

violated the core principles of the Helsinki accord by annexing Crimea and invading Ukraine.

The question has never been whether Russia is violating the INF treaty. It is and has been in violation. The question is how the United States should respond.

Throughout the process of trying to bring Russia back into compliance, I have raised serious concerns about the Trump administration's approach. As is the case with most major foreign policy challenges facing the United States, the Trump administration lacks a coherent strategy. In this case, they do not appear to have any realistic plan to address the threat that new Russian missile capabilities pose to the interests of the United States and those of our allies.

By withdrawing from INF at this time, the United States is providing Russia with a pass on its obligations and giving them the unfettered and unconstrained opportunity to expand the deployment of their new missile system. The U.S. does not have the assets in place to defend against Russia's new missile, nor is it anywhere close to developing, manufacturing, and deploying a similar system that would operate as a counter to it.

So the President is shredding the INF treaty without any credible alternative. It is not just bad policy; it is dangerous to European security. The path the administration has chosen leaves our allies vulnerable to Russian aggression, and at this moment, there is no recourse for the United States or our allies.

It is within this vein of poor foreign policy planning that I want to discuss a second issue related to INF. In 2021, the United States will face the decision whether to extend New START. I am extremely concerned that President Trump has no appreciation or understating of the importance of arms control treaties and that this deficiency will lead him to abandon all limitations on U.S.-Russian nuclear forces.

We have historically negotiated and entered into agreements with our adversaries recognizing that we are dealing with hostile powers that cannot be trusted. We build in metrics that account for a probability of efforts to deceive and dodge. In high stakes agreements, provisions outlining U.S. intelligence verification and compliance are essential. In the universe of arms control agreements with Russia, we conduct on-site inspections of military bases and facilities, and we require data exchanges in order track the status and makeup of their nuclear forces.

In assessing the value of an arms control agreement, we consider whether our participation in the agreement advances our national security interests.

Let's be clear: The New START treaty clearly advances vital U.S. national security interests. Through our inspection regime, we are able to verify that Russia is adhering to the limitations

the treaty places on the size of Russia's strategic nuclear arsenal. Through our data exchanges and our verification regimes, we gain extremely valuable insights into the size and location of their nuclear forces.

At a time when Russia is engaged in malign behavior all over the world and Putin is pressing to reassert Russian power, it is critical we maintain key leverage points to protect against a revisionist Russia. New START is one of those points, and I urge my colleagues and the administration that, in light of ongoing Russian compliance with New START, we must extend the treaty for an additional 5 years.

I strongly urge the administration try a new approach and develop a coherent strategy to stabilize our arms control regime. The relationship with the Russian Federation remains a challenge, but we must address these arms control issues and negotiate a durable agreement that ensures stability in our nuclear forces.

Neither an unconstrained nuclear arms race nor blind faith in arms control agreements serve U.S. national security interest. American security is best served through a strong, credible deterrent that operates within a legally binding, stable, and constrained arms control environment.

#### S.1

Mr. VAN HOLLEN. Mr. President, I come to the Senate floor today with a sense of great disappointment, disappointment in what my colleague, the senior Senator from Florida and the Republican leader have done with the bill that was before us. Because they have taken a bill that had broad—maybe unanimous—bipartisan support and tried to turn it into a political weapon. As a result, they are doing a great disservice to the American people and to all of us who value the tradition of strong bipartisan support for our friend and ally, Israel. I also opposed Senator McConnell's amendment to S.1 because it contains language that could require the perpetual presence of American forces in Afghanistan and Syria.

I am a cosponsor of the original bill S.2497 entitled the United States-Israel Security Assistance Authorization Act of 2018. It is a bill to codify the memorandum of understanding between the United States and Israel, that was forged under President Obama and which provides Israel with \$38 billion in security assistance over the next 10 years. This includes \$33 billion in foreign military financing funds to Israel and \$5 billion in missile defense assistance for the Iron Dome, David's Sling, and the Arrow-3.

That is a lot of money when you consider the many priorities we have here at home and abroad. In fact, more than one-half of our entire global foreign military financing, the security assistance we provide to all of our partners and allies around the world, goes to Israel.

In my view, it is an important investment, it is an important investment to support our friend and democratic ally Israel from the many threats it faces in a very dangerous neighborhood—threats from Iran, Syria, Hezbollah, Hamas, and many others. We need to make sure Israel maintains a strong military edge to defend itself, and that is why you have strong bipartisan support for that original bill.

