

Adkins, Leif Fonnesebeck, Andrew Newton, Carlisle Clarke, Clare Doherty, Emy Lesofski, Nona McCoy, Chris Tomassi, Lauren Comeau, Brian Daner, Patrick Carroll, Elizabeth Dent, Gus Maples, Rajat Mathur, Jacob Press, Jason Woolwine.

Mr. LEAHY. In conclusion, I thank Senator SHELBY, Senator MCCONNELL, and Senator SCHUMER. We worked together. It is kind of nice when something works out.

I yield the floor.

AMENDMENT NO. 3400 WITHDRAWN

The PRESIDING OFFICER. Under the previous order, the Murkowski amendment No. 3400 is withdrawn.

AMENDMENT NO. 3399, AS AMENDED

Under the previous order, the Shelby amendment No. 3399, as amended, is agreed to.

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

The bill was read the third time.

The PRESIDING OFFICER. There are now 2 minutes equally divided prior to a vote on passage of H.R. 6147, as amended.

The Senator from Alabama.

Mr. SHELBY. Madam President, I want to say again that what we have been doing here, working together in a bipartisan way, is something that Senator SCHUMER and Senator MCCONNELL were talking about hadn't been done basically in 30 years. We are on the right track. We want to stay there. I have said many times to both parties: It is in our interests. The American people expect it. Let's keep working together.

Madam President, before we vote, I want to thank my colleagues for their cooperation in moving this package. In particular, I want to thank leaders MCCONNELL and SCHUMER for bringing these bills to the floor and Vice Chairman LEAHY for his continued partnership throughout the appropriations process.

I also want to congratulate the bill managers and their staffs: Senators MURKOWSKI, COLLINS, LANKFORD, and HOEVEN on the Republican side; Senators UDALL, REED, COONS and MERKLEY on the Democratic side. These valuable members of the Appropriations Committee produced strong and balanced bills, and they have guided an open and disciplined process here on the Senate floor.

I thank them for their excellent work.

We are now making real headway in the appropriations process.

The Committee reported all 12 fiscal year 2019 bills to the full Senate before the July 4 recess all with strong bipartisan support.

The first three bill package passed the full Senate last month by a vote of 86 to 5.

The package now before the Senate contains four additional appropriations bills.

Hopefully—we'll see here shortly—this package will achieve the same level of bipartisan support as the last.

If that holds true we will have passed seven—yes, seven—appropriations bills before August. With only five more to go, I think we can honestly say this train has considerable momentum behind it now.

Next up is the Defense-Labor-HHS package—a package I know senators on both sides of the aisle are very eager to debate.

I hope my colleagues are encouraged by what is happening here, by what we are accomplishing together.

Moving these bills in this way is the right thing to do—not only for this institution, but for our country; for the American people.

When we take up the next package I hope we will continue to work using this framework as our guide.

It is, after all, this framework that has allowed us to return to regular order.

This process is working, let's keep it going.

Again, I thank my colleagues for their cooperation. I urge a "yes" vote on this bill and with that I yield the floor.

Mr. LEAHY. Madam President, I yield back the remainder of my time, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The bill having been read the third time, the question is, Shall the bill pass?

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Arizona (Mr. FLAKE) and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 92, nays 6, as follows:

[Rollcall Vote No. 180 Leg.]

YEAS—92

Alexander	Gardner	Murray
Baldwin	Gillibrand	Nelson
Barrasso	Graham	Perdue
Bennet	Grassley	Peters
Blumenthal	Harris	Portman
Blunt	Hassan	Reed
Booker	Hatch	Risch
Boozman	Heinrich	Roberts
Brown	Heitkamp	Rounds
Burr	Heller	Rubio
Cantwell	Hirono	Sanders
Capito	Hoeven	Schatz
Cardin	Hyde-Smith	Schumer
Carper	Inhofe	Scott
Casey	Isakson	Shaheen
Cassidy	Jones	Shelby
Collins	Kaine	Smith
Coons	Kennedy	Stabenow
Corker	King	Sullivan
Cornyn	Klobuchar	Tester
Cortez Masto	Lankford	Thune
Cotton	Leahy	Tillis
Crapo	Manchin	Udall
Daines	Markey	Van Hollen
Donnelly	McCaskill	Warner
Duckworth	McConnell	Warren
Durbin	Menendez	Whitehouse
Enzi	Merkley	Wicker
Ernst	Moran	Wyden
Feinstein	Murkowski	Young
Fischer	Murphy	

NAYS—6

Cruz	Lee	Sasse
Johnson	Paul	Toomey

NOT VOTING—2

Flake	McCain
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The bill (H.R. 6147), as amended, was passed.

# NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2019—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of the conference report to accompany H.R. 5515, which the clerk will report.

