cartels and Chinese criminal organizations to be able to do business and drug trafficking in my State. Those folks crossed between ports of entry,