But then the Republican leader took a bill with broad bipartisan support for Israel and added a provision designed to retaliate against American citizens who express their disagreement with certain policies of the government of Israel by participating in certain boycott activities. Specifically, the Senator from Florida added a provision that encourages States throughout the country to pass laws to punish American citizens who choose to protest the settlement policies of the government of Prime Minister Netanyahu by either boycotting products made in Israeli settlements in the West Bank or by not otherwise engaging in commerce with such settlements.

Now—and I want to make this clear—while I disagree with some of the policies adopted by the Netanyahu government in Israel, I do not—I do not in any way support a boycott as a method of expressing those disagreements.

But—let me be equally clear on this point—I will fiercely defend the constitutional right of any American citizen to express his or her views in such a peaceful way if they so choose. Just as I would support the right of every American to engage in other political boycotts to peacefully express their political views without fear of being punished by their government.

The Senator from Florida wants to use the power of the State to punish American citizens who disagree with him on this issue. It is right here in the bill. Let me read some of the relevant parts.

A state may adopt and enforce measures . . . to restrict contracting by the state for goods and services with—any entity that . . . knowingly engages in . . . boycott activity . . . intended to limit commercial relations with Israel or persons doing business in Israel or Israeli-controlled territories for purposes of imposing policy positions on, the Government of Israel.

So how does this new provision encourage States to retaliate against American citizens? It encourages States to pass laws to deny their citizens the right to bid on any State contracts unless those citizens sign an oath stating that they do not or will not engage in any boycott of Israel, including any boycott relating the sale or purchase of goods or services from Israeli settlements in the West Bank.

Think about that. Let's say you are an American citizen living in my State of Maryland. Let's say you own a computer consulting business and you happen to disagree with Israeli Prime Minister Netanyahu's policy of expanding

settlements on the West Bank near the city of Bethlehem, and you want to express your opposition to that policy, and let's say you choose to protest that policy by deciding that you will not provide your services to businesses located in those settlements on the West Bank.

If you did that, you would be prohibited by State law from bidding on a contract to provide computer consulting services to a Maryland State agency. Think about that. You may run the best computer consulting business in the State of Maryland, but if you don't sign an oath renouncing your right to engage in a boycott, you cannot win any contract with the State. In other words, even if you are the best, most qualified bidder, you would be disqualified from winning that State contract because of your peaceful political activity having nothing to do with your ability to fulfill the contract.

Does that sound unconstitutional? Of course, it is unconstitutional. And, guess what? That is what two Federal courts have already concluded about State laws that already do what Senator RUBIO's bill is proposing. I am going to review those decisions in a moment, but before I do, let me respond to the really flimsy defense the senior Senator from Florida and others have offered to try to justify this effort to punish free expression. Here is what Senator RUBIO tweeted out: "Opposition to our bill isn't about free speech. Companies are FREE to boycott Israel. But state and local governments should be FREE to end contracts with companies that do."

This reflects a profound misunderstanding of the First Amendment. It turns the First Amendment on its head. It is like saying to our fellow Americans, you are free to peacefully express yourselves however you want, but the government is then free to use the power of the State to punish you for doing so. You are free to express your political opinions, but, if we don't like what you say, the State is free to pass laws to prevent you from doing any business with the State.

That is State-sponsored discrimination against disfavored political expression. I would remind my colleagues that the First Amendment is not designed to protect government from its citizens; it is designed to protect citizens, who may engage in unpopular speech, from retaliation by the government.

What if a State passed a law to penalize gun control advocates who boycotted stores that sold semiautomatic weapons? What if a State retaliated against anti-abortion activists who boycotted health clinics that provide abortion services?

So Senator RUBIO's proposal is a textbook example of why we need the First Amendment.

I have heard others defend this measure by saying: "It is simply a law to boycott the boycotters." A cute slogan

but, again, a stunning ignorance of the First Amendment. Yes, any of us, as individuals, can always decide to boycott those whose boycotts we disagree with. Each of us is free to boycott those businesses who choose to boycott Israeli settlements in the West Bank, but that is not what this bill does. This bill calls upon States to use the power of the State, the power of the government to punish peaceful political actions we don't like. Again, that is patently unconstitutional.