The bill clerk read as follows:

Conference report to accompany H.R. 5515, an act to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

The PRESIDING OFFICER. Under the previous order, the cloture motion is withdrawn.

Under the previous order, there will now be 1 hour of debate, with 30 minutes controlled by the managers and 30 minutes under the control of the Senator from Florida, Mr. RUBIO.

The Senator from North Dakota.

Mr. HOEVEN. Madam President, I ask unanimous consent to be recognized for 3 minutes for comments relating to the appropriations bill prior to the NDAA bill debate.

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

APPROPRIATIONS LEGISLATION

Mr. HOEVEN. Madam President, I want to thank my colleagues for advancing these appropriations bills, specifically the ag appropriations bill.

I also want to thank Senator MERKLEY, my ranking member on the committee. Throughout the process, we have had open communications and have worked to advance the bill and to address amendments brought forward by our colleagues.

I also want to thank specifically Senator MERKLEY's staff—Jessica Schulken, Dianne Nellor, and Bob Ross—for their work, as well as my crew—Carlisle Clarke, Patrick Carroll, Elizabeth Dent, Dan Auger, and Brita Endrud.

This has been a process that has involved other subcommittees as well. I want to thank all of those who have worked on these appropriations bills, including Senator COLLINS and Senator REED and their staffs on the Transportation, Housing, and Urban Development Subcommittee; Senators MURKOWSKI and UDALL and their staffs on the Interior bill; Senators LANKFORD and COONS on the Financial Services Subcommittee.

This has certainly been a deliberative process—again, the way regular order is supposed to work. More than a dozen amendments that affected, for example, our agriculture bill have been accepted over the course of the bill. We

voted on others. So I am glad that we have had the open debate and been able to advance these bills, and, of course, particularly the Agriculture appropriations bill.

I will just conclude with what I always like to remind people of whenever we talk about agriculture, and that is good farm policy. It benefits every single American every single day because what our farmers and ranchers do is they produce the highest quality, lowest cost food supply in the world, which benefits every American every day.

I thank the Presiding Officer.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. RUBIO. Madam President, I am now halfway through my eighth year in the U.S. Senate, and in my time here, I have never once spoken against, voted against, or opposed in any way any of the National Defense Authorization Acts that have come before the Senate. The reason being, despite whatever flaws one might find on most occasions in any piece of legislation, the defense of our country is a fundamental obligation of our Federal Government. It comes before everything else.

State governments run schools and build roads and do all sorts of activities at the State level. Communities do all sorts of things at the local level, but nothing is more important than the defense of our country in terms of a Federal obligation. So I never have opposed a National Defense Authorization Act, and I supported every single one of them, despite the fact that it didn't have everything I wanted and everything I liked, until today.

There is a lot of good in this legislation, and it makes it difficult to be an opponent of it. For Florida, it authorizes over \$200 million for military construction in the State—the littoral combat ship facilities at Naval Station Mayport, air traffic control towers at Whiting Field, F-35 facilities that are important at Eglin Air Force Base, KC-135 flight simulators at MacDill Air Force Base.

It authorizes the Secretary of the Air Force to build a cyber space facility at Eglin. It authorizes the conveyance of land for the Air Force Enlisted Village, which is a nonprofit corporation consisting of approximately 80 acres next to Eglin for independent living and apartments.

It authorizes the continued development of the B-21 Bomber—work that is being done in Melbourne, FL. It fully supports the Joint Gulf Range Complex, a true treasure for our country, and it is the largest military range in the continental United States.

As for the country, it also has all sorts of other very important things: an over 2.6-percent military pay raise. It increases the Active-Duty workforce by 15,600 personnel, bringing the total to over 1.3 million. It tries to address the pilot shortage. It authorizes \$10.7 billion to buy 77 more F-35 Joint

Strike Fighters, \$193 million in research and development funding for new software and improvements to be incorporated in future years in that program.

It authorizes new missile defense, including \$175 million intended to integrate the THAAD and Patriot Systems batteries in South Korea. It authorizes \$23.7 billion for Navy shipbuilding, an increase of close to \$2 billion over what the President requested. To go on and on, it does many important things in rebuilding our military strength in this country, but it failed on one important front, and that is what I believe to be a very significant and serious threat to the national security and the future of this country—one that we are only beginning to wake up to. For the first time since the end of the Cold War, the United States is engaged in a geopolitical competition with a near-peer adversary.

Since 1991, there has been no other nation on Earth that can project power anywhere close to what the United States could do—until now.

