The Senate met at 10 a.m. and was called to order by the Honorable JOHN HOEVEN, a Senator from the State of North Dakota.

PRAYER
The Chaplain, Dr. Barry C. Black, offered the following prayer:
Let us pray.
Almighty God, from whom comes all holy desires, we thank You for all those who give their lives to serve You and country. May they realize that they are doing Your work on Earth when they strive faithfully to follow Your precepts.
Use our lawmakers to bring comfort, renewal, and empowerment to our Nation and world. Take them along yet untrodden paths, through perils unknown, to Your desired destination.
May they live in peace and contentment, resting in the knowledge that You are directing their steps.
We pray in Your merciful Name.
Amen.

PLEDGE OF ALLEGIANCE
The Presiding Officer led the Pledge of Allegiance, as follows:
I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE
The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. HATCH).
The senior assistant legislative clerk read the following letter:
To the Senate:
Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN HOEVEN, a Senator from the State of North Dakota, to perform the duties of the Chair.
Orrin G. Hatch, President pro tempore.
Mr. HOEVEN thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER
The ACTING PRESIDENT pro tempore. The majority leader is recognized.

NATIONAL DEFENSE AUTHORIZATION BILL
Mr. McCONNELL. Mr. President, today the Senators will keep working to pass the National Defense Authorization Act, the legislation that authorizes the resources, capabilities, pay, and benefits that our servicemembers rely on to be successful.
The operational missions and tasks ahead for our men and women in uniform are as profuse as they are challenging. That is why it is essential that we meet our commitment to them by providing the equipment and the training they need to accomplish their missions. We should always remember that we have an all-volunteer force, and, in turn, we must support our warriors with the pay and benefits they and their families count on at home. This National Defense Authorization Act touches on every one of these issues.
We have already made an initial downpayment toward rebuilding the military and restoring combat readiness with the spring funding bill. Let’s take this opportunity to add to that progress now.
As Chairman MCCAIN pointed out yesterday, this bill is the product of hard work from both sides. In committee, Republicans and Democrats offered scores of amendments that were ultimately adopted to the bill that is before us, and all 27 of the Armed Services Committee members voted favorably to report this bill out. So there is no reason it shouldn’t earn the same kind of bipartisan backing from the full Senate now.
I look forward to taking a vote in support of the men and women in uniform who courageously put their lives on the line to protect and defend each of us. As I do so, I will be thinking of the servicemembers and their families back in my home State of Kentucky, and I know so many other colleagues will be thinking of the servicemembers in their home States and those deployed abroad as well.
Let’s keep working to bring this Defense authorization bill over the finish line.

BURMA
Mr. McCONNELL. Mr. President, in recent weeks the plight of the Rohingya has received great international attention. Even in the best of times, this beleaguered ethnic minority has eked out a marginal existence in Burma’s Rakhine State. The Rohingya are stateless and have faced discrimination and isolation. Media reports indicate that their existence has gotten much worse over the past several weeks.
I am deeply troubled by the humanitarian situation along the Burmese-Bangladesh border and the violence in the Rakhine State must stop. But as I stated earlier this week, in my view, publicly condemning Aung San Suu Kyi—the best hope for democratic reform in Burma—is simply not constructive.
Yesterday I had a chance to speak with Suu Kyi on the phone. I would emphasize that she is the same person she was before. Her position in the Burmese Government is an exceedingly difficult one; she is State Counsellor. But, by law, her civilian government has virtually no authority over the
Burmesse military. According to the Burmese Constitution, the Army is essentially autonomous, and it has control on the ground of the Rohingya situation.

Unfolded criticism of Suu Kyi exaggeration to the extent that the Army, which the Burmese Constitution does not actually allow her to do, and the political evolution of representative government in that country is certainly not over. She must work—and is working—to promote peace and reconciliation within her national context. But Burma’s path toward a democratic government is not yet complete, and it will not miraculously occur overnight.

I would like to report to the Senate that during our call, Daw Suu agreed with the need for immediate and improved access of humanitarian assistance to the region, particularly by the International Red Cross, and she conveyed that she is working toward that end. She reiterated her view of the universality of human dignity and the pressing need to pursue peace and reconciliation among the communities in Rakhine State.

Daw Suu emphasized to me that violations of human rights will need to be addressed. Moreover, she stressed that the situation in the Rakhine State is a protracted, longstanding problem and that she is trying very hard to improve conditions. We will soon receive a follow-up report from her office.

Right now, the most important thing is for the violence of the Rakhine State to stop and to try to ensure the rapid flow of humanitarian aid through both Burma and Bangladesh to the affected areas to help the Rohingyan refugees and internally displaced persons. That is where our focus should be.

Burma’s path to representative government is not at all certain, and it certainly is not over. Attacking the single political leader who has worked to further democracy within Burma is likely to hinder that objective over the long run.

TAX REFORM

Mr. McCONNELL. Mr. President, comprehensive tax reform represents the single most important action we can take now to grow the economy and help middle-class families get ahead. It is the President’s high priority. It is a priority we share here in Congress. The work of the tax-writing committees on tax reform goes back literally years, and it continues today.

This morning, the Senate Finance Committee will begin a series of hearings on comprehensive tax reform. Under the leadership of Chairman HATCH, the committee is working to simplify the tax system to make it work better for American individuals, families, and businesses. As Chairman HATCH knows, our current Tax Code is overly complex, with rates that are too high and incentives that often literally make no sense.

Senator HATCH understands how our broken code makes it harder for American businesses of all sizes to compete and win in an increasingly competitive global economy—how it actually incentivizes our companies to ship operations and jobs overseas. Chairman HATCH and colleagues on both sides of the aisle understand how our broken code makes it harder for middle-class families to succeed—how it depresses wages, weighs down job creation, and crushes opportunity.

It is time to fundamentally rethink our Tax Code to make taxes lower, simpler, and fairer for American families. Fortunately, we have a once-in-a-generation opportunity to do that. This morning’s hearing in the Senate Finance Committee is a part of the wide-ranging conversation to shift the economy into high gear after 8 years of an Obama economy that too often hurt the middle class and seemed to hardly work for anyone but the ultrawealthy.

With lower taxes and a growing economy, jobs can come back from overseas and stay here, families can keep more money in their pockets to spend in the way that works best for them, and small businesses will be increasingly competitive against foreign companies. That does not benefit the middle class. These are the real consequences of the current Tax Code, and we should all want to work together to put an end to it. Our friends on the other side of the aisle say they support comprehensive reform of the system, and I hope they will join us in this effort in a serious way.

Finally, I thank President Trump and his team for their work throughout this tax process. We will continue to regularly engage with them, working together to bring relief to the American people.

I also thank Chairman HATCH for his leadership on this issue. Along with my colleagues, I will keep working to deliver relief and economic hope to our middle class.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore, The Democratic leader is recognized.

NATIONAL DEFENSE AUTHORIZATION BILL

Mr. SCHUMER. Good morning, Mr. President.

As we continue to work on the NDAA, the Democratic side is committed to working with the Republican side in good faith to finish this very important legislation. I am pleased that the managers have already been able to include more than 100 amendments in the substitute. I hope we can do another package together.

Senators MCCAIN and REED are managing this bill with their usual great skill, and I very much appreciate their hard work. Particularly, I know how important this legislation is to Senator MCCAIN and that he wants to see it through and see it adopted as soon as possible. We are going to help in that regard, of course.

DACA AND BORDER SECURITY

Mr. SCHUMER. Mr. President, last night, Leader PELOSI and I had a constructive meeting with President Trump and several members of his Cabinet.

One of our most productive discussions was about the DACA Program, to which we all agreed on a framework: to pass DACA protections and additional border security measures, excluding the wall. We agreed that the President would support enshrining the DACA protections into law. In fact, it is something, he stated, that for a while has needed to be done. The President also encouraged the House and Senate to act.

What remains to be negotiated are the details of border security with the mutual goal of finalizing all of the details as soon as possible. While both sides agreed that the wall would not be any part of this agreement, the President made clear that he intends to pursue it at a later time, and we made clear that we would continue to oppose it.

If you listened to the President’s comments this morning and to Director Mulvaney’s comments this morning, it is clear that Leader PELOSI and I put out last night was exactly accurate and was confirmed again this morning by our statement, by the President’s statement before he got on the helicopter to go to Florida, and by Director Mulvaney’s comments. We have reached an understanding on this issue, but we have to work out details, and we can work together on a border security package with the White House to get DACA on the floor quickly.

Let me talk for a minute about border security. We Democrats are for border security. We passed a robust border security package as part of immigration reform in 2013, as the Acting President pro tempore knows better than anybody else. We are not for the wall, and we will never be for the wall. It is expensive, it is ineffective, and it involves a lot of difficult eminent domain—that taking people’s property—and, apparently, it is not being paid for by Mexico. In fact, I listened to FOX News this morning—I was starting to do that to see what is going on over there—and they keep saying that in the campaign the President promised a wall. Yes, he
When you are a credit agency like Equifax, you have two principal jobs: calculating and reporting accurate credit scores and protecting the sensitive information of individuals that is funneled through that process. Stun- ningly and epically, Equifax failed to perform its duties unequivocally as a company—protecting the sensitive information of the people in its files. That is unacceptable, and there is no other word for it.

Even following the failure by Equifax—this huge, massive failure—the company and its leadership failed to effectively communicate this breach to the public and, in the aftermath of the announcement, failed to address public concern. The company knew about the breach and did not notify consumers that their information had been compromised for far too long a period. Because Equifax waited so long to report the breach, consumers were put behind the eight ball. Their informa-
tion was compromised without their knowledge, and they had no ability to protect themselves. Mean-
while, hackers could attempt to take out loans in their names and poten-
tially use the information for identity fraud. They could perpetrate a num-
er of fraudulent schemes with the sen-
sitive information that these horrible hackers had obtained.

Once the breach was eventually an-
nounced, consumers found themselves being forced to provide sensitive infor-
mation to Equifax in order to verify whether they were impacted by the breach. In order to sign up for the com-
pany's credit monitoring services, cus-
tomers were forced to agree to terms prohibiting their ability to bring a legal claim against Equifax. Isn't that disgusting?

Equifax creates the problem and then says: Customer, if you want to solve it, you have to give up your rights. That is what they are saying.

Equifax is saying: We royally screwed up, but trust us. We will not screw up again, but if we do screw up, you cannot sue us.

To make matters worse, in the weeks leading up to the announcement of its breach, while customers were in the dark, several executives at Equifax sold off their stock in the company. They claim that they had no know-
lledge of the breach. If they did, it would be one of the most brazen and shameful attempts of insider trading that I can recall.

We need to get to the bottom of this—the very bottom, the murky bot-
tom, the dirty bottom. The Senate must force hearings on the Equifax breach during which these executives will be called to account. There is no question about that. Beyond that, five things need to happen in the near fu-
ture, I would like to see them in the next week.

First, Equifax must commit proactively to reach out to all im-
 pact ed individuals and notify them that their personal, identifiable infor-
mation may have been compromised and, if known, inform them of exactly what information has been released.

Second, provide credit monitoring and ID theft protection services to all impacted individuals for no less than 10 years. If an individual chooses not to use the credit monitoring service offered by Equifax because they natu-
really don't trust them, then Equifax should reimburse that individual for the costs of the alternative credit mon-
itoring service they sign up for.

Third, offer any impacted individual the ability to freeze their credit at any point for up to 10 years.

Fourth, remove arbitration provi-
sions from any agreement or terms of use for products, services, or disclo-
sures offered by Equifax. This means that Equifax will proactively come into compliance with the CFPB’s forced arbitration rule, and there will be no question that an individual will not have all legal rights at their dis-
posal.

Fifth, Equifax must agree to testify before the Senate, the FTC, and the SEC, cooperate with any investiga-
tion, and comply with any fines, penalties, or new standards that are rec-
aired at the conclusion of these investigations.

If Equifax does not agree to these five things in 1 week’s time, the CEO of the company and the entire board should step down. These five steps are common sense. They are the baseline of decency. If Equifax can’t commit to them, their leadership is not up to the job, and the entire leadership must be replaced.

Let me tell my colleagues, if Joe Public—if the average citizen did any-
thing close to what the corporate lead-
ers of Equifax did that led to this data breach and the awful response to it, that average citizen would be fired im-
mediately. To give Equifax a week to implement these things is overly gen-
eros to people who did horrible stuff and then, after it happened, did noth-
ing—virtually nothing—that showed they had remorse.