That is the conclusion reached by two Federal courts that struck down the kind of State laws that Senator RUBIO seeks to promote.

In Kansas, a Federal judge blocked the enforcement of a State law requiring any state contractor to submit a written certification that they are "not currently engaged in a boycott of Israel." In the Kansas case, a woman who had served as a public school math teacher for 9 years was barred from participating in a State-sponsored teacher training program because she refused to sign a certification that she wasn't participating in a boycott of Israel.

The court found that the antiboycott certification requirement was designed to suppress political speech and was "plainly unconstitutional." In his opinion, the judge wrote, "[T]he Supreme Court has held that the First Amendment protects the right to participate in a boycott like the one punished by the Kansas law."

In Arizona, a Federal court blocked a State law requiring contractors to certify that they will not boycott Israel, finding again that the law violates the right of free speech. In this case, an attorney contracted with the government to provide legal services to incarcerated individuals. Because of his political views, the attorney refused to purchase goods from businesses supporting Israeli settlements in the West Bank. Because he would not submit a written certification that he wasn't boycotting Israel, he was barred from contracting with the State to provide legal services.

In this case, the court held, "A restriction of one's ability to participate in collective calls to oppose Israel unquestionably burdens the protected expression of companies wishing to engage in a boycott. The type of collective action targeted by the [law] specifically implicates the rights of assembly and association that Americans and Arizonans use 'to bring about political, social, and economic change.'"

There are a number of other challenges to laws requiring government contractors to certify they are not boycotting Israel or Israeli settlements, on the grounds that they violate an American's fundamental right to free speech.

In Texas, there are two pending First Amendment challenges to a law requiring State contractors to certify they will not boycott Israel or its settlements.

In the first Texas lawsuit, four individuals were required to choose between signing a certification that they are not participating in a peaceful boycott or losing income and other professional opportunities. These individuals include a freelance writer who lost two service contracts from the University of Houston; a reporter who was forced to sign the certification against his conscience in order to keep his job; a Ph.D. candidate at Rice University, who was forced to forfeit payment for judging at a debate tournament; and a student at Texas State University, who has had to forego opportunities to judge high school debate tournaments.

In the second lawsuit, a Texas speech pathologist, who had worked with developmentally disabled, autistic, and speech-impaired elementary school students for 9 years, was fired because she refused to sign an addendum to her contract renewal saying she would not boycott Israel or Israeli settlements.

In my home State of Maryland, a software engineer is challenging an executive order requiring contractors to certify in writing that they are not boycotting Israel or its settlements. In that case, the individual was barred from bidding on government software program contracts because he would not sign such a certification.

These laws are patently unconstitutional.

Now, I will speak briefly to a recent court decision in Arkansas, in which the judge ruled in favor of a law prohibiting the State from contracting with or investing in individuals or firms that boycott Israel or its settlements.

This decision is destined for dustbin of history. I am not sure any Senator wants to be associated with its holding. It concludes that a boycott "is not speech, inherently expressive activity, or subject to constitutional protection."

The banner right here on page 9 on the opinion reads: "A Boycott Is Neither Speech Nor Inherently Expressive Conduct."

In other words, States can pass laws banning or penalizing boycotts that they don't like. Years ago, as a college student, I was active in the movement to divest from companies that did business with the apartheid regime of South Africa. Under the Arkansas court decision, a State could pass a law that could ban that conduct or at least penalize me if I did business as a sole proprietor and sought State contracts.

There is no doubt that the Arkansas decision will be overturned. That is because the Supreme Court explicitly held in the case of *NAACP v. Claiborne Hardware* that the First Amendment protects the right to participate in a boycott for political purposes. The judge in the Arkansas case attempts to narrow that *NAACP* holding in a way that is clearly inconsistent with the First Amendment protections. I urge my colleagues to read all three decisions from the Federal district courts in Kansas, Arizona, and Arkansas.

Now, as I said earlier, I do not support the boycott of Israel as a means of pressing the Netanyahu government to change some of its policies, but here is what I predict: I predict that the boycott movement will continue to grow for a number of reasons. At the top of that list is the fact that the Trump administration's actions and inaction are adding oxygen to the boycott movement.