Unlike our country, China is a nation with an ancient history, one that leaves them with a longstanding sense of victimhood but also one that leads them to believe they have a pre-ordained destiny to, once again, be the most powerful nation on Earth. This is what they mean when they constantly use the phrase “historical determinants.” In summary, what they are saying is, they are predestined to be the world's most powerful country, and, therefore, they believe they are predestined to surpass the United States geopolitically, economically, and militarily.

This is not a new ambition, by the way. For two decades, they have followed a strategy called hiding their power and biding their time, but all of that changed last year.

In October, at their party congress, their President for life Xi laid out a vision for China and did it in clear, nationalistic terms. He said:

Backed by the invincible force of 1.3 billion people, we have an infinitely vast stage of our era, a historical heritage of unmatched depth, and incomparable resolve . . . we have arrived at a new era, where China is now in a leading position in terms of economic and technological strength, defense capabilities, and composite national strength . . . and with a military which can fight and win.

I will state that you see evidence of this belief in their impressive and massive military buildup and quantum leaps in technological advances. You see how they are working to destroy the current world order that was built by America and our allies and now seek to replace it with one they build and one that will be led by them.

That is how they offer loans—not just to get their companies more business but to give them leverage and footholds in countries, and they do so with no questions asked about democracy or human rights. That is what the Asian Infrastructure Bank is all about. That is the Belt and Road Initiative.

You also see what they are doing to overtake us economically. Their state-led economy runs large trade deficits with everyone while at the same time prohibiting market access to China. You see it in the widespread force technology transfers and the cyber theft, and it is working—5G, for example, will dominate most of the industries of the future, and they are on course to be the world standard on 5G.

By 2020, China Mobile will be the only company in the world that can build a standalone 5G network. Huawei was the first company to gain approval to sell 5G stations in the European Union. They are moving hard to dominate pharma research and genome editing and all sorts of other leading industries for tomorrow. What is outrageous is how much of these advances are built, not just on ingenuity and hard work but on the theft of intellectual property from American companies, oftentimes through research funded by American taxpayers. They do it through cyber espionage. They do it through the forced transfer of technology, where they tell companies who do business in China, not only do you have to partner with a Chinese company, you have to give them the secrets to their trade. See how they are now buying up companies, buying off researchers in American universities and their research.

Now, this is what they are moving toward—to become the most powerful country in the world. Why is that an issue, despite the fact that we seek to not be in second place to anyone? Because you can see what kind of country they will be and what kind of world we will have if they become the world's most dominant power.

You see it, for example, in the conquest of the South China Sea through the military harassment of Southeast Asian nations. You see how they cut tourism to South Korea as leverage over our missile defense deployments; how they restricted exports of rare-earth minerals to Japan as leverage over the East China Sea disputes. We saw Filipino agricultural products rot on the docks during the South China Sea fights because they wouldn't let it come in.

You see the threats to our businesses to deny them access to Chinese markets even further if they dare speak in support of President Trump's 301 investigations of Chinese unfair practices.

You see it in a U.S. citizen living in the United States of America—not in China, not anywhere outside our borders—a U.S. citizen living in the United States of America was fired by Marriott Hotel because of a social media post that China complained about. That happened.

You see it most recently by American and United Airlines being forced to change how they describe Taiwan on their website or they would not be allowed to continue to fly to China.

The tactics they use over and over again are not sweeping changes; it is

typically slow but incremental yet more assertive demands, but over time these demands end up establishing a new normal. It is very much like the example of the frog in a boiling pot of water. If you throw the frog in the boiling pot of water, it jumps out right away, but if you put it in cold water and slowly boil it, it will boil to death and not even know it is boiling. That is what China is doing to the United States and to the world.

There are only two things that China responds to when you confront them. The first is a committed and sustained escalation across the entire relationship between us and them, and the other is invoking the help of our foreign partners. That is why I strongly believe the U.S. should have worked with the European Union, Canada, Mexico, and Japan to confront China, not to start a trade war with them as well. I am happy to see that progress is being made on negotiations with Mexico, and there has been a pause in the challenges of Europe. Perhaps now is an opportunity to be able to do that second part of invoking the help of our foreign partners and confronting these cheating and stealing and unfair practices.

What about a committed and sustained escalation across the entire relationship? I would say to you that, by and large, that has been what this administration has done, and it is having an impact. Just this morning, the New York Times reports about rare rebukes to President Xi's leadership inside of China because these disputes are beginning to have an impact on their economy.

There is one glaring exception, and that is an ill-conceived deal to grant amnesty to a telephone and telecommunications Chinese company called ZTE. To have a committed and sustained escalation across the entire relationship means we can't make threats and back down, and we can't carve out one part of the relationship for a special accommodation. Sadly, that is what happened here.