It is only right that the CEO and board step down if they can’t reach this mollus of corporate decency by next week.
plan yet. We hear it is being written in a back room by the so-called Big 6—all Republican—but I haven’t seen it. Ranking Member Wyden hasn’t seen it, and no Democrat in the Senate has seen it.

I can tell you one thing: If the President’s tax plan repeals or rolls back the estate tax, it will be clear that a lot of this plan benefits the very rich, contrary to all of his words.

I would remind everyone that only 5,200 of the 2.7 million estates in this country will pay any taxes this year. The estate tax only kicks in when couples with estates of nearly $11 million transfer their wealth. Go to North Dakota—and I know the Acting President pro tempore has nice family farms out there—and ask how many have an estate worth $11 million, and if they do, I am willing to exempt from the estate tax a family farm that is over that. But almost no one does.

A study by the Center on Budget and Policy Priorities showed that of the 5,200 estates—here we have 2.7 million estates. Only 5,200 qualify for the estate tax because they are worth $11 million, and of those, 50 are small farms or businesses—50. Let’s exempt those 50. If there are 50 of these very wealthy with the estate tax. Money out there that comes in from farms or businesses—50. Let’s exempt those 50. If they do, I am willing to exempt from the estate tax $11 million transfer their wealth. Go to North Dakota—and I know the Acting President pro tempore has nice family farms out there—and ask how many have an estate worth that much, if they do, I am willing to exempt from the estate tax a family farm that is over that. But almost no one does.

Some Republicans have characterized those three principles as lines in the sand that show that Democrats aren’t going to cut the budget deficit. I would ask my Republican colleagues, which of the three do you not agree with? Do you think we should cut taxes on the top 1 percent? Do you think we should create deficits by cutting taxes on the wealthy? Do you think you should just go at this alone? If you agree with those, fine. Say so. Don’t say that these are lines in the sand. We are offering some policy guidance that has virtually unanimous support in our caucus.

The way, these three principles guided the 1986 tax reform, which was the most successful tax reform we have had in decades.

It seems to me it is not Democrats who would move the goalpost on tax reform but some Republicans who no longer want to play by the same rules. Mr. President, I yield the floor to my dear friend, the chairman of the Armed Services Committee, who is doing a great job getting this bill through.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. SULLIVAN). Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2018

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2810, which the clerk will report.

The senior assistant legislative clerk read as follows:

A bill (H.R. 2810) to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of the Treasury, to prescribe military personnel strengths for such fiscal year, and for other purposes.
together on a bipartisan basis, and it was reported out by over one-quarter of the Senate, to zero. That is the way we should be doing business.

I will freely admit that national security probably is at a higher level of importance than those of other average legislation, but shouldn’t we learn from this that if we sit down together, we argue, we fight, we debate, and then we reach consensus, we come to the floor of the Senate and to the American people with something that we are proud of and that we can defend?

As I mentioned, there are still some issues that we are negotiating on, back and forth—and we are negotiating—and hopefully we can get those done before cloture is invoked. I hope the majority leader and the Democratic leader will agree to a time certain for final passage.

Let me just say that I support beginning to work toward final passage, which will provide our Armed Forces the resources they need.

By the way, again, I want to emphasize that on the Armed Services Committee, we have had dozens of hearings on topics such as the global threat environment, the effects of defense budget cuts, and military readiness and modernization. Those hearings informed the work of the committee as we moved toward the legislation.

I know that all of us from time to time like to take credit for accomplishments that maybe we are not as responsible for as we would advertise, but I want to say that I am not just proud of JOHN MCCAIN and JACK REED, I am proud of the 27 members of the Armed Services Committee who—and the debate was spirited. It is not the Bobbsey Twins. We fight in a spirited fashion. We defend what we believe in. But once the committee is decided, then we move on.

So my colleagues have embraced the spirit of that process, and we have submitted more than 500 amendments for consideration this week. The Senator from Rhode Island and I negotiated a number of very good amendments that have the support of both Republicans and Democrats. We still have some hard issues that are remaining, and I will be talking more about them. We are still negotiating to see if we can find agreement on those, and I am guarded optimistic we can get most of that agreement done. We will know more later on this morning or early this afternoon.

Let me also point out to my colleagues what we are talking about. We have seen Navy ships, Army, and Marine Corps helicopters. Air Force planes crashing during routine training and operations, and these incidents have cost the lives of dozens of our men and women in uniform. There are many reasons why, but the fact is that this body cannot avoid responsibility for is that we are failing to provide our military with the resources they need to perform the missions we are asking of them. We are asking them to do too much with too little. The result is an overworked, strained force with aging equipment—and not enough of it.

We can point fingers and assign blame all over, but at the end of the day, the major responsibility to raise money and maintain Navies lies with us, with the Congress. That, of course, brings up sequestration, which I will address later on.

I just want to point out, again, the men and women from the uniform of our country are the best of our country, and they do everything we ask of them with great courage. It is time for this body to show a similar measure of courage and end the threat sequestration poses to their mission and their lives.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I again thank the chairman for his leadership.

It has been critical, as has been demonstrated throughout the process during our subcommittee hearings and our committee hearings, but even before that, the chairman insisted upon hearings that were comprehensive so, as we prepare for this hearing, we had a sense of the threats we faced, the resources we needed, and, as a result, as the chairman pointed out, we were able to send to the floor, with a unanimous vote, a very strong defense bill.

Since that hearing together, we have been able to incorporate over 100 amendments which improve the bill. As the chairman pointed out, we are still working on issues we hope we can bring forward for either adoption or, through debate, a vote, and I hope we can do that. Again, as the chairman pointed out, this is a rare instance of regular order—of the committee report coming to the floor, moving to it by a strong vote, taking up and working to get out of the way controversial into the package, and then going ahead and, we hope, setting up debate, discussion, and votes on more difficult and challenging issues. I was encouraged by Senator SCHUMER’s comment that we can anticipate a date for final passage of this bill.

We are confident we will have a national defense bill leaving the Senate and going to conference now. The final outline of that bill is still to be determined, and I hope we can add more to it. That is a very principled process of talking back-and-forth.

Again, I don’t think any of this would have been done without the leadership of the chairman and his insistence that we adhere not only to regular order but that we work toward the end that this is ultimately about the men and women who serve us overseas.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator, by the way, from Arizona.

Mr. MCCAIN, Mr. President, the Senator from Rhode Island, my dear friend, JACK REED, is too kind. It takes two to tango. The partnership we have developed over the years has made it possible for us to get to the place we have in the past and we are today. He has not only my gratitude but that of the men and women who are serving because of his advocacy and his leadership.

Mr. President, I yield the floor.

Mr. REED. I thank the chairman.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I first want to thank Senator MCCAIN and Senator REED for their leadership, a model of bipartisanship at this incredibly important time with the rest of the world and the need to have a strong military. We know that. I think that is why we see this bill proceeding, but this bill will be so much stronger if we make sure that we not only defend our shores and stand by our troops but if we also defend the security of our democracy.

I so appreciate Senator MCCAIN and Senator REED supporting this amendment I have with Senator LINDSEY GRAHAM of South Carolina. This must be included in this bill. We are having a situation where one or two Members on the other side of the aisle are not allowing it to proceed. The timing is critical. The 2018 elections are only four, five- some days away, which is why you saw us pushing this bill and doing everything we can to get it either included in the managers’ package or to get a vote.

This amendment is supported by the Freedom Caucus, and in the House is led by the head of the Freedom Caucus. You may ask why. There are a lot of Republicans who would like to see States be able to keep running their own elections. I agree with that. I like the fact that we have decentralized elections, but the hacking was so real in this last election that our intelligence agencies have now established there were 21 States where there were attempts made to hack into their election software. We know this is going to happen again and, we must stand ready. We must protect our democracy.

Instead of having a successful hack attack in this next election, why don’t we prepare ourselves so we can keep the decentralized nature of our elections? That is why we see such broad support for this amendment.

I came to the floor yesterday to fight for a vote—a simple up-or-down vote—on a bipartisan amendment. I also thank Senator LANKFORD of Oklahoma, as well as Senator HARRIS of California, for their bipartisan work and support for this amendment. This amendment has support, but one or two Members are blocking it—an amendment which has the support of the chairman and ranking member of the Armed Services Committee because they understand that election security is national security.

This provision simply says that it is the policy of the United States to defend against and respond to cyber attacks on our democratic system. You
have to have your head in the sand if you don’t know that this has been a problem, whether you are in business and have had information stolen, whether you are someone who has been scammed or have had stuff sent to you on your email, or whether you are a voter. In short, I am concerned simply that when you are exercising your freedom to vote, someone is going to come in and steal your own private information or—worse yet—change what you did and change the result of an election.

In my view, the framework of our democracy is imperative because public confidence in the reliability of elections is a cornerstone of national security.

I am stunned we weren’t simply able to include this amendment. I still have hope that we can. I am here to fight for this amendment so vigorously today because we need to get this done now. We need to get the authorization done now so the process of getting grants out to States so they can upgrade their election equipment, have backup paper ballots, and simply employ the best practices that we believe we need to protect ourselves from the perils that you see Russia or in any other foreign entity.

We need to make sure our election equipment in every big city and in every small town in America, in every county is as sophisticated as the bad guys are to break it. That is all this is about. I don’t think anyone can go home to their constituents and say they blocked this. How on Earth can we pass a bill which authorizes billions of dollars in spending and refuses to simply authorize a relatively smaller amount of money to upgrade our election equipment?

Predictions are that this would cost about the same amount of money we spend on military bands every year—bands that we love. There is nothing I like better, and I want to keep our military bands strong, but all Senator GRAHAM and I are saying is, I think maybe the protection of our entire election—guaranteeing the freedom of Americans to pick the candidate they choose, whether Republican or Democratic or Independent—is just as important as the music they hear celebrating our democracy. You can’t have music celebrating our democracy if you don’t have full democracy.

U.S. national securities have been sounding the alarm that our voting systems will continue to be a target in the future. The idea that we would pass the Defense authorization bill and not address this threat is mind-boggling. It is literally congressional malpractice.

According to the Department of Homeland Security, now run by the Trump administration, Russian hackers attempted to hack at least 21 States’ election systems in 2016. Earlier this year, we also learned that Russia launched cyber attacks against a U.S. voting software company and the emails of more than 100 local election officials.

The former Director of National Intelligence, James Clapper, recently testified that Russia will continue to interfere in our political system. This is what he said: I believe Russia is now emboldened to continue such activities in the future both here and around the world, and to do so even more intensely. If there has ever been a clarion call for vigilance and action against a threat to the very foundation of our democratic political system, this episode is it.

Vigilance, that is what we need right now. This is not about one party or the other. I think Senator RUSO said it best when he said, well, one election it might affect one party and one candidate; the next election, it is going to affect the other. No one has any idea, when you are dealing with outside foreign entities that are trying to interfere with our democracy and trying to bring down our democracy in the eyes of the world—you don’t know who they are going to affect. You just know they are trying to do it. So what do we do? We put in the necessary money in the Defense Authorization Act, an authorization for that to stop this from happening.

In order to safeguard future elections, State and local officials must have the tools and resources they need to prevent hacks and safeguard election infrastructure. They don’t need those resources in 2 years. They don’t need us debating this for 3 years. They need these resources now. Ask the secretaries of States—Democratic and Republican—who are supporting this bill all over the country, ask the local election officials, and they will tell you they need it now.

The next Federal election in 2018 is just 419 days away. As we know, it takes time for them to plan, it takes time for them to acquire the equipment, and it takes time for them to get the information from cyber experts to make sure whether their systems are secure.

Experts agree that if we want to improve cyber security ahead of the 2018 election, we must act now. That is why I am fighting so hard for this amendment. I don’t think we can just wait around and see if there is another bill we can attach it to next summer. No, that will not work. In order to protect our election systems, we need to do three things:

First, we must bring State and local election officials, cyber security experts, and national security personnel together to provide guidance on how States can best protect themselves. These recommendations should be easily accessible so every information officer and election official in every small town can access them. As we know, a lot of the States themselves still don’t have full information about the hacking in the 21 States. That is a problem. Many State officials I have talked to say they are still in the dark about threats to their election systems. That can’t continue. We need our national security officials to be sharing information about the potential for attacks—not the day before the election, when they can’t do anything, when they have a system that doesn’t have paper ballot backups. No, they need information so they need to help them not just get that information but make the changes they need. This means creating a framework for information sharing, which acts as an alarm system against cyber intruders.