To start, the Trump administration has abandoned any pretense of trying to prevent the expansion of Israeli settlements in new parts of the West Bank. There has been a big jump in the number of tenders and settlement plans since President Trump took office. In fact, our Ambassador there, Ambassador Freidman, has been a vocal cheerleader for additional settlements in new areas. In doing so, the Trump administration has abandoned what had been a long-held bipartisan position of the U.S. Government. Here are a few statements from Presidents of both parties over the past 40 years.

President Ronald Reagan, in 1982, said, "Settlement activity is in no way necessary for the security of Israel and only diminishes the confidence of the Arabs that a final outcome can be freely and fairly negotiated."

President George H.W. Bush, in 1990, said, "The foreign policy of the United States says we do not believe there should be new settlements in the West Bank or in East Jerusalem."

President Bill Clinton, in 2001, said, "The settlement enterprise and building bypass roads in the heart of what they already know will one day be part of a Palestinian state is inconsistent with the Oslo commitment that both sides negotiate a compromise."

President George W. Bush spoke out against new settlements. In 2002, he said, "Israeli settlement activity in occupied territories must stop, and the occupation must end through withdrawal to secure and recognized boundaries."

Finally, President Obama, in 2009, said, "The United States does not accept the legitimacy of continued Israeli settlements. This construction violates previous agreements and undermines efforts to achieve peace. It is time for these settlements to stop."

The provision before us today directly contradicts this long stated U.S. policy by drawing no distinction between someone boycotting businesses located in the State of Israel and someone boycotting businesses located in settlements in the territories. In other words, this provision and the State laws it promotes supports the same penalty for those who boycott commerce with a business in Tel Aviv as it does those who boycott commerce with businesses in the settlements, including outposts that may be illegal even under Israeli law. This provision that was before us erases an important distinction in American policy that has been endorsed by Presidents of both parties.

One of the reasons for discouraging settlements and outposts in new areas is to preserve the option for a two-state solution, an option that has previously been supported by Presidents of both parties, as well as pro-Israel groups, including AIPAC, J Street, and others. It is a demographic reality that, in order to ensure a Jewish State that is democratic and provides equal rights to all its citizens, there must be a two-state solution.

Now, such a solution should come about through a negotiated settlement between the parties, the Israelis and the Palestinians. We all know that dysfunction and obstruction on the Palestinian side has been one obstacle to reaching an agreement, but that does not justify changing the status quo on the ground by adding settlements in new areas that will make a two-state solution impossible.

Second, the Trump administration, under the guidance of the President's designated Middle East senior adviser, his son-in-law, Jared Kushner, has embarked on undisguised effort to crush the Palestinians by revoking all U.S. humanitarian assistance.

Here we are, authorizing \$38 billion for U.S. military support for Israel, something I strongly support and am a cosponsor of, while at the same time the Trump administration has eliminated—eliminated—humanitarian and other assistance to help the Palestinian people, many of whom are living in horrible conditions.

The Trump administration has eliminated assistance that helps provide medical care, clean water and food to hundreds of thousands of vulnerable Palestinian children and families. Much of this assistance is provided by organizations like Catholic Relief Services and the Lutheran World Federation.

President Trump has also eliminated \$25 million in U.S. support to a network of six hospitals in East Jerusalem, support the Congress explicitly protected under the Taylor Force Act. In doing this, he gutted funding for the main hospital providing cancer treatment for patients in the West Bank and Gaza and kidney dialysis for children. These hospitals include Lutheran Augusta Victoria Hospital, the Anglican St. John of Jerusalem Eye Hospital, and the Catholic St. Joseph Hospital, American-founded institutions that fall under our American Schools and Hospitals Abroad program. The Trump administration has eliminated support for those programs.

The effort to crush the Palestinians into submitting to a one-sided agreement will never work. President Trump and Jared Kushner apparently think this is just another real estate deal where you turn off the water and electricity to force your tenants out. Instead, these actions by the Trump administration will add fuel to the boycott movement because many people will see no other vehicle for expressing their views.

Finally, to the Senator from Florida and others, nothing, will motivate Americans to exercise their rights more than efforts to suppress them. Trying to suppress free speech, even unpopular speech, even conduct that we don't support here and I don't support, that will only add momentum.