ZTE is a telecommunications company that was caught—not once but twice—in helping North Korea and Iran to evade U.S. sanctions. As a result, the Commerce Department imposed a penalty on them that basically was an equivalent of a business death penalty. It said that you can no longer buy American microchips. Without that, you can't function and the company was brought to its knees. I would argue that sanctions should have been imposed on them even if they didn't help evade sanctions because of the threat they pose to this country.

If we allow these companies to embed themselves in the telecommunications infrastructure of the United States, it is a severe and significant national security threat to this country and one that grows every single year moving forward. Yet, inexplicably, at some point, for some reason, a deal was struck that allowed ZTE to survive. So

the argument was, well, we are going to put a really big fine on ZTE, and we are going to put people on their board to make sure they are no longer violating sanctions. I will state that if this were only about sanctions relief, that penalty would be sufficient for me and should be sufficient for all. If it were Samsung, Nokia or Ericsson or some other company that had done this, I would say maybe it went too far.

The problem is, those two measures will do nothing to contain the threat that ZTE poses to the United States and our national security. A fine—when they are backed by the Chinese Government, a multibillion-dollar fine is nothing. You can put all the businesspeople you want on their board. It is not the businesspeople we should be concerned about, it is the technical people in these companies, the ones who can get ZTE routers embedded in American telecommunications, create backdoor access to our universities so they can steal our research, get into our communications systems so they can intercept our communications in military affairs and economic affairs. They can conduct cyber espionage, commercial espionage, and, potentially, denial of our command and control of our military one day if left unaddressed.

Think about embedding these Trojan horses inside of our telecommunications systems and networks in America. Any company that poses that threat should not be allowed to operate, much less remain in business, and ZTE is one such company.

Even if ZTE tells the Chinese Government we don't want to do this, they will have no choice or they will cease to exist or their leaders will be in jail, and somebody new will replace them who will do it. This is why this is so critical and why in the bill, as passed by the Senate, we reimposed these penalties, and it was taken out in conference.

The threat posed by China and by telecommunications companies are so severe and so significant that it regrettably brings me to the point where I cannot support a bill I have always supported in my time here.

We need to wake up to the threat that China poses to this country because we are running out of time to do so.

Madam President, may I inquire how much time is remaining?

The PRESIDING OFFICER. The Senator has 16 minutes remaining.

Mr. RUBIO. I yield time to the Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. VAN HOLLEN. Madam President, I thank the Senator from Florida, and I thank him not only for his leadership on the specific issue that was in the Defense authorization bill regarding ZTE but also for his leadership on the broader issue of protecting the United States against the grand theft of our technology by China and the

risks that China poses to our national security in many areas.

I want to review what happened with respect to ZTE, which is a Chinese telecommunications company.

No. 1, for many years, they have been about the business of stealing technology from American companies. If you look at lawsuits and patent lawsuits filed over the last decade, you will see it has been grand larceny. We have a Chinese telecommunications company that has been ripping off U.S. companies in order to gain a market advantage, and they have been doing that in coordination and cooperation with the Government of China.

They are stealing our technology. What are they using it for? Well, they are a big telecommunications company. We heard testimony from the Director of the FBI, and we heard testimony from the heads of U.S. intelligence agencies that they pose an espionage threat to the United States. All of them have said that it would be a great danger to our national security and the privacy of millions of Americans to let them anywhere near our telecommunications networks.

First, they steal our technology. Second, they plan to use a lot of what they stole from us to spy on us. Then they went about violating U.S. sanctions on North Korea and on Iran, not just once, twice—and then they were caught again. Each time, they were warned, but they continued to flagrantly violate our sanctions.

That is why the Secretary of Commerce, Wilbur Ross, finally got fed up with everything they were doing, and he imposed sanctions on ZTE, including what is called the denial order saying that U.S. companies should not be transferring technology to ZTE, which was then using that technology to get market advantages and to potentially spy on the United States. That was the right thing to do. Secretary Ross made a decision based on the law and based on our national security interests.

A few days later, this is the tweet that went out from the President. On May 13, President Trump tweeted:

President Xi of China, and I, are working together to give massive Chinese phone company, ZTE, a way to get back into business, fast. Too many jobs in China lost. Commerce Department has been instructed to get it done!

That was the tweet. With that tweet, which caught the Secretary of Commerce and so many others by surprise, the President reversed the key sanctions provision that the United States had imposed on ZTE for violating our sanctions and for other bad behavior. This Senate, on a bipartisan basis, said: Wait a minute. Secretary Ross was right. ZTE violated our sanctions. They pose an espionage threat, and, by the way, they have stolen a whole lot of U.S. technology over the years. He was right.

That is why, on a bipartisan basis, we passed a provision that was included in the NDAA to reimpose those sanctions

that Secretary Ross and the Commerce Department had put on in the first place to protect our national security. Yet, as the weeks went by in the conference committee, despite the best efforts of our ranking member and many others, this got dropped.