Second, the Federal Government must provide States with the resources to implement the best practices developed by States and cyber security experts. A meaningful effort to protect our election systems will require those resources. As I mentioned before, predictions are that it is about the same amount of money that we spend every year on military bands. I think that is an indication of where you are looking to protect our democracy.

I think most Americans would agree with me—Republicans or Democrats, which is why there is such widespread support for this amendment—when I say protecting our democracy from foreign cyber attacks and letting Americans have the freedom to decide who they want to elect, instead of someone in Russia, are probably money well spent.

As part of this, we need better auditing of our elections. That means voter-verifier paper ballot backup systems in every State. That is fundamental to protecting our elections and improving public confidence in the reliability of elections. Our amendment would accelerate the move to paper ballots by providing States with the resources they need to get there. The vast majority of our States simply don’t have that system in place.

In short, our amendment would help States block cyber attacks, secure voter registration logs and voter data so that people don’t get their addresses in the hands of a foreign government—or maybe even the data on whom they voted for or what party they belong to—upgrade auditing election procedures, and create secure and useful information sharing about threats.

I am not alone in this fight. As I mentioned, Senators GRAHAM, LANKFORD, and HARRIS are also pushing for the Senate to do its job and include this provision. Representative MEADOWS, the leader of the House Freedom Caucus, and Democratic Congressman LANGEVIN have introduced companion legislation in the House. Again, why is the Freedom Caucus strongly behind this bill? They are behind this bill because they want to preserve States’ elections. They want to preserve the rights of States to have their own elections, and they are concerned enough because they have looked at the intelligence reports and have seen that this next election could blow it all up.
Are we just going to look back at it then? People who are holding this up, whose names will be revealed—are they then going to say “Oops, I guess we made a mistake”? No, it is going to be on their hands. It is going to be on their hands. This is the moment to do it.

I repeat: We need to get the authorization in place, so we can get the grant money out to the States so that they can upgrade their election equipment.

Dozens of former Republican national security officials are pushing for the Senate to pass this amendment. They have written op-eds, called their representatives, and worked to inform the public about the need to take action now.

Michael Chertoff, who served as Secretary of Homeland Security under President George W. Bush, published a piece this morning in the Washington Post, calling on Congress to take action and pass the Klobuchar-Graham amendment. He noted that our amendment would address the cyber security challenge in a way that is “fiscally responsible, respectful of states’ policy-making powers, and proactive in dealing with the most pressing vulnerabilities.”

As I noted, Bruce Fein, a Reagan Deputy Attorney General and Justice official, said: “The amendment would enormously strengthen defenses against cyber-attacks that could compromise the integrity of elections in the United States and undermine legitimacy of government.”

A bipartisan group of former national security officials sent a letter to Senate leadership pushing for a vote on this amendment. They noted that attacks on U.S. voting systems threatened to undermine the foundation of American self-government. These attacks are growing in sophistication and scale.

As we all know, States administer elections. If you talk to the local election officials—call any of them up—you will find that they are adamant about protecting States’ rights in this area.

We want to help them. A bipartisan group of 10 Secretaries of State sent a letter urging the Senate to pass this amendment. They want this amendment to pass because it would provide vital resources.

How do you truly expect someone in a town of 1,000 people to be up on the latest cyber security attacks from some sophisticated hackers in a warehouse in Russia? Really? I don’t think so. That is why we want to keep the decentralized nature of our elections. In some ways, one, we like it; two, it gives us protection because it is not all in one system. We know we have to realize that in these small towns and in these rural areas, they are not going to have the updated, sophisticated cyber security protection equipment unless we tell them how they can do it and give them help to get there.

The National Association of Counties, a group that unites America’s 3,069 counties, also endorses this amendment. Why? Because in our country, most of our elections are run by county officials.

As I noted, our decentralized system is both a strength and a weakness—a strength because we have multiple systems, so all of our information isn’t in one place. American elections are increasingly an easy target because many local election systems are using election technology that is completely outdated.

A survey of 274 election administrators in 28 States found that most said their systems need upgrades. Forty-three States rely on electronic voting or tabulation systems that are at least 10 years old. Whao. Do you think the Russians and those other foreign entities that want to mess up with our democracy are not aware that this equipment is 10 years old? I am not telling them anything new right now. Of course they are aware of it.

What are we doing? We are letting people in these small towns in Alaska or in Iowa sit there and wait to see if it happens. Guess what. If they get into our 1,000 people, we’ve got a problem. Do you think the Russians and those other foreign entities that want to mess up with our democracy are not aware that this equipment is 10 years old? We are not telling them anything new right now. Of course they are aware of it.

As I said, we have the strong bipartisan support for this amendment—the strong support and leadership of the Freedom Caucus—there are Members of this body who are still blocking a vote. They happen not to be on my side of the aisle, so I implore my friends on the other side of the aisle to figure this out and let this either be included in the managers’ package or come up for a vote where I know it would pass.

Republican and Democratic Senators support this amendment. Cyber security experts support this amendment. Republican and Democratic former national security officials support this amendment. State and local officials support this amendment.

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Amendment No. 939, sponsored by Senators McCaskill, Portman, Cardin, Brown, Warner, Whitehouse, Durbin, and myself, would advance U.S. national security interests by requiring the President to submit to Congress a strategy for countering the threat of Russian malign activities intended to undermine democracy in the United States, Europe, and across the world and to disrupt the global international order.

The amendment would require the President to provide Congress a strategy that is comprehensive, using every tool at our disposal to counter Russia’s malign activities. The strategy would include actions to counter Russian hybrid warfare operations, building the capabilities of allies and partners to identify, attribute, and respond to Russian malign activities, short of conflict, and supporting the NATO alliance...
and other security partnerships against Russian aggression; on information operations—the strategy would seek to counter Russia's use of disinformation and propaganda in social media as well as traditional media and to strengthen internal mechanisms for coordinating and effectively implementing a whole-of-government response to Russian active measures; in the area of cyber, the strategy would require steps to defend against, deter, and when necessary, counter malicious cyber activities by the Kremlin, including the use of offensive cyber capabilities consistent with policies specified elsewhere in the act; in the political and diplomatic arenas, the strategy would be required to set out actions to enhance the resilience of U.S. democratic institutions and infrastructure and to work with countries vulnerable to malign Russian influence to promote good governance and strengthen democracy abroad; in the area of financial measures, the strategy would address the energy dependence as a weapon of coercion or influence.

The amendment would also require that the administration's strategy be consistent with prior legislation relating to Russia's malign activities, including the Russian Sanctions Act that recently passed with overwhelming support in Congress; the Ukraine Freedom Support Act of 2014, and the Magnitsky Act of 2012. This amendment would fill an important gap in our current approach to relations with Russia. To date, the Trump administration has been unwilling, for whatever reason, to escalate and implement an appropriate response to the threat to our democratic institutions and security posed by Russia's malign influence activities. This amendment would address this critical national security requirement.

It is both appropriate and critically important that this requirement for a strategy to counter Russian malign influence be amended to the National Defense Authorization Act because ultimate national security is dependent on our national security. The administration's failure to acknowledge the insidious interference by Vladimir Putin and his cronies for what it really is—an attack by a foreign adversary on Western democracies and the institutions underpinning the global order—has real implications to our national security. The administration's lack of action to counter this malign influence only encourages the Kremlin to continue its aggression against the United States and its allies and partners.

The Russians know they cannot win in a conventional war, so they have adapted their tactics asymmetrically to leverage their strengths. These tactics pose a real threat, and we need to appropriately posture ourselves, using all tools of statecraft, to counter Russian malign influence.

Before President Obama left office, he conducted a review of Russian interference in U.S. elections. On January 6, the U.S. intelligence community released a report on its findings on Russian interference in our democracy. This report included the consensus view of all 17 intelligence agencies, including the CIA, the National Security Agency, the FBI, and the Office of the Director of National Intelligence. Among the key findings were President Putin “ordered an influence campaign in 2016 aimed at the U.S. presidential election”; “Russia’s goals were to undermine public faith in the U.S. democratic process, denigrate Secretary Clinton, and harm her electability and potential presidency”; “Russia’s influence campaign was ‘multifaceted’ and blended ‘old-fashioned’ Russian propaganda techniques with cyber espionage against U.S. political organizations and mass disclosure of government and private data;” “Russian intelligence obtained and maintained a foothold in the data networks of multiple US state or local electoral boards”; and “Russia’s state-run propaganda machine contributed to the influence campaign by serving as a platform for Kremlin messaging to Russian and international audiences.”

These findings were made public on January 6—over 8 months ago—with the additional warning from our intelligence experts that “Moscow will apply lessons learned from its Putin-ordered campaign aimed at the US presidential election to future influence efforts worldwide, including against US allies and their election processes.”

Furthermore, with each passing week more is revealed to light about the depths to which the Kremlin went to interfere with our democracy.

Just last week, we learned that a Kremlin-linked troll factory bought $100,000 worth of Facebook ads which were further disseminated through hot networks as part of Russia’s attempt to influence our 2016 Presidential election. The ads traced back to 470 fake accounts and pages on Facebook and mostly focused on pushing politically charged, false narratives about political figures, religious, immigration, LGBT rights, and racial discrimination. Further reporting by the New York Times laid out in lurid detail how these fake accounts amplified other tactics of Russian malign influence and ginned up web traffic to DCLeaks—the site where Russian military intelligence first posted hacked emails.

The New York Times also reported that hundreds or thousands of fake Twitter accounts were regularly posted anti-Clinton messages and used Twitter to draw attention to hacked materials during last year’s campaign. Cybersecurity firm Fireye concluded that many of these Twitter accounts were associated with one another and linked back to Russian military intelligence. This is just one tactic of influence that Russia is using as part of the wide-ranging campaign it is waging against us.

Again and again, Russia has used the range of coercive tools at its disposal—including political pressure; economic manipulation; collaboration with corrupt local networks; propaganda, disinformation and denial; and, increasingly, military force—to try to intimidate democratic countries and undermine the further integration of NATO, the European Union, and other Western institutions.

It is clear that we need a strategy and we need it soon; yet what is surprising and disturbing is that the White House has failed to direct that a plan be developed to counter this Russian malign threat and to prepare our country for renewed Russian interference in the upcoming 2018 and 2020 elections. Time is running out. We are now 8 months into the Trump administration.

During this time, numerous administration officials have publicly reinforced the findings of the intelligence community’s January assessment of the threat posed by Russia’s malign influence activities.

On May 11, Director of Central Intelligence Mike Pompeo said he hoped that we learn from Russian activity in the 2016 election and be able to more effectively defeat it.

On May 14, Secretary of State Rex Tillerson said, “I don’t think there’s any question that the Russians were playing around in our electoral processes.”

On May 23, Director of National Intelligence Dan Coats stated, “There clearly is a consensus that Russia has meddled in our election process . . . Russia’s always been doing these kind of things with influence campaigns but this elevating it more sophisticated through the use of cyber and other techniques than they did before.”

On June 13, Secretary of Defense Jim Mattis stated, “We’re recognizing the strategic threat that Russia is provided by its misbehavior.”

On July 9, 2017, U.N. Ambassador Nikki Haley stated, “Everybody knows that [the Russians] are not just meddling in the United States’ election. They’re doing this across multiple countries and they’re doing this in a way that they’re trying to cause chaos within the countries.”

On August 5, National Security Adviser H.R. McMaster described the threat from Russia “as a very sophisticated campaign of subversion and disinformation and—and propaganda that is ongoing every day in an effort to break apart Europe and to pit political groups against each other to sow dissension . . . and conspiracy theories.”

Yet, despite the assessment from the intelligence community and these acknowledgements from the President’s
own national security team that Russian malign influence and interference in our 2016 election and the elections of our close allies in Europe pose a national security threat, the President has yet to direct that actions be taken to counter Russian malign influence. As far as we know, the President has not ordered the national security team even to formulate a strategy to address these pressing threats from Putin and his cronies. Time is running out.

In fact, 9 months in, and despite the assessment of the Cabinet, the President can’t even clearly admit that the threat is coming from Russia.

On January 11, President Trump stated, “As far as hacking, I think it was Russia. But I think we also get hacked by other countries and other people.”

On April 30, President Trump said, “It’s very hard to say who did the hacking . . . I’ll go along with Russia. Could’ve been China, could’ve been a lot of different groups.”