I will end where I started. It is a really shameful and disappointing day when the sponsors of this legislation took a bill demonstrating strong bipartisan support for Israel, to our friends and allies that share our commitment to democracy, and share other values we hold dear, that Senators took that bill and used it to attack the constitutional rights of American citizens who may want to peacefully demonstrate their opposition to some of the Netanyahu government's policies—not in the way you would choose, not in the way I would choose—but in a way they have a right to do as American citizens.

So in making these changes to the bill, the sponsors are sabotaging what was a bipartisan bill to support our friend and ally Israel and in the process strengthening the very boycott movement that we seek to oppose. That hurts Israel. That hurts the United States. This is a really sad day in the U.S. Senate, when we took something that we all agreed on and decided to use it to attack the constitutional rights of American citizens to express opinions we may disagree with.

Furthermore, I oppose Senator MCCONNELL's amendment to S. 1, which calls for "the Administration to certify that conditions have been met for the enduring defeat of al Qaeda and ISIS before initiating any significant withdrawal of United States forces from Syria and Afghanistan." I strongly believe we have to finish the job and destroy and al Qaeda and ISIS, but Senator MCCONNELL leaves undefined what an "enduring defeat" means in this context. Does he mean an enduring defeat of the ideology of ISIS and al-Qaeda, which may never be achieved? Does he mean the removal of every single fighter from the battlefield, which the administration might also never be able to certify? By leaving this standard so nebulous, Senator MCCONNELL has seemingly endorsed an indefinite presence of U.S. troops in both countries, bolstering the positions of the most hawkish members of President Trump's Cabinet, National Security Adviser John Bolton and Secretary of State Mike Pompeo.

Though I do not support an indefinite U.S. presence in Syria, I also oppose President Trump's abrupt decision for an immediate withdrawal from Syria. This rash decision puts at risk our mission to defeat ISIS and endangers the future of our Syrian Kurdish allies, who have been the tip of the spear in that fight. Ilham Ahmed, the cochair of the Syrian Democratic Council, underscored this point in a meeting I convened with a bipartisan group of Senators last week.

That is why I introduced a bipartisan amendment with Senator TOOMEY, which calls for a clear, publicly articulated strategy that will guide the withdrawal of U.S. forces from Syria. Critically, our amendment also makes clear that the United States must protect the Syrian Democratic Forces from attacks by Turkey, which is more focused on destroying the Syrian Kurds than defeating ISIS.

Finally, this legislation does not acknowledge the obvious: We have a reckless President who undermines our security daily. We have a President who conducts foreign policy by tweet and champions the views of brutal dictators, like Vladimir Putin and Kim Jong Un, above that of his own top intelligence officials. We have a President who has compromised American credibility; allies and adversaries alike cannot trust if his grand pronouncements will translate into action or if they will just as quickly be reversed. More than any President before him, President Trump has shirked America's founding principles and our values as a nation. Until Republicans in the Congress acknowledge that obvious point, our ability to preserve American leadership abroad will be greatly compromised.

For all of these reasons, I voted against S. 1.

Ms. DUCKWORTH. Mr. President, while the Strengthening America's Security in the Middle East Act is clearly far from perfect, the majority of the legislation addresses several key priorities that are particularly important to me: formalizing long-term security aid to Israel, supporting our Jordanian allies' fight against the Islamic State, and sanctioning the Syrian financial system over the Assad regime's human rights abuses.

These provisions represent important measures to concretely support our allies and address serious national security concerns. The legislation as a whole also preserves Obama administration international agreements that promote regional security while providing the Trump administration with more tools to levy sanctions against human rights abusers in the Assad regime in Syria.

I also strongly oppose the BDS movement. However, I have long had concerns about the Combating BDS Act and similar legislation, which could be interpreted to change longstanding U.S. policy towards Israeli settlement activity and could have negative implications on domestic freedom of speech protections. Those concerns are rightly being litigated in Federal court. This bill does not protect a state or local BDS law from being challenged in court by an individual on constitutional grounds.

While this was among the more difficult votes I have taken, ultimately the national security and other benefits of the entirety of this legislation could not be ignored or passed up.

#### REMEMBERING CHARLES S. KETTLES

Ms. STABENOW. Mr. President, today I wish to pay tribute to a Michigan veteran whose bravery, spirit of service, and selfless dedication to his fellow soldiers earned him the Nation's highest military honor and the eternal gratitude of 44 American families.