This got dropped because the White House wanted it dropped based on that earlier tweet. It got dropped because ZTE had spent \$1.3 million in lobbying fees over the last couple of months. That is a lot of money. It was the highest amount of dollars spent in that period of time for any lobbying issue before this Congress, but it is a pittance for ZTE to pay to get its way and work with the administration to get the provision that had passed the Senate on a bipartisan basis dropped.

I cannot tell you how difficult this is at this point in time. We have a bill before us that in all other respects is a really good bill—and a really good bill for our national security.

I want to commend the chairman and ranking member and others who have been involved in that. But in the middle of a bill that is supposed to help protect our national security, we now have a big hole because, by taking out the amendment we had to penalize ZTE, the final result creates unnecessary exposure.

It is sad to be here today. I am glad to join with my friend and colleague, the Senator from Florida, who has been a leader on this, and I think we both very much regret the fact that the Senate is in this position now and that the country is in the position now.

I thank the Senator for his leadership and yield back to him the remainder of the time.

The PRESIDING OFFICER. The Senator from Florida.

Mr. RUBIO. Madam President, may I inquire how much time I have remaining?

The PRESIDING OFFICER. There are 10 minutes.

Mr. RUBIO. Madam President, I will be brief in closing. I note that the manager of this needs to get through some things to get to our vote.

There are three quick points I want to make. The first thing is that the Chinese have learned how to work our system and how to play us. They know, for example, that they can just go to American companies, go to Washington, go to the White House, go to Congress, and tell them how bad this is for you, and you will get them to change their minds or they just hire lobbyists, as the Senator from Maryland outlined.

One company involved here was Qualcomm. They are the largest seller of chips to ZTE. They were involved in saying: Don't do this. Obviously, they were a customer, they didn't want to lose this customer. Qualcomm had a deal pending in China to purchase a Dutch company. I believe the understanding was if you allow ZTE to survive, not only do you get to keep this company as a customer, but you will

probably help yourself get that deal in China with the Dutch company purchase.

Guess what. On the day after it was announced that the conference committee had dropped this provision, Qualcomm announced it was dropping its pursuit of that deal in China because they couldn't make headway. The Chinese Government doesn't play. They got ZTE to stay alive, and they still blocked the deal.

The second point is this issue: They are a cell phone maker, but the handheld devices they make are the least problematic part of this. They make servers and cameras, and these are embedded in our telecommunications network. That is the way we communicate with each other on commercial secrets or, potentially, military secrets. If it is unclassified or sensitive information, all of it is potentially vulnerable to a company. They don't even need spies anymore. We brought them into our network and continue to do so, not to mention the role they play in networks around the world, which brings me to the last point.

ZTE is a big danger. They are small compared to Huawei, which is a company even bigger than ZTE that poses an even greater systemic risk. If we can't even take on ZTE because they lobby and because of American companies coming here, how are we ever going to take on Huawei or any other dangers they pose to us?

It is time we open our eyes. We are engaged in a geopolitical competition, not with some poor agrarian country trying to catch up but with a global superpower that is quickly nipping at our heels and doing so unfairly, with the intent of replacing us in the world as its most powerful country militarily, economically, geopolitically, and technologically.

The history of America is short in comparison to the great empires of history and the great countries of history. Some 240-odd years in the scope of history is but a blink of an eye. History is full of examples of nations that became complacent and lost their standing and their way of life.

I am not claiming that ZTE alone will be that, but it is a part of a broader problem; that is, we have yet to realize what a significant threat China poses to this country in every realm and every sphere. Until we do, we are going to continue to be in danger of surrendering and forfeiting our way of life and our place in the world. If we do that, the world will be worse off for it. We will have no one to blame but ourselves for failing to act.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Madam President, I concur entirely with the comments of my colleagues about the dangers and challenges presented by China in many different dimensions.

I am not going to try to defend President Trump's decision to overrule his

administration's penalties on ZTE for violating our sanctions, but the President's actions created facts on the ground. One of the principal facts was that part of that arrangement was a billion-dollar payment by the Chinese Government to the United States Treasury, creating for the conferees the issue of trying to find a billion-dollar offset if we reimpose this penalty. That billion-dollar offset could come only from military programs of our jurisdiction, end strength of the military, platforms we might acquire; we found it difficult to work our way through that issue.

More important, I think, is the notion that we did not simply drop this issue. In fact, we imposed, by legislation, a government-wide prohibition on the acquisition of ZTE and Huawei products going forward. It is now the law that we prohibit the Federal Government and government contractors from buying or using or providing grants and loans to entities buying or using telecommunications equipment and services provided by the Chinese companies, ZTE and Huawei. Huawei is not ignored here. It is legislatively a prohibition in the bill for future purchases.