On May 31, President Trump said, “If Russia or anybody else is trying to interfere with our elections, I think it’s a horrible thing and I want to get to the bottom of it.”

On July 6, just prior to his meeting with President Putin, President Trump said, “It could have very well been Russia but it could well have been other countries and I won’t be specific but I think a lot of people interfered. Nobody really knows. Nobody really knows.”

Let’s stop and think about that for a minute. “No one really knows for sure”? That is even a question runs completely counter to the informed assessments of the entire intelligence community and the President’s own national security team. It is time President Trump admits what the rest of us know to be true.

We also know, from multiple administration officials’ testimony to Congress, that the President has not ordered his Cabinet or senior staff to work on a strategy.

On May 11, when our colleague and vice chairman of the Intelligence Committee Senator WARNER asked DNI Coats where we stand in terms of preparation against a future Russian attack, he couldn’t think of a single thing. He replied, “Relative to a grand [Russia] strategy, I am not aware right now of any—I think we’re still assessing the strategy.”

On June 8, when our colleague Senator HENNHICH asked whether the President had inquired about what the FBI Director, our government, or the intelligence community should be doing to protect America against Russian interference in our election system, former FBI director James Comey stated, “I don’t recall a conversation like that.”

When I asked Defense Secretary Mattis on June 13 whether the President had directed him to begin intensive planning to protect our electoral system against the next Russian cyber attack, he was not able to point to any guidance indicating that the President recognizes the urgency of the Russian threat or the necessity of preparing to counter it next year during the midterm elections.

On June 21, officials from the Department of Homeland Security testified that 21 States were potentially targeted by Russian government linked hackers in advance of the 2016 Presidential election. When I asked these officials whether the President had directed them to come up with a plan to protect our critical elections infrastructure, they also responded no.

On June 28, Representative SHERMAN asked U.S. Ambassador to the U.N. Nikki Haley whether she had even talked to the President about Russian interference in the 2016 Presidential election. She replied that she had not talked to the President about the subject.

On July 7, in a press conference at the G-8 summit after the President’s meeting with President Putin, Secretary of Defense Jim Mattis stated, “I think the relationship [with Russia]—and the President made this clear as well—is too important, and it’s too important not to find a way to move forward.” It is long past the point where anyone can deny that Russia interfered in our election and the elections of our allies and partners in Europe. This should have been a priority on day 1.

We need to formulate a strategy and take action on a whole of government basis to counter the threat from Russia.

We cannot just ignore this problem or sweep Kremlin attacks on our elections and those of our close European allies under the rug and move forward. We need a strategy to counter Russian malign influence that leverages all our tools of power across the government. Though President Trump may be unwilling to confront or condemn Russian interference, when he testified before the Senate Intelligence Committee, “It’s not a Russian thing or a Democrat thing. It really is an American thing.”

As you are all aware, we took an overwhelming bipartisan vote of 98–2 this summer and passed long-overdue sanctions. That was an important first step, but more must be done. We must act because the Trump administration has refused. I am pleased to be joined in this effort by Members from both sides of the aisle in sponsoring this amendment. As former FBI director James Comey said when he testified before the Senate Intelligence Committee, “It’s not a Republican thing or a Democrat thing. It really is an American thing. They’re going to come for whatever party they choose to try and work on behalf of . . . They’re just about their own advantage. And they will be back.”

This amendment will ensure the administration does take appropriate action. It will direct the President to formulate a comprehensive strategy to ensure that, when Putin and his minions come back in 2018 and 2020, we will have appropriate measures in place to detect, deter, and counter this serious threat to our democracy.

I urge my colleagues to support the adoption of this important and necessary amendment to the bill before you. In it, we have prescribed a clear and comprehensive plan to rebuild our military to decisively deter or defeat any adversary.

The PRESIDING OFFICER. The Senator from Iowa.

Mrs. ERNST. Mr. President, throughout my time as a Senator, I have heard our Service Chiefs testify time and again to the hollowing of America’s military as a result of insufficient and unpredictable funding. Simultaneously, external dangers have grown in size and scope.

Sadly, for the first time in decades, we are forced to confront not one but multiple existential threats to the American way of life. An expressive Russia, expanding China, nuclear North Korea, nefarious Iran, and relentless global terror networks put our lives and the lives of future generations at risk.

America is once again in crisis. Inaction, obstruction, or partial commitment are not options. This year’s National Defense Authorization Act provides us an opportunity to fulfill our commitment to our men and women of America’s armed forces, sailors, airmen, marines, and guardsmen the tools they need to accomplish all we demand.

I find it particularly fitting that this bill came to the floor the week of September 11, an anniversary of unparalleled adversity but also one of national unity. On that day, and the days that followed 16 years ago, the best of America eclipsed the evil of terror. We came together for the sake of our security, demonstrating to the world America’s resilience.

There is no greater symbol of that resilience than those who serve in uniform. Secretary Mattis reminded us of that on Monday when he said: “The men and women of America’s armed forces have signed a blank check to protect the American people and to defend the constitution, a check payable with their lives.”

The least the Senate can do in return is authorize and prioritize congressional efforts to keep faith with that promise. At the same time, we are under no obligation to fund over-budget, behind-timeline defense programs with a blank check of their own. On the contrary, we have an oversight obligation to the American taxpayers, those in and out of uniform, to ensure proper stewardship of their hard-earned dollars.

That is why I, along with my colleagues on the Armed Services Committee, crafted this amendment and passed it unanimously the bill before you. In it, we have prescribed a clear and comprehensive plan to rebuild our military to decisively deter or defeat any adversary. However, we are also holding the Department accountable for each dollar it spends.

For my part, as a member of the Armed Services Committee and chair
of the Emerging Threats and Capabilities Subcommittee, I focused on three priorities.

First, I supported our troops and their families by making senior enlisted pay scales commensurate with job requirements, by combating sexual assault, and by updating Federal direct hiring authority for military spouses. I extended that support to the battlefield by promoting enhanced standards for things like parachutes, aircraft life support systems, and counterdrone technologies.

Second, I advanced policy initiatives to increase cooperation with international partners, to codify a more comprehensive counterterrorism strategy, and to reaffirm America’s support for our European friends by putting Russia and Crimea on notice for its aggression in Ukraine. Finally, I included measures to optimize existing institutions, such as our National Guard’s cyber capabilities, and to ease regulatory burdens, so the best ideas and products from our universities and private companies can bolster national security at a lower cost.

I have led important efforts to hold DOD accountable by requiring enhanced program management standards and by joining Senators Grassley and Perdue in demanding that the Department finally meet its 26-year overdue statutory obligation to complete a clean audit.

Colleagues, let’s be clear—no one wants America’s military to be our first or only option, but we must also acknowledge this truth: It is fundamental to our security that a ready military remains an option. The fiscal year 2018 NDAA is a vital step toward providing that security. Seeing it through to fruition as part of a larger effort to reassess our “power of the purse” is the next step. There will be time to debate nondefense policies and budgets later, and as legislators, our job is to zero in on this debate.

Let’s take the first step now. I urge all of my colleagues to support the NDAA. Follow through in the months ahead. Fulfill our obligation to realize its goal. We can do no less.

Thank you, Mr. President.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

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

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

Mr. DURBIN. Mr. President, each year the Department of Defense funds billions of dollars in military-relevant medical research—research that offers our servicemembers concrete treatments for the particular diseases and afflictions that impact them the most. Medical research that offers families hope, research that improves lives, and research that saves lives.

Last summer, during consideration of the fiscal year 2017 Defense Authorization Act, there was a question as to whether Congress would permit this lifesaving research to continue or whether instead we would wrap it up in so much red tape that it would basically go away. I was proud that this Senate Chamber, on a bipartisan basis, voted resoundingly to continue medical research in the Department of Defense by passing the bill without amendment. This bipartisan vote, especially in a Senate where we have a difficult time finding common ground. When it came to medical research in the Department of Defense for members of the military and their families, we said unequivocally that we are committed to it on a bipartisan basis. I was proud to lead that fight, along with Senator Roy Blunt of Missouri, a Republican, to protect defense medical research. Altogether, 40 of my Republican and Democratic colleagues co-sponsored our effort.

That vote was not just a vote for medical research, it was a vote for the men and women in the military and their families. The vote recognized that right now, we are closer than ever to finding cures for dreaded diseases like cancer; closer than ever to understanding how to delay the onset of neurodegenerative diseases like Alzheimer’s and Parkinson’s; closer than ever to developing a universal flu vaccine. That vote was the time to start ramping up our investment in medical research, not scaling it back. The Senate spoke, but unfortunately it didn’t end the debate.

This year, the fiscal year 2018 National Defense Authorization Act now pending on the floor of the Senate repeats last year’s research-killing provisions and, for inexplicable reasons, adds two more. Just like last year, these provisions in the bill pending on the floor of the Senate would effectively end the Department of Defense medical research program. Like last year, these provisions wrapped this research in more red tape than you could possibly explain. And we face the prospect for the second year in a row of the end of this critical, lifesaving medical research.

These provisions are dangerous, and by cutting medical research, they will cost lives—the lives of our military and their families. So I filed a bipartisan amendment, along with additional cosponsors and my lead cosponsor, Senator Roy Blunt, Republican of Missouri, to remove these provisions from this Defense authorization bill so that lifesaving research can continue.

The underlying Defense authorization bill has four provisions that, if enacted, will end the DOD’s research.

The first provision, section 733, would require the Secretary of Defense to certify that each medical research grant awarded is “designed to directly protect, enhance or restore the health and safety of members of the Armed Forces” —not veterans, not retirees, not the spouses of military members, not the children of military members.

To make matters worse, after the Secretary makes this certification in writing to the Armed Services Committee, the Defense Department is then required to wait 90 days before awarding or increasing the grant. It is not only red tape, it is built-in delay.

In my view, veterans, retirees, and spouses and children of servicemembers are all vital members of the Department of Defense’s military community. They use the Department of Defense healthcare system. They deserve to be counted. When a member of the military deploys, the family deploys, and we ought to stand by all of them.

The second provision, section 891, requires that medical research grant applicants meet the same accounting and pricing standards that DOD requires of procurement contracts. That sounds simple enough, doesn’t it? But these are regulations that private companies must meet to sell the Department of Defense goods and services, like weapons systems and equipment.

The third provision, section 892, changes the ground rules for how to handle the technical data generated by the research—information critical to clinical trials and manufacturing processes. How does this bill change it? This should sound familiar: by wiping away the existing regulations and imposing overly burdensome and unnecessary regulations that would scare off research partners.

I am sympathetic to what this section may be attempting to do. In the face of ever-increasing prescription drug costs, it does make sense for the Federal Government to have more rights when it comes to products and treatments developed with Federal tax payer dollars. However, we must be more strategic about how to approach this. I look forward to working across party lines to balance the government’s role in helping to keep drug costs down, especially for products that would not have been possible without Federal investments.

The fourth provision, section 893, requires the Defense Contract Audit Agency to conduct audits on each grant recipient.

For those who aren’t familiar with this audit agency, it is currently backlogged with tens of billions of dollars’ worth of procurement contracts that it has to audit. This provision in the bill would add to this pile, requiring it to conduct an additional 800 audits per month on medical research grants—more red tape; no real reason. Taxpayers deserve to know how their money is being spent, and the existing system does that. The grant application must show that the research is relevant to the military. No grant makes it through the first round without showing clear military relevance. If taxpayers deserve to know that, that is the end of the story. If they clear the hurdle, then they are subjected to a long list of critical defense researchers
and issue experts in the disease in question to ensure that their research proposal is worth the investment. But that is not it. Representatives from the National Institutes of Health and the Department of Veterans Affairs also have input at that point to make sure it does not duplicate any existing research. These rules are in place to protect taxpayer dollars, and they work.

This year’s Defense authorization attempts to add red tape to the program in the name of protecting it but in reality, it only makes it harder for the military, their families, and veterans, and the efficiency of the military healthcare system.

We asked the Department of Defense how the new system proposed in this bill would work. Here is their analysis:

This in essence would choke off the military family and military retiree relevant medical research, inhibit military medical training programs, and impact future health care delivery. Impacts will take place across all areas. . . . [Researchers] would most likely not want to do business with the DOD. . . . [The provisions] may create a chilling effect on potential awardees of DOD assistance agreements.

A “chilling effect” on medical research—is that what we want to go on the record to vote for with this bill? Is that what the Senate wants? Is that what we want to say to members of the military and veterans, their families, and retirees? I don’t think so.