Charles S. Kettles was Michigan through and through. He was born in Ypsilanti in 1930, and that is where he passed away on January 21, 2019, a couple of weeks after his 89th birthday.

He attended Edison Institute High School in Dearborn and fell in love with flying in the school's flight simulator. Perhaps it was no surprise; his father served as a military pilot during both World Wars.

Charlie was active in the community. He and his brother opened a Ford dealership in DeWitt. He later earned a master's degree in industrial technology from Eastern Michigan University and launched its aviation program. He served on the Ypsilanti City Council and in the local Kiwanis club. He was close to his family and enjoyed his nine grandchildren.

In many ways, Charlie lived an ordinary Michigan life. What made his life truly extraordinary were events that happened far away from Ypsilanti on the other side of the world.

Charlie was drafted into the Army in 1951, attended Army aviation school, and served tours in Japan and Thailand. He retired from Active Duty in 1956, and that could have been the end of his military service, but the Army was in desperate need of helicopter pilots during the Vietnam war. So in 1963, Charlie volunteered for active duty and learned to fly the UH-1D "Huey."

Those skills would save lives on May 15, 1967, when then-Major Kettles volunteered to lead a flight of six Hueys on a rescue mission when members of the 101st Airborne Division were ambushed by enemy troops.

The helicopters came under fire, but that didn't stop Charlie. He kept on flying. When he returned to base after his second rescue flight, his helicopter was leaking fuel, and his gunner had been severely wounded.

Then the call came in: 44 Americans still needed to be evacuated. Charlie found a Huey that wasn't leaking fuel, led a flight of six evacuation helicopters back to the landing zone, and successfully rescued the stranded men—or so he thought.

On the flight back to base, Charlie learned that eight troops had been unable to reach the evacuation helicopters. He didn't hesitate. With no regard for his own safety, he turned his Huey around and returned to the landing zone.

His helicopter was hit by gunfire, and a mortar round damaged the rotor blade and shattered the windshield. Despite the damage, Charlie skillfully navigated his helicopter to the landing zone. The remaining troops scrambled

aboard, and all 44 finally made it off the battlefield.

Charlie was awarded the Distinguished Service Cross, the Army's second-highest citation for valor, in 1968; yet when I heard his story, I thought, if anyone was ever worthy of receiving the Medal of Honor, Charlie was.

Typically, the Medal of Honor must be awarded within 5 years of the heroic act. That is why, in 2015, I introduced legislation with Senator GARY PETERS and Congresswoman DEBBIE DINGELL to allow Charlie to receive the Medal of Honor. In 2016, that is just what happened.

"In a lot of ways, Chuck is America," President Obama said during his Medal of Honor ceremony at the White House. "To the dozens of American soldiers that he saved in Vietnam half a century ago, Chuck is the reason that they lived and came home and had children and grandchildren. Entire family trees—made possible by the actions of this one man."

Charlie remained humble about his award.

"Out of all of that, there is really only one thing that means anything—those 40 names are not on the wall in D.C. Awards are nice, but there is far more gratitude in simply knowing that."

Charlie Kettles was a real-life hero and the very best of Michigan. The people of my State and the families of the 44 men he saved will remain forever grateful for his service and sacrifice.

Thank you.

#### ADDITIONAL STATEMENTS

##### 150TH ANNIVERSARY OF THE TOWN OF AUBURN, MAINE

• Mr. KING. Mr. President, today I wish to recognize the town of Auburn, ME, which is celebrating its 150th anniversary this year. Auburn might be a small city, but it features something for everyone, from recreation activities and parks and trails to cultural opportunities, a variety of restaurants, shopping, and public and private school options. Located along the banks of the Androscoggin River, Auburn is home to over 23,000 residents and is the county seat of Androscoggin County.

Auburn was first incorporated on February 22, 1869, and was created by annexing parts of the surrounding towns of Poland, Minot, and Danville, previously called Pejepscot. Auburn was the first city in Maine to adopt a council-manager form of government and grew into one of Maine's largest municipalities. In the early to mid-1800s, a new bridge across the Androscoggin River to Lewiston and the arrival of the Atlantic and St. Lawrence Railroad helped spur development in Auburn. Like many Maine towns, Auburn developed into a mill town, and many of those mills were powered by the falls on the Androscoggin and Little Androscoggin