We understand, also, that there are some Chinese companies in the video surveillance equipment business that also are threats. They also have been banned going forward with respect to government acquisition or government contractor acquisitions. So we have recognized this issue, and we have done, I think, what we could do to ensure that our national security is not compromised in the future by ZTE or Huawei equipment.

With that, I suggest that we move forward and pass this legislation, which does a remarkable job of helping the men and women of our Armed Forces.

I will save my further remarks for later.

Mr. CRAPO. Madam President, I rise to speak about title XVII of the NDAA, which reforms the Committee on Foreign Investment in the United States, or CFIUS, and export controls.

The last time CFIUS underwent reform was in 2007.

Recognizing that the foreign investment and national security landscape has changed significantly over the past decade, Senators CORNYN and FEINSTEIN led the charge by introducing the Foreign Investment Risk Review Modernization Act, FIRRMA, last November.

They and others deserve a tremendous amount of credit for their critical leadership on this issue.

As the Banking Committee examined this issue, it became clear that the appropriate outlet for addressing the national security concerns highlighted by Senator CORNYN and others would involve not only CFIUS reform, but export control modernization as well.

With the help of Senator BROWN and all of my colleagues on the Banking

Committee, we were able to craft a bipartisan product which passed out of committee in May with a unanimous 25-0 vote.

I thank Senator BROWN and all of my colleagues on the committee for their efforts and contributions to the bill.

Additionally, the bill would not have been possible without the technical expertise and leadership of the team at the Department of Treasury, as well as the Commerce and Defense Departments, and the other interagency stakeholders who provided input. I thank them as well.

Throughout the entire process, we received strong support from the Armed Services Committee, who allowed us to include FIRRMA in this year's NDAA and maintained the integrity of the bill in that process. For that, I thank Chairman MCCAIN, Senators REED and INHOFE, and other members of the Armed Services Committee.

Our counterparts on House Financial Services, Foreign Affairs, Energy and Commerce, and Armed Services Committees were equally instrumental in developing the final bill and seeing it across the finish line in the House.

I thank Chairman HENSARLING and Ranking Member WATERS for their leadership on the concurrent House efforts and their work to improve the bill in conference.

I also thank Chairman ROYCE and Ranking Member ENGEL of the House Foreign Affairs Committee for their work in repealing and replacing parts of the Export Administration Act, which was needed since the statute lapsed more than two decades ago.

The final bill that appears in NDAA is the result of months of bipartisan, bicameral, and cross-government efforts to appropriately tailor and modernize CFIUS and export control authorities to ensure the continued protection of U.S. national security, while promoting foreign investments in the U.S.

Notably, CFIUS's jurisdiction is expanded to cover four new areas of investments, namely certain minority, noncontrolling investments pertaining to critical technology, critical infrastructure, and exposure of sensitive personal data; changes in a foreigner's rights regarding a US business; the purchase, lease, or concession by or to a foreign person of certain real estate in close proximity to sensitive facilities; and any other vehicle designed to evade CFIUS.

Additionally, the bill creates a concept of declarations, or "light filings," which may be submitted voluntarily or are required for certain transactions where a foreign government has a substantial interest and may be required for transactions where critical technology is involved.

The bill also makes critical improvements to the administrative workings of CFIUS including timing of reviews, structure, funding, and examination of resource needs.

In addition to modifying parts of the Export Administration Act, the bill re-

quires the President to establish an interagency process to identify emerging and foundational technologies that are not currently subject to export controls and authorizes the Secretary of Commerce to establish appropriate controls on such technology.

To complement those new authorities, the bill strengthens export control enforcement authorities.

The legislation that we are voting on today represents a very serious, bipartisan effort to ensure that our critical technologies are safeguarded, while preserving important free market principles and an open foreign investment environment.

I am proud to support the final product and again thank my colleagues in the Senate, House, and various agencies for their hard work and efforts to advance this critical legislation.

Mr. MENENDEZ. Madam President, tomorrow marks 1 year since President Trump signed into law the Countering America's Adversaries Through Sanctions Act of 2017, CAATSA, which passed with overwhelming bipartisan majorities in both the House and the Senate. He did so with strenuous objections to what he called an encroachment on the Executive's ability to negotiate, and claimed that, "As President, I can make far better deals with foreign countries than Congress."

Unfortunately, despite his claims, the President has made no such deal. Russia continues its attacks on our country, with reports this week of another concerted effort on Facebook to influence the 2018 midterm elections. Despite this, the President has repeatedly cast aside the facts of the Russian Government's interference in our democracy and inspires little confidence in this body that he will take seriously the duty to prevent it going forward.