These provisions are simply put in the bill to erect roadblocks to critical, important medical research.

Let’s talk quite a bit about the medical research funded by DOD, the real-world impact.

Since fiscal year 1992, the Congressionally Directed Medical Research Programs has invested almost $12 billion in innovative medical research. This medical research command determines the appropriate research strategy, filling research gaps, and creates a public-private partnership between the Federal Government, private universities, and those who desperately need this research.

In 2004, the Institute of Medicine, an independent organization, looked at the medical research program that I have discussed, and what did they find? “The CDMRP has shown that it has been an efficiently managed and scientifically productive effort.” That is a pretty solid endorsement of $12 billion worth of medical research. They found that this program “concentrates its resources on research mechanisms that complement rather than duplicate the research approaches of major funders of medical research in the United States, such as the National Institutes of Health.” They also found that “the program appears to be well-run, supports high-quality research, and contributes to research progress.”

The Institute of Medicine also reviewed the program in 2016. This was their conclusion just last summer about the same program:

CDMRP is a well-established medical research funding organization, covering many health conditions of concern to members of the military and veterans, their families, and the general public. And this is highlighted by the committee and CDMRP processes for reviewing and selecting applications for funding to be effective in allocating funds for each research program.

This program has been closely vetted, as it should be. It is a matter of medical research critical to members of the military and their families. It is a matter of life and death. It is a matter of the integrity of spending taxpayers’ dollars. It is a good program, a solid program. It has not been wrought with scandal. There is no reason for us to turn it on to turn the lights out in the offices of these researchers.

The Institute of Medicine had this right. We have real results to back up the way we feel about this. What areas have they embarked on with critical successful research? One of the greatest success stories of this program is advances we have made in breast cancer treatment. In 1993, the Department of Defense awarded Dr. Dennis Slamon two grants totaling $1.7 million for a tumor tissue bank to study breast cancer. He began his work several years earlier with funding from the National Cancer Institute. The DOD kicked in to help.

Dr. Slamon’s DOD-funded work helped to develop Herceptin, which is now FDA approved, one of the most widely used drugs to fight breast cancer. This research has not only saved the lives of countless women in the military, but it has had application far beyond the military. The same thing is true when it comes to prostate cancer and Parkinson’s disease. What we found over and over is that money invested in this program for medical research is money well spent. Why, then, would we bury this program in red tape?

I am happy that some 54 or 55 Senators from both sides of the aisle are going to stand with me, and I see I have other colleagues preparing to speak. I will return to speak more specifically about the programs of this agency.

Is there a person in this country who believes that America is spending too much money on medical research? Well, perhaps there is, but I haven’t met them. What I have found over and over is that Members of both political parties can come together to support medical research. The Department of Defense does a great job with the resources given to them. Let’s continue this program as a salute to our men and women in the military, their families, and our veterans. I yield the floor.

The PRESIDENT PRO Tempore. The Senator from Arizona.

Mr. MCCAIN. Mr. President, let me state the bottom line up front. This year’s NDAA, once again, focuses medical research dollars on the needs of servicemembers and military veterans, and it increases transparency on how those taxpayer funds are being spent.

The amendment of the Senator from Illinois would take hundreds of millions of dollars away from defense needs to spend it on research activities totally unrelated to the mission of the military and shield these activities from critical oversight by the Department and the Congress.

Let me state this up front: If these medical research dollars were invested in the proper branch of government, I believe one of its strongest supporters. What we are seeing here—what we see so often—is the Willie Sutton syndrome. They asked Willie Sutton: Why do you rob banks? He said: That is where the money is.

This year, you think medical research for autism, spinal cord injury, prosthetics, or many others have nothing to do with defense? Let’s take it out. Let’s appropriate the right amount of money to the right branch of government. So while we are watching the defense dollars being spent—wars—going down over the last 20 years, Congress has provided more than $11.7 billion in medical research.

According to—what is aptly named over in Defense—the Congressionally Directed Medical Research Programs, 12 out of 28 current research programs do not mention the military, combat, or servicemembers and their official mission or vision statements.

So let me repeat this for the benefit of my colleagues. Spending one of the most important medical research at the Department of Defense, nearly 15 percent of which has nothing to do with the military, has grown 4,000 percent since 1992—4,000 percent. So in the meantime, the Budget Control Act is constraining the DOD budget. It has done great harm to our military. Every single service chief and combatant commander over the last 5 years has testified to the Armed Services Committee that the budget caps imposed by the Budget Control Act—thanks to sequestration—are hurting our readiness. Congress has made it more difficult to respond to the Nation’s growing threats. Yet, during this time of severe defense budget restrictions, funding for the Congressionally Directed Medical Research Programs has nearly doubled. Is that our priority?

I suggest to the Senator from Illinois: Why don’t you go to the right place in the appropriations bill and allocate research funds there? Why don’t you do that? You are not going there because it is the Willie Sutton syndrome.

What you are doing is you are taking money away from the men and women serving
in the military what they need to defend this Nation.

Mr. DURBIN. Will the Senator yield for a question?

Mr. MCCAIN. No, I will not yield.

The fact is that we have now had a rash of accidents in training and it is being reflected in these kinds of accidents where we are killing more members of the military in training than we are in combat, and every one of the service chiefs will tell you that it is because of lack of funding for training and readiness and maintenance. This has to stop.

The NDAA this year prohibits the Secretary of Defense and the service secretaries from conducting a medical research and development project unless they certify that the project would protect, enhance, or restore the health and safety of members of the Armed Forces. Is that an outrageous requirement that we spend the dollars for defense that would actually be used for defense? Wouldn’t that be outrageous?

So it requires that medical research projects are open to competition and comply with other DOD, or Department of Defense, cost accounting standards. So we are not only asking them to be responsible but to comply with other Department of Defense cost accounting standards. So why that should be unacceptable, I don’t know.

So the Senator from Illinois has submitted an amendment that would strike these requirements—it would strike these requirements—to adhere to the Department of Defense cost accounting standards. Why? Why would you not want to along with cost accounting standards?

So it is certainly not an accident that the largest spike in congressionally directed medical research funding coincides with the tenure of the Senator from Illinois as chairman and ranking member of the Appropriations Committee Defense Subcommittee, in which, I say, he has done an outstanding job. Hundreds of millions of dollars in the defense budget will be used for medical research unrelated to defense, and it was not requested by the administration.

If this amendment passes, hundreds of millions of dollars will be taken away from military servicemembers and their families. If this amendment passes, hundreds of millions of dollars will not be used to provide a full 2.1 percent pay raise for our troops. It will not be used to provide a full 2.1 percent pay raise for our troops.

I am very aware of the power of lobbyists and special intersest in the hands of lobbyists and political consultants, instead of medical experts where it belongs.

So I say to my colleagues that the amendment would harm our national security. It belongs in civilian departments and agencies of our government.

So I say to my colleagues that the National Defense Authorization Act focuses the Department’s research efforts on medical research that will lead to lifesaving advancements in battlefield medicine and new therapies for recovery and rehabilitation of servicemembers wounded on the battlefield. This amendment would harm our national security. The amendment of the Senator from Illinois would harm our national security by reducing the funding available for militarically relevant medical research that helps protect soldiers and servicewomen on the battlefield and for military capabilities they desperately need to perform their missions. It would continue to put decision-making about medical research in the hands of lobbyists and politicians, instead of medical experts where it belongs.

I would like to repeat for at least the fifth time that I strongly support funding for medical research. I do not support funding for medical research that has nothing to do with the Department of Defense. The dollars are too scarce. You can see the way that it has gone up and up and up. So what we are trying to do is to preserve medical research where it applies to the Department of Defense and not use it for every other program, which should be funded by other agencies of government. I am very aware of the power of lobbyists and special interest in the hands of lobbyists and political consultants, instead of medical experts where it belongs.

I hope that some of us would understand that 10 sailors just died onboard the USS John S. McCain. They died because that ship was not ready, not trained, not equipped, and not capable of doing its job because they didn’t have enough funding. Let’s get our priorities straight.

I yield the floor.

Mr. DURBIN. Mr. President, I ask unanimous consent for 2 minutes.

Mr. MCCAIN. I object.

Mr. CORNYN. Mr. President, I ask unanimous consent that the Senator may reserve his 2 minutes and then, following that, that I be recognized, and then, following that, Mr. Gillibrand.

Mrs. GILLIBRAND. Mr. President, I object. I was next in line.

Mr. CORNYN. Mr. President, I believe I am recognized and have the floor.
The PRESIDING OFFICER. The majority whip is recognized.

Mr. CORNYN. Mr. President, the men and women of our military defend us on a daily basis without a doubt, but now, today, is our time to do the same for them.

One thing I cannot defend is how we continue to tie our own hands when it comes to funding the U.S. military.

This week we are considering, of course, the Defense Authorization Act that will help ensure that our military has the resources it needs to achieve the mission of today and rise to the challenges of tomorrow, but there is a fundamental problem with the way we equip the men and women we task with defending us. It is called sequestration. The sequester was called for by the Budget Control Act, which puts annual caps on defense and nondefense discretionary spending, and enforces those caps with a kind of budget cleaver. In other words, any spending that exceeds the ceiling gets axed. That sounds like a good idea in the abstract. Who doesn't want to treat our addiction to spending? Who doesn't want to put the Federal Government on a diet? I certainly do, but I am not willing to sacrifice our national security and the No. 1 priority of the Federal Government when it comes to providing for our mutual defense. In the words of the junior Senator from Arkansas, himself a veteran, he said: "Ratifying America's flailing national security problem at its root, the law only clipped a few stray leaves off the branches."

If we are going to be serious about reducing our deficit, we must address our budget priorities by looking at and addressing all government spending, not just the 30 percent or so that is discretionary. The reason we are not serious about dealing with our looming deficits and debt is not because of defense spending, it is because of nondefense entitlement spending, which is the political third rail of our government, and politicians are so afraid to deal with that mandatory spending that we cut defense spending into the muscle, to the bone, and it leads to the sort of dangers the Senator from Arizona talked about, in terms of a lack of readiness and training.

The caps in sequester, mind you, do not stop with our military. Sequestration also makes our national security problem worse and we are watching closely and modifying the sequester. The caps in sequester were driven by our failure to get serious about the real budget threat: explosive growth in government-funded entitlement programs. Appropriated necessary funding for our Armed Forces should not be held hostage because of our inability to tighten our belts in other areas where the real runaway growth has occurred. It is past time to annually pass appropriations to fund the Department of Defense. It is past time to objectively assess and fund the actual and ever-changing defense needs of our country. What are the results of the Budget Control Act? Well, we are not really saving money, but we are wasting time. We repeatedly raise the Budget Control Act's budget caps at the last minute, meaning they really don't keep spending down. Meanwhile, our military's ability to plan and forecast is severely hampered. When you can't plan, you are not ready, and it is no exaggeration to find ourselves in a true state of a readiness crisis. Our military, already under great stress and stretched thin around the world, has suffered from 15 years of continued operations, budgetary restrictions, and deferred investment.

According to General Walters, the Assistant Commandant of the Marine Corps, more than half of the Marines' fixed- and rotary-winged aircraft were unable to fly at the end of 2016—more than half of the Marines' fixed- and rotary-winged aircraft were unable to fly at the end of 2016. That is outrageous. The Navy fleet currently stands at 277 of the 350-ship requirement.

The Air Force had 134 fighter squadrons in 2016. We paid Saddam Hussein out of Kuwait. It now has it only 55—in 2017, 55, and in 1991, 134, and we have 1,500 fewer fighter pilots than we need.

Heather Wilson, Secretary of the Air Force, put it earlier this week, when she said, "We have been doing too much with too little for too long."

We need to hear these words, and we need to remember how they spell out in the real world—how they affect our sailors, our pilots, and our troops on the ground.

This summer, the Nation mourned 42 servicemembers who died in accidents related to readiness challenges. Mr. MCCAIN, the Senator from Arizona, the distinguished chairman of the Armed Services Committee, pointed out the death of 17 sailors aboard the USS John S. McCain and USS Fitzgerald alone, plus other separate actions claimed the lives of 19 marines and 6 soldiers.

Meanwhile, we have not become a safer, more peaceful place. We keep trying to cash that peace dividend, but there is no peace. In fact, when our adversaries are watching closely and modifying the sequester.

Trouble is not going to wait on us getting our act together. Whether our military is ready or not, here it comes.

Mr. President, yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. BLUMENTHAL. Mr. President, I thank the leaders of the Armed Services Committee. I know the Presiding Officer serves on that committee so he is well aware of the extraordinary work and service done by Chairman Mccain and Ranking Member Reed and our colleagues on the committee who have worked so collegially, in a bipartisan way, to produce a defense bill that supports our military men and women and their families and, more importantly, supports the United States of America in continuing to be the greatest and strongest power on the planet.

I want to talk about some of the specifics of that measure but first want to honor the 17 sailors who perished on the USS McCain and USS Fitzgerald. Two of them were sailors from Connecticut, and I want to pay tribute to ET2 Dustin Doyon of Suffield and ST2 Ngoc Truong Huynh of Watertown, CT. They were true patriots. Their families...
should be proud of them. All of Connecticut celebrates their extraordinary service and sacrifice to our Nation, even as we are struck by the grief and share the sadness of their families as best we can.

I know we also feel owe it to them, their families, and all families of the men and women in uniform to be safe. The investigation is proceeding into the circumstances surrounding the crash that caused their deaths. I will be interested, and I hope that investigation will be expedited.

The NDAA is a vital measure that preserves our national security in an uncertain era of unprecedented threats and delivers support necessary to contain our servicemen and our national defense. A number of the provisions I helped craft in this measure will improve opportunities for veterans, military sexual assault survivors, help with the Ukrainian soldiers, and extend special immigrant visa program. Those measures, among others, I am proud to have participated in crafting and supporting.

This year's bill invests billions of dollars in submarines, helicopters, and the Joint Strike Fighter engine, all produced by Connecticut's highly skilled and dedicated workforce.

The bill includes over $8 billion for Virginia funding and full funding for the Columbia class program following a successful amendment I led to secure our university and graduate Connecticut jobs. Nothing is more important to our national defense than our undersea superiority. The stealth, strength, and power of our submarine force is vital to our national security.

The measure also includes $25 million for undersea research and development partnerships which Electric Boat and the University of Connecticut are well poised to take part in.

The measure provides, as well, $10.6 billion for 94 Joint Strike Fighters across the Air Force, Navy, and Marine Corps, adding 24 above the baseline that has not been adequately funded, and make sure we insulate it as much as possible from politics and parochialism, keeping it as free as possible from special interests. I admire and respect members of a body that should support our own freedom but that of others around the world.

For all of these reasons, I urge my colleagues to support this bill. For these reasons and many others, this bill keeps faith with our military men and women. It secures our national defense. It provides the assurance going forward that we will remain as strong as we need to be as the only superpower, guaranteeing not only our own freedom but that of others around the world.

As we consider amendments on the floor, I urge my colleagues to reject the new BRAC proposal that was introduced by Chairman McCAIN and Ranking Member REED as McCain amendment No. 933. With all due respect, I support the intent. Again, I thank them for all of their work on this bill, as it has been an extraordinary accomplishment to bring it this far and to, hopefully, within the next few days, get it over the finish line. The intent is good. Our military is capitalizing on future savings where they exist, and it must continue to do so. Process will be necessary, as that is a stark fact of life, but I cannot support the BRAC effort they have proposed.

The BRAC amendment would set in motion a long and time-consuming and complicated process. Connecticut is all too familiar with that process. We had a near-death experience with our base not all that long ago. It was an experience that should sound alarm bells not only for Connecticut but for other States my colleagues represent. As a Senator who represents one of the last military bases in New England, I am deeply concerned that there may be harm to civil-military relations and harm to our national security that will be caused by closing bases in our region.

The first obligation of Congress is to do no harm to these military bases. Connecticut has seen this process before. It took almost a decade for the impact of BRAC to be acknowledged. I assigned the C-130 flying mission that was the outcome of the last BRAC round. To carry out this mission, the Connecticut Air National Guard began deploying in support of operations in the Middle East this year.

I know personally about that BRAC process. I was involved in the BRAC Commission proceedings, and afterward I was involved in literally suing the Secretary of Defense to preserve the flying mission at the, and to even make the Air National Guard in Connecticut. Closing that base to the Air National Guard, to the C-130, or to other planes like it would have been a disgraceful outcome, but we succeeded in reaching a result, through settlement, that preserved it.

The submarine capital of the world, also known as the “First and Finest Submarine Base,” is in Connecticut. The fate of that base, the Naval Submarine Base of Groton, was uncertain, a jeopardy in 2005 as it endured unnecessary questions over its viability and military value that delayed investments and the homeporting of submarines there. Given the importance and prominence of our submarine fleet today, as well as the $17 million since 2005 that the State has invested in this base—$17 million invested by the taxpayers of the State of Connecticut—It is inconceivable that we would close it to become 16 submarines as well as to a submarine training school.

BRAC is long on unrealized returns and short on increased readiness. In fiscal year 2014 BRAC was about $2 billion and save over $35 billion in the next 20 years. In reality, costs have ballooned to $35 billion, and savings will be less than one-third of what was initially projected—just $10 billion. That is the 2005 BRAC verdict; that it costs more than it saves. Simply put, BRAC cuts capabilities, and we can never get those capabilities back. At a time of global uncertainty and an expanding threat environment, we should be investing more, not less, in our reserve forces.

As a first step, I would welcome an independent study on where excess capacity exists today, but I am concerned that this amendment sets into motion a BRAC authorization before Congress is provided with a process for doing so and where and how it should be set in motion. I am concerned this amendment empowers a force structure baseline that has not been adequately assessed by the Department of Defense. That force structure baseline is the lifeline of our future military, and moving forward without it provides a distorted view of where excess capacity may exist.

The BRAC amendment eliminates the independent commission that was previously designed by Congress in an effort to take politics out of the process. I deeply respect my colleagues who support this measure, but I have no confidence that they will be able to set the impact of BRAC to be adequately assessed by the Department of Defense and the being held accountable to their individual States. Let’s be very blunt. This measure will exacerbate the role of politics in this process, not diminish it.

While an independent commission is by no means completely above politics, removing it will aggravate the roles that parochialism and politics play in deciding the future of military installations. Under the rules of the Senate, this body stripped itself of the Bicameralism and bicameral process, let’s be blunt, that were key to the BRAC process. The role of the Senate, the Congress, was diminished in this process, as well.

I urge my colleagues to reject this amendment, for our own sake, as Members of a body that should support our national defense, keep it as free as possible from politics and parochialism, and make sure we insulate it as much as possible from the current and forecasted special interest lobbies. I admire and respect the time and effort our committee leaders have devoted to this amendment. If it is defeated, I will
work with them to address the issues I have outlined. Base closing must be considered. There are bases that can and should be reduced and perhaps completely eliminated, but I cannot support the BRAC amendment before us, and I urge my colleagues to reject it.

Again, I thank the chairman of the committee, Senator McCain, and the ranking member, Senator Reed, for all of their great work on this very important measure, which I hope will be passed.

Thank you.

I yield the floor.

The PRESIDING OFFICER (Mrs. Fischer). The Senator from Alaska.

Mr. SULLIVAN. Madam President,

I would like to focus on one such threat that we need to address right now that is at the doorstep of our great Nation and what the NDAA is doing specifically about that threat. The threat is North Korea's nuclear intercontinental ballistic missile that will be aimed at the United States of America.

Recently, a disturbing article written in the Washington Post, the lead paragraph of which reads:

North Korea will be able to field a reliable, nuclear-capable intercontinental ballistic missile as early as next year. U.S. intelligence officials have concluded in a confidential assessment, that dramatically shrinks the timeline for when Pyongyang could strike North American cities with such a weapon.

This assessment was leaked by someone within the Pentagon's Defense Intelligence Agency, and it shaves almost 2 full years off of what we thought North Korea's capability was. Right now, the threat is here. Think about this threat with regard to who is leading North Korea—an unstable dictator who has shown that he is not rational.

Let me go into a little bit more of the threat here. When you look at the different regimes—Kim Il Sung, Kim Jong II, and Kim Jong Un, who is the current dictator of North Korea—in just the 5 years since he has come to power, he has conducted more than 80 missile tests and over twice as many nuclear tests as both his father and grandfather did in their 60 years of ruling North Korea. Look at this chart. It shows missile tests, nuclear tests—5 years—way more than his father and grandfather ever did.

And while several of these missile tests have been failures, we have obviously seen clear successes. In fact, while many Americans were celebrating the Fourth of July holiday—our patriotism, our liberty, our military—Kim Jong Un launched a successful test of an intercontinental ballistic missile.

On the nuclear side, we have seen activity even more recently, allegedly a test of a hydrogen bomb with an estimated yield of between 500 and 1,000 kilotons—their third nuclear test since January 2016. It was eight times more powerful than their last test.

The bottom line with regard to this threat from a very unstable regime is they are making very significant progress.

So that is the threat. It is very real—on our shores—led by an unstable dictator who has threatened to use these weapons.

What are we doing about it? Well, we have the capability to defend against this threat, and that capability is through the development of additional missile defense for the homeland of the United States—for our cities. That is what this National Defense Authorization Act does.

Unfortunately, over the past several years, the Federal Government has not taken homeland missile defense very seriously. One study recently found that if North Korea were to launch a nuclear missile, our homeland missile defense has been characterized by a “trend of high ambition followed by increasing modesty.”

The “high ambition” has been largely driven by the threats to our Nation, but the modesty component has been largely a function of decreasing budgets for the Missile Defense Agency. In fact, from 2006 to 2016, the Missile Defense Agency budget has declined nearly 25 percent. Homeland missile defense testing has declined by nearly 83 percent. So when our adversaries are testing and advancing, we have been going in the opposite direction.

I am glad to say that this year's NDAA reverses this long-term trend of homeland missile defense neglect.

Earlier this year, with a number of my colleagues in this body, we introduced the Advancing America's Missile Defense Act of 2017. This is a bill that we worked on for months, with experts in missile defense, the military experts, the civilian experts, to say: What do we need to better protect the United States of America? What are the key elements? We put this together in a bill that was introduced 6 months ago, focusing on the following key areas:

First, the Advancing America's Missile Defense Act would dramatically increase our capacity for what are called ground-based missile interceptors—so that we can procure our military to look at fielding 100 more—up to 100 missile interceptors—to fully protect the United States.

Second, our bill would advance the technology to not only have more ground-based missiles but the kill vehicles on top of those missiles—the bullets from which the missiles could shoot additional warheads. This is technology that is advancing, but it needs to advance much more quickly.

Third, our bill looks at integrating the different missile defense systems throughout the world. So in theater, for example, in South Korea, we have the THAAD system, and we have that system integrated with our other missile defense systems. We work with our Navy ships, and then we have our ground-based system back home, in the homeland of the United States. Our bill looks at integrating these systems with a space-based sensor, to have an unblinking eye, in terms of the technology, that can track and shoot down missiles coming to the United States and integrate with regional defenses and our homeland defenses.

Fourth, our bill focuses on more testing of missile defense.

As I mentioned, the decline of the testing has inhibited the development of these systems. It focuses on the testing but also doing the testing with our allies that are also advancing missile defense in different areas of the world.

As I mentioned, we worked on this bill for months. One of the key elements I am most proud of in this bill is the strong bipartisan support it has received in the Senate and in the House. Importantly, when we introduced it as part of the NDAA markup, we had over one-quarter of all of the Members of the U.S. Senate who were already co-sponsors—Democrats and Republicans...
from literally every region of the United States.

This is a first and important development in a long time with regard to missile defense. Unfortunately, for years, that has been viewed as a partisan issue, not a bipartisan issue. And what I hope to do is that we developed this bill was to say this shouldn’t be partisan. This is a threat that every city in America is going to have to deal with. Let’s work together and get a bipartisan bill together.

I want to thank the Wall Street Journal editorial wrote about this bill and emphasized that bipartisan nature. A few months ago they wrote:

[The Advancing America’s Missile Defense Act] has united conservatives such as Ted Cruz and Marco Rubio and liberal Democrats such as Gary Peters and Brian Schatz, no small feat in the Trump era. . . . Mr. Sullivan’s missile-defense amendment would be a down payment on a safer America in an ever more dangerous world.

Why did they write this? Because they understand the importance of having bipartisan support for missile defense but also the importance of making sure that Congress leads on this important issue. Thankfully, that is what the NDAA does this year—both versions—the Senate version and the House version.

The vast majority of our bill that we introduced we debated in the markup for the NDAA this year. Again, I thank Senators MCCAIN and REED and other members of the committee for the way in which the broader NDAA came together. But we debated this bill, and the vast majority of our bill on advancing America’s missile defense moved in this NDAA—one of the many reasons I am encouraging all of my colleagues in the Senate to vote to pass it.

Something else that I think is important for my constituents to know but also plans to know is the role that Alaska plays in America’s missile defense. For those of my colleagues who sit on the Armed Services Committee, they have heard me say this many, many times. There is a famous quote in congressional testimony back in the 1930s by the father of the Air Force, Gen. Billy Mitchell. His quote in front of Congress was: Alaska controls the world.

I remain hopeful that we are finally starting to reverse the trend in missile defense that, as I noted earlier, was one of high ambition followed by increasing modesty.

Today we need ambition, and we need action. The threat warrants it. The American people demand it. The Congress must step up and deliver it. That is what is happening in this NDAA, along with many other important and critical provisions for our Nation’s military. I encourage all of my colleagues to vote in favor of passage of this important bill.

THRUITE TO MICAH MCKINNIS

Madam President, Micah McKinnis began working for me 2 years ago as my military correspondent. He is actually sitting with me right now, and today is his last day in my office. It is a sad day for everyone in my office, but Micah is going on to do bigger and better things with that unit I just talked about, the Alaska National Guard.

While in my office he has done amazing work, including championing my India policy and fighting for more resources for our combat rescue squadrons and helping In this role in helping us develop this missile defense bill. I am genuinely happy for him and his wife, and I look forward to seeing them up in Alaska, as he is getting ready to go join the military himself. He is going to head out for training. He is looking to be a pararescueman member of the military. It is some of the toughest training we have in the U.S. military, but I know he is going to do very well.

So Micah, thanks for all you have done, all the things you have done for Alaska. You will always be part of our family. Good luck to you and your family.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mrs. GILLIBRAND. Madam President, I rise to urge my colleagues to vote for a bipartisan amendment, No. 1061, to protect transgender service members in our military.

I want to thank my dear friend and colleague, Senator MCCAIN, the chairman of the Armed Services Committee and his staff, for working with us on this bipartisan amendment to protect transgender service members of and for agreeing to support it here on the floor today.

The amendment, which I was so proud write with my Republican colleague from Maine, Senator SUSAN COLLINS, would prohibit the Department of Defense from discharging members of the military or denying them reenlistment opportunities because of their gender identity. It is essential that the United States not break faith with these brave service members who have served their country honorably and with great sacrifice.

As Members of the Senate, one of our most serious responsibilities is to stand up for the men and women who serve in our armed services. We have an obligation to represent their interests, to value and respect their service, and to give them the tools and resources they need to defend our country. We must reenlist our service members simply because of their gender identity doesn’t make our military stronger, it makes our military weaker. It doesn’t save taxpayer money, it wastes taxpayer money. We have spent millions recruiting and training highly skilled servicemembers. We have spent millions recruiting and training highly skilled servicemembers. It is essential that this Congress does not break faith with these brave service members simply because of their gender identity.

I want to be clear to those who misunderstand our U.S. military members, to those who somehow think our military cannot handle diversity among its servicemembers: Do not underestimate the men and women who serve in uniform. They represent the best and strongest among us.

An argument against diversity in the military is wrong. We heard this argument during the fight to end racial segregation. We heard it during the fight to allow women to serve. We heard it during the fight to end don’t ask, don’t tell, which I was proud to work on with the Republican Senator from Maine again, and here, once again, this argument is wrong. Our military is strongest when it represents the Nation it serves.

Rather than shrinking the talent pool and telling patriotic Americans that they cannot serve, we should be doing everything we can to encourage and support them. We should thank them for their devotion to service, for their willingness to leave their families for months at a time and risk their own lives and safety to protect us.

This transgender ban affects individuals who were brave enough to join the military, men and women who were tough enough to make it through rigorous military training, men and women who love our country enough to risk their lives for it, to fight for it and even die for it. To suggest these brave, tough, and selfless transgender Americans somehow don’t belong in our military is harmful to our military readiness, and it is deeply insulting to our troops.

Don’t tell me that U.S. Air Force SSgt Logan Ireland, who deployed to Afghanistan and has earned numerous
Mesdames, Messieurs,

La signature, le 8 septembre 2018, d'accords de coopération en matière d'armement entre la Chine et la Russie est un signal alarmant. Elle souligne l'importance de renforcer la coopération entre l'Allemagne et les États-Unis pour assurer la sécurité nucléaire mondiale.

La collaboration entre la Chine et la Russie dans le domaine de la recherche et du développement militaires risque de contribuer à l'instabilité mondiale et à la proliferation des armes nucléaires. Il est crucial de veiller à ce que les États-Unis et la Chine respectent leurs engagements internationaux en matière de non-prolifération.

La coopération militaire entre la Chine et la Russie est un problème majeur qui nécessite une réponse sûre et efficace. Il est fondamental de mettre en place des mécanismes de contrôle des exportations et de veiller à ce que les activités de recherche et de développement militaires soient conformes aux normes internationales.

En conclusion, la signature de ces accords entre la Chine et la Russie est un signe préoccupant de l'instabilité mondiale. Il est urgent de renforcer la coopération internationale dans le domaine de la sécurité nucléaire, en particulier avec la Chine et la Russie, pour garantir la stabilité et la sécurité du monde.

Madame la Présidente, je résume ainsi les points principaux de ma déclaration. Merci de votre attention.
do their jobs and inform Congress before we act.

Third question: Will our NATO allies stand with us in this response, and will any of our allies even be willing to host such a missile system if we decide to deploy it?

Given our geographic advantages, a missile of this range does no good on U.S. soil; it only works if it is installed on the ground of our NATO allies.

The last time the United States weighed a land-based cruise missile targeting Europe were, in part, a ploy to cause division among the NATO countries, and the same could be said today. It is critical that we respond as one indivisible NATO coalition, unshaken by Russia's provocations.

So that is the first must-ask question: What is the nature of the threat? What is the Pentagon's recommended military response? What action unites us with our NATO allies? Until we have those answers, we should not move forward.

Support to reduce the number of nuclear weapons and prevent their spread to more nations has always been a nonpartisan issue.

When President Reagan signed this treaty into law, he said that “patience, determination, and commitment made this impossible vision of the INF Treaty a reality.” Ever since then, the treaty has served as the bedrock of efforts to build a safe and peaceful world in a nuclear age; to build a world where families live in hope for what tomorrow may bring, not in fear that a flash of light may sweep away everything they love; to build a world that looks to the United States to take the lead in working in good faith in the international community is done."

He is right.

I want to acknowledge Senator Carper, the ranking member on the Senate Foreign Relations Committee, and Senator Feinstein, a longtime arms control champion, and thank them for their leadership to prevent nuclear proliferation and ensure that America upholds its international obligations. I thank Senator Reed, the ranking member of the Armed Services Committee, for his strong support on this issue. We are all grateful for his efforts.

On the 30th anniversary of the treaty, we must give no cause to doubt that the United States stands by its word, that it committed to this treaty, and that it is committed to working with allies to bring Russia back into compliance.

The INF Treaty removed thousands of nuclear weapons from the face of the globe, and we must be certain that we have exhausted all options before we walk away from it. Rather than simply dusting off a nuclear escalation play from the early 1980s, I ask my colleagues to consider the infirmities that have less capital to risk on a land-based cruise missile. That is not a risk we can afford.

The INF Treaty continues in that spirit. Ever since then, the INF Treaty has served as the bedrock of efforts to build a safe and peaceful world in a nuclear age; to build a world that looks to the United States to take the lead in working in good faith in the international community is done."

He is right.

I thank Senator Lee for his leadership on this bipartisan effort. When we announced this amendment, he said that “we should not immediately react to an adversary’s treaty violation by violating the same treaty ourselves. That’s not how working in good faith in the international community is done.” He is right.

I want to acknowledge Senator Cardin, the ranking member on the Senate Foreign Relations Committee, and Senator Feinstein, a longtime arms control champion, and thank them for their leadership to prevent nuclear proliferation and ensure that America upholds its international obligations. I thank Senator Reed, the ranking member of the Armed Services Committee, for his strong support on this issue. We are all grateful for his efforts.

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I have concerns that the committee report language could chill medical innovation by raising the risk of a Federal partnership to a level that is unacceptable for many private entities. This is problematic for small businesses that have less capital to risk on products subject to unpredictable price controls. While the availability of medical innovations to the American public remains an area of great interest to me, I strongly believe that we should pursue more appropriate and effective ways to achieve this goal without stifling innovation or discouraging public-private partnerships.

The PRESIDING OFFICER. The majority leader.

Mr. MCCONNELL. Madam President, I have just spoken with Chairman McCain about the status of the Defense bill. He and Senator Reed have already processed more than 100 amendments to the bill with broad bipartisan input. Unfortunately, the two sides have now reached an impasse on further amendments. Senator McCain has offered a reasonable list that could have been voted on this afternoon, but it appears we are not able to enter that agreement because of a lack of support.
The Senate will vote on a critical HUD nomination after lunch, and it is my hope that we can move the cloture vote on NDA to occur in that stack after lunch.

Our next order of business will be, following the Defense authorization bill, the nomination of the Solicitor General. This is the person in the Justice Department who argues before the Supreme Court, and the Supreme Court October term begins shortly.

ORDER OF PROCEDURE

Madam President, I ask unanimous consent that at 1 p.m. today, the Senate proceed to executive session for the consideration of Calendar No. 109, as under the previous order, and that following disposition of the nomination, the Senate resume legislative session and consideration of H.R. 2018.

The PRESIDING OFFICER. Is there objection?
Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MCCONNELL. Madam President, I move to proceed to executive session to consider Calendar No. 105, Noel Francisco.

The PRESIDING OFFICER. The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Noel J. Francisco, of the District of Columbia, to be Solicitor General of the United States.

CLOTURE MOTION

Mr. MCCONNELL. Madam President, I send a cloture motion to the desk.

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

The assistant bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Noel J. Francisco, of the District of Columbia, to be Solicitor General of the United States.


Mr. MCCONNELL. Madam President, I ask unanimous consent that the mandatory quorum call be waived.

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

LEGISLATIVE SESSION

Mr. MCCONNELL. Madam President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2018—Continued

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCONNELL. Madam President, I thank the majority leader for all the support and assistance we have been given on this issue. Of course, I regret that we finally had to turn to cloture.

The fact is that we have incorporated over 100 amendments offered by Senators of both parties, and it means the NDA becomes stronger as a result of including these amendments. Second, the process took a step in the right direction, as Senators were able to have their voices and opinions heard and reflected in this legislation.

I wish we had never had to come to voting for cloture, but I wish to say that we have made enormous progress. We have had debate. We have had amendments. We have had votes. All of these are the "regular order" that some of us have been arguing for that the U.S. Senate—in accordance with the Constitution of the United States. I am very appreciative of the cooperation of Members on both sides, including Senator REED. I believe we can be proud of our product. It came down to about four amendments on which we could never get agreement to move forward—that compared to the over 100 amendments we were able to adopt.

I still wish we had been able to go completely through this process without having to resort to cloture, but I do want to thank Members on both sides— as we approach cloture—for their cooperation, for their engagement, and for their dedication to the men and women who are serving us in the military.

We look forward to the next hours. We will have had debate and hopefully some amendments proposed, vote cloture, and have it completed sometime early next week. The work that needs to be done will be done, accomplished before then.

I thank all my colleagues for their participation. I thank them for their engagement and involvement. I am proud of this product, which comes after hundreds of hours of hearings, of negotiation, of discussion, and of debate, because it proves that the first priority of both parties, and both sides of the aisle, is the men and women in the military and their ability to defend the Nation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Madam President, I want to join the chairman with respect to noting the progress we have made with respect to 100 amendments. They have been bipartisan. They have been carefully weighed by the staff.

We are still continuing to work together to see if there are additional amendments we can incorporate before we conclude this bill. I think the amendments have strengthened the bill. I think it does reflect the bipartisan effort.

Also, along with the chairman, we would have liked to have been able to do more and have more debate, more votes, but at the end of the day, we are going to have a national defense authorization bill that responds to current threats, that responds to the stresses and demands on our personnel across the globe, and it was positioned to go into conference and hopefully further improve this legislation in the conference process.

Once again, I will say this is in large part the result of Chairman McCain's leadership—creating an atmosphere of bipartisan cooperation, of thoughtful debate, and doing it in a way that brings out the best in all of us. I thank him for that.

Madam President, I yield the floor.
have supported such an outrageous, diabolical, dangerous, damaging plan to the quality of life for so many people across our Nation.

It wasn’t just that it ripped healthcare from more than 20 million people, but that it delivered billions of dollars to the wealthiest among us. It also ensured that those with preexisting conditions wouldn’t be able to get care. It was also that it would have raised our premiums an estimated 20 percent for those who were able to remain in the existing plan.

If one set out to design the worst possible healthcare plan you could ever imagine, you probably couldn’t come up with one as bad as President Trump and the Republican team came up with. It seems incredible that we are still debating the basic premise of whether healthcare should be part of a standard foundation for families to thrive in this century. Every other developed nation understands that healthcare is so essential to quality of life, so essential for our children to thrive, so essential for our families to succeed that they make sure that, just by virtue of living in a country, you have that healthcare.

We have to salute the millions of Americans who weighed in to say that this diabolical plan needed to be dumped. They filled our streets and overflowed our inboxes and flooded our phones. They made it perfectly clear that healthcare is a basic human right, not a privilege reserved for the healthy and wealthy. I certainly agree with them. We decided collectively that we were not going to allow this diabolical plan to undo the progress we made. We made significant progress with Obamacare. After decades of being essentially unable to change the uninsured rate, we made significant progress. There are with a big drop in the uninsured rate—a big increase in the number of people who have access to healthcare. But we are not in that place yet where this number drops to zero. We still have 10 percent of our country that doesn’t have insurance. The costs are still too high, and the deductibles and copays are too high.

One out of five Americans can still not afford their prescriptions.

In addition, we have this incredibly complicated set of healthcare systems. We have Medicare and Medicaid. We have private insurance and we have exchanges. We have the Children’s Health Insurance Program. We have workers’ compensation. We have self-insurance. We have a multitude of varieties of healthcare through the workplace—some covering just the individual, others covering the entire family, some covering just a small percent of the healthcare costs and some more. Some are certainly so complicated that even the folks who have them aren’t sure what the insurance company should pay.

So we found in this conversation with Americans about healthcare that Americans weighed in very strongly about the stresses and the challenges of ordinary Americans to secure healthcare. It is an ongoing lifelong effort. Do you have an employer who covers you but not your children? Can you get them on the Children’s Health Insurance Program? Do you have an individual healthcare plan that you have to contribute to, but the costs of contributing are so high that you really can’t afford it? Do you opt out of that? Then, what happens? Or perhaps you are under Medicaid—up to 138 percent of the poverty line. Does that mean you have expanded Medicaid—and you gain a small increase in your pay and maybe now you don’t qualify. In the middle of the year, can you apply to the healthcare exchange? Will you get tax credits credited to you or will you have to pay a big sum at the end of the year when your taxes are reconciled? It is continuous applications, continuous change, and continuous stress. Why do we make it that hard?

In my district, it’s a year—one in every county in Oregon, mostly in red counties because most of the counties in Oregon are red counties—I have had people coming out yearning for a simple, seamless system that says: Just by virtue of being American, you have healthcare when you need it and you will not end up bankrupt. What is that vision all about? It is about taking an existing model, one that has worked so well for our seniors—the model of Medicare.

Folks used to come to my town halls and they would say: I am just trying to stay alive until I reach age 65 so that I can be part of that wonderful healthcare plan—that Medicare plan. So this is a well-known commodity. I have heard some of my colleagues mocking it in the last few days. Well, certainly, maybe they should get out and have town halls. Maybe they should talk to our seniors about how well this system works. Maybe they should be aware that the overhead costs are much lower—2 percent versus 20 percent, and sometimes much more in private insurance healthcare. That is more than a fifth of our healthcare dollars simply wasted—a waste that disappears with Medicare for All.

This is the type of healthcare system that addresses and changes this enormous, fractured, and stressful system. We currently spend twice as much as other developed nations per person on healthcare—twice as much as France, twice as much as Canada, twice as much as Germany, and the list goes on. Yet the healthcare we receive provides less health in America than in those countries.

We should be ashamed that our infant mortality rates are higher, even though we spend twice as many dollars per capita as those other countries. So it is clear that there is significant room for improvement. By the way, there are significant opportunities to move in this direction.

We laid out this Medicare for All plan, and I salute my colleague BERNIE SANDERS and my additional cosponsors. There are now 17 Senators who have said: We are cosponsors to this because we know that it addresses the fractured, stressful nature of our system. We know it is more cost-effective than our current system. We know that it will allow us to gain peace of mind than our current system.

Shouldn’t peace of mind be what we are all about? That is the peace of mind that if your loved one gets ill or injured, they will get the care they need. We know that if your loved one is in an accident, they will get the care they need and you will not end up bankrupt.

It is time for America to have this conversation, and it is my intention, certainly, to have this conversation with the citizens of Oregon and to encourage my colleagues to have this conversation with their citizens. How can we move to a system where you can stop worrying about whether you will get the care you need, whether your loved ones will get the care they need, and that you will not end up bankrupt?

Let’s have that conversation, America. Let’s keep pushing toward making it a reality. I am proud to sponsor this bill. I certainly am proud to fight for quality affordable healthcare for every single American because it is a basic human right.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Massachusetts.

CONGRATULATING THE WATERTOWN HIGH SCHOOL FIELD HOCKEY PROGRAM

Mr. MARKEY. Mr. President, before I start my remarks on the dangers of nuclear war, I want to take a moment to congratulate the Watertown High School field hockey program in Massachusetts.

Up until this past week, the Watertown Raiders had not lost a single field hockey game since November 12, 2008. For nearly 9 years, the Raiders have been truly perfect. Their 184-game winning streak was our Nation's longest in high school field hockey history. Their leader, Head Coach Eileen Donahue, is one of the most historic figures in Massachusetts high school athletics.

To all the former and current players, coaches, parents and supporters, I offer my congratulations on this incredible accomplishment.

Go, Watertown Raiders. Congratulations on a historic streak of victories.

NUCLEAR WEAPONS

Mr. President, now on the issue of nuclear weapons. Nuclear weapons give the President of the United States an unprecedented and awesome power. Nuclear weapons are the most destructive force in human history. Yet, under existing laws, the President of the United States possesses unilateral authority to launch them. If the President wants to launch an offensive nuclear war, even if there is no attack on the United States or its allies. This is simply unconstitutional,
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undemocratic, and simply unbelievable.

Such unconstrained power flies in the face of our Constitution, which gives Congress the sole and exclusive power to declare war. While it is vital for the President to have authority to respond to nuclear attacks on the United States, our forces, or our allies, no U.S. President should have the power to launch a nuclear first strike without congressional approval.

Such a strike would be immoral. It would be disproportionate, and it would expose the United States to the threat of devastating nuclear retaliation, which could endanger the survival of the American people and human civilization. If we lead potential enemies to believe that we may go nuclear in response to a conventional attack, then we create the very pressure that encourages them to build nuclear arsenals and keep them on high alert. This increases the risk of inadvertent nuclear use, a prospect that is just plain unacceptable.

We have the world’s most powerful conventional arsenal—the strongest Air Force, the largest Navy, and the most capable Army and Marine Corps. And we have the most powerful nuclear arsenal to deter nuclear attacks. We don’t need to threaten to be the first to attack with nuclear weapons to deter others from launching attacks on us or our allies.

Nuclear weapons are meant for deterrence and not for warfighting. As President Reagan said: “A nuclear war cannot be won and must never be fought.”

That is why I introduced legislation earlier this year and submitted an amendment to the National Defense Authorization Act, which we are now considering, to put an appropriate check on the American President’s unilateral authority to launch a nuclear first strike.

Let me be clear. I am not proposing we restrict the President’s authority under the Constitution to launch a nuclear attack against anyone who is carrying out a nuclear attack on the United States, our territories, or our allies. Under article II of the Constitution, the United States President has authority to repel sudden attacks as soon as our military and intelligence agencies inform him that such an enemy strike is imminent. What I have proposed changes that.

But what I am proposing is that we take a commonsense step to check nuclear first use by prohibiting any American President from launching a nuclear first strike, except when explicitly authorized to do so by a congressional declaration of war.

Unfortunately, the need to submit this into law is more important now than it has ever been, and that is because today we have a President who re-engaged in escalatory, reckless, and downright scary rhetoric with North Korea, a nation with nuclear weapons. President Trump has threatened “fire and fury” and has declared our military “locked and loaded” and ready to attack North Korea. On what seems like a daily basis, President Trump uses the kind of inflammatory rhetoric backed by his unchecked authority to launch nuclear weapons, which highlights the very situation I described earlier.

The United States threatens military action that could include nuclear weapons. North Korea responds with increasingly provocative behavior, and the world faces an ever-increasing risk of miscalculation that can lead to nuclear war.

I have been talking about no first use and the need to provide an appropriate check on any American President for a long time, but President Trump and his Twitter account have made it painfully clear why the need for a no-first-use policy exists.

No human being should have the sole authority to initiate an unprovoked or unneeded nuclear war. We don’t need nuclear weapons to be used by the United States when we have not been attacked by nuclear weapons. And if any President would want to use that power, then he should come to Congress and ask us to vote on the use of nuclear weapons in the event we have never been attacked by them. That is the least I think the Congress should do.

We have abdicated our responsibility to declare war under the Constitution for far too long. It actually began with the Korean War. Now we face the prospect of a second Korean war. If nuclear weapons are going to be used and we have not been attacked, it should be the President’s job to give the President the ability to use those weapons.

I yield the floor.

Mr. CRAPO. Mr. President, I rise today to urge my colleagues to confirm Pamela Patenaude as Deputy Secretary of Housing and Urban Development.

Ms. Patenaude was advanced by voice vote out of the Senate Banking Committee on June 14, and continues to receive nearly unanimous bipartisan support from affordable housing advocates, public housing agencies, and industry leaders.

This month, Senate leadership received a joint letter signed by over 60 independent housing trade groups, urging that this nomination finally be brought to the floor for a vote.

Over her distinguished career, Ms. Patenaude has touched nearly every corner of housing policy and has held leadership roles at both the local and Federal level.

This is not the first time Ms. Patenaude has been considered for confirmation by this body. Twelve years ago, the Senate confirmed her by voice vote to become Assistant Secretary of Community Planning and Development at HUD.

The Senate recognized her back then for what she remains today: an experienced industry veteran who will provide the necessary leadership at HUD.

This vote is particularly important given the recent hurricanes in Texas and in Florida. HUD’s Deputy Secretary chairs the Department’s Disaster Management Group and coordinates the long-term recovery efforts of various program offices within HUD.

Ms. Patenaude would make an immediate contribution in this critical leadership role, drawing from her experience responding to Hurricanes Katrina and Rita during her time as Assistant Secretary, it is so ordered.

I am eager to work with Ms. Patenaude on that response, as well as other key issues within HUD’s jurisdiction.

I urge my colleagues to vote to confirm Ms. Patenaude today, and I also urge the Senate to take up votes on other HUD nominees, so that HUD can have the key leadership in place that it needs to best serve its important mission.

Thank you.

Mr. MARKEY. I suggest the absence of a quorum.

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

Mr. BROWN. Mr. President, I rise to speak about the nomination of Pam Patenaude to be Deputy Secretary of the Department of Housing and Urban Development. Ms. Patenaude comes to this nomination with valuable experience in the field of housing and community development and a history of affordable housing advocacy. In her previous work at HUD, she helped administer the Department’s disaster relief efforts following Hurricane Katrina.

While I don’t agree with Ms. Patenaude on every element of housing policy, I respect her experience, and I respect her government service in her recent work to raise awareness about the affordable housing shortage facing so many families.

I agreed with her in her testimony in front of the Banking Committee that “as a nation we must recognize that housing is not just a commodity but a foundation for economic mobility and personal growth.” That is why I was so troubled that during her nomination hearing, Ms. Patenaude defended the administration’s terrible budget for the agency she has been nominated to help lead. The budget would cut more than $7 billion, 15 percent, from HUD’s budget, right in the midst of a shortage of affordable housing, about which she so articulately spoke.

This budget cut
would eliminate programs like community development block grants and the HOME Program. These grants help our cities and small towns repair their infrastructure, retrofit homes for seniors and people with disabilities, combat homelessness among families, veterans