So I remind my colleagues today, we must take on the duty to protect our democracy from foreign interference, and we must continue to work in a bipartisan fashion to ensure appropriate legislative guard rails are in place on the U.S. policy toward Russia, to ensure that the Kremlin's aggression is punished, not excused, and to build resilience so that it will not happen again. The sanctions we enacted in CAATSA, including related to the Russian defense and intelligence sectors that were the source of past attacks against us, are part of this effort.

I strongly oppose language in the conference version of the Fiscal Year 2019 NDAA which expands the scope of a waiver on CAATSA section 231, which requires sanctions on significant transactions with Russian defense and intelligence sector entities. We targeted these sectors specifically because they attacked our 2016 election and imposed sanctions on them to dissuade anyone from doing business with them. The State Department argues that billions of dollars' worth of deals have been turned off as a result of the leverage created by section 231. I fear that these new waiver provisions severely undermine that leverage.

Moreover, CAATSA includes a very important provision, the Russia Review Act codified in section 216, which requires the President to submit a report to the Congress before taking any action to terminate or waive sanctions or issuing a license that significantly alters the U.S. Russia policy. Section 216 imposes a reasonable and necessary limitation on President Trump's ability to precipitously lift sanctions or otherwise alter U.S. policy toward Russia without input from the Congress. This NDAA says that the Russia Review Act no longer applies to defense and intelligence sector sanctions. Without the Russia Review Act, Congress loses its voice and ability to ensure that section 231 has teeth.

It is our ongoing responsibility to hold the executive branch to account in fully implementing the laws we pass, including all of the mandatory provisions in CAATSA and its provision enabling us to review the President's decisions to lift or waive sanctions. This is all the more important given President Trump's inclination to act as a supplicant toward Vladimir Putin and his regime, even as that regime has and continues to attack our country. I strongly oppose the language in the Fiscal Year 2019 NDAA that weakens CAATSA and will oppose any effort in the future toward that end. I will continue to work through other legislative vehicles to continue to go after Russia's most egregious offenders and continue to hold the administration accountable for protecting Americans and American interests.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, yesterday I had an opportunity to go through and thank all of the appropriate people.

This is arguably the most significant bill that we will have this year—as we have had every year. This is the 58th consecutive year we had a Defense authorization bill. This is dedicated and named after Senator MCCAIN. It is the John S. McCain National Defense Authorization Act. We are very proud of the input we had from his staff and from him, and we went through it in record time.

I certainly thank my counterpart, Senator REED. He and I have worked very closely together for many years.

I yield back the remainder of my time.

Mr. REED. Madam President, I also yield back the remainder of my time and urge passage of the John S. McCain National Defense Authorization Act.

Mr. INHOFE. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on adoption of the conference report.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator

from Arizona (Mr. FLAKE), the Senator from Arizona (Mr. McCAIN), and the Senator from Kentucky (Mr. PAUL).

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 87, nays 10, as follows:

[Rollcall Vote No. 181 Leg.]

**YEAS—87**

Alexander	Feinstein	Murphy
Baldwin	Fischer	Murray
Barrasso	Gardner	Nelson
Bennet	Graham	Perdue
Blumenthal	Grassley	Peters
Blunt	Hassan	Portman
Booker	Hatch	Reed
Boozman	Heinrich	Risch
Brown	Heitkamp	Roberts
Burr	Heller	Rounds
Cantwell	Hirono	Sasse
Capito	Hoeven	Schatz
Cardin	Hyde-Smith	Schumer
Carper	Inhofe	Scott
Casey	Isakson	Shaheen
Cassidy	Johnson	Shelby
Collins	Jones	Smith
Coons	Kaine	Stabenow
Corker	Kennedy	Sullivan
Cornyn	King	Tester
Cortez Masto	Klobuchar	Thune
Cotton	Lankford	Tillis
Crapo	Leahy	Toomey
Cruz	Manchin	Udall
Daines	McCaskill	Van Hollen
Donnelly	McConnell	Warner
Duckworth	Menendez	Whitehouse
Enzi	Moran	Wicker
Ernst	Murkowski	Young

**NAYS—10**

Durbin	Markey	Warren
Gillibrand	Merkley	Wyden
Harris	Rubio	
Lee	Sanders	

**NOT VOTING—3**

Flake	McCain	Paul
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The conference report was agreed to. The ACTING PRESIDENT pro tempore. The majority whip.

**MORNING BUSINESS**

Mr. CORNYN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

**NOMINATION OF BRETT KAVANAUGH**

Mr. CORNYN. Mr. President, earlier this summer I was privileged to be at the White House when President Trump announced his nominee to succeed Justice Anthony Kennedy, whose retirement from the U.S. Supreme Court became effective just a couple of days ago. Judge Kavanaugh's nomination continues the streak that we Republicans in the Senate have been on for the last 18 months under the Trump administration. We have set new records.

Specifically, we set a record last year for the most circuit court judges confirmed in a President's first year, and we set a new record this year with the recent confirmation of President Trump's 23rd circuit judge, Texan Andy

Oldham, who will serve on the Fifth Circuit Court of Appeals, and that was 2 weeks ago.

Keep in mind that we have already set the record with the most judges confirmed in the President's first 2 years, and we still have 5 months to go. That is unprecedented. That is huge. It speaks volumes about the seriousness with which this administration takes its responsibility to fill vacancies on the Federal judiciary and the efficiency with which this Chamber is carrying out its duty to provide advice and consent.

Yesterday, we voted on another outstanding nominee, Britt Grant, for the Eleventh Circuit. To date, the Senate has confirmed 45 Federal judges under President Trump, including Supreme Court Justice Neil Gorsuch, and that includes 24 circuit court or intermediate level judges.

But some people don't like to focus on that record of accomplishment so much. They like to dwell on Judge Kavanaugh, the nominee to succeed Anthony Kennedy, exclusively instead. I understand why the Supreme Court vacancy is a very big deal, but it doesn't give license to engage in hysterical attacks.

We have seen Judge Kavanaugh called almost every name in the book. We have heard that his confirmation would result in the destruction of the Constitution and that the nominee is your worst nightmare and one who wants to pave the path to tyranny.

Well, I just think those sorts of attacks—and hysterical attacks—undermine the very credibility of the speaker, because anybody who knows anything about Judge Kavanaugh knows that none of that is true. We are not going to be distracted from carrying out the confirmation process in the normal established way through the Judiciary Committee first, led by Chairman GRASSLEY, and, then, once we get to the floor, with a debate and vote to confirm the judge, hopefully, well in advance of the next term of the Supreme Court, which begins the first Monday in October.

We know, for example, that Chairman GRASSLEY has already sent a request to the Bush Library to recover many of the records that pertain to the nominee's service when he worked at the White House Counsel's Office. This was a unilateral request, unfortunately, because our Democratic colleagues refused to join us, even after two weeks of negotiations and trying to find a way both sides could agree. This is, unfortunately, another sign of obstruction, which is basically all that our colleagues on the other side of the aisle who are opposing this nomination have left.

Many of the Democrats on the other side have made clear that they really aren't interested in the nominee's qualifications. As I mentioned previously, five of them came out against the nominee before he was even named, in other words, taking the position

that the person nominated by President Trump would not be able to earn their support. Fifteen more, after the nominee was named, came out in opposition. So 20 Democrats have already announced their opposition to the nominee without even taking a few moments even to meet with the judge or getting to learn a little more about his record.

Unfortunately, the role that so many of our friends across the aisle want the judiciary to play is that they are really interested in judges who basically will be results-oriented. In other words, rather than be impartial umpires and call balls and strikes regardless of who is at bat, what they want is somebody who will put the thumb on the scales of justice and reach a preordained result.

But that is not the way judges are supposed to serve under our form of government. Judges don't run for election. They have lifetime tenure. So they are not politically accountable for their decisions at the ballot box like those of us in the political branches of government are.

So some of the rhetoric, as I said earlier, is just over the top. One of our colleagues even said that you would be complicit and evil if you supported this nomination.

Well, we need to be aware of the double standard that applies. There is a stark contrast between Judge Kavanaugh and the confirmation process of Justice Kagan. This time around, our Democratic colleagues requested every single scrap of paper that made its way across the nominee's desk, even when he did not contribute to the policy or content of those documents.

At the time when Justice Kagan was nominated, about 173,000 pages of documents were produced from the time that she worked in the White House Counsel's Office and on the Domestic Policy Council. She and Judge Kavanaugh share in common the fact that they worked in the White House Counsel's Office.

But the difference between Judge Kavanaugh and Justice Kagan is that Justice Kagan didn't have any public judicial record at all. Just compare that to Judge Kavanaugh's 12 years of serving on the District of Columbia Court of Appeals. He has more than 300 written opinions for Members to review and ascertain what kind of judge he would be if confirmed to the Supreme Court.

I am surprised that our Democratic friends are asking for so many documents that are clearly immaterial, because during the nominee's 2006 confirmation hearing for the DC Circuit Court of Appeals, our colleagues did not ask for any documents, which they are now demanding, and specifically, those that came across his desk when he served in the important function of White House Staff Secretary. This is, perhaps, a little understood office, but basically it is an administrative position, where Judge Kavanaugh, at the time, as Staff Secretary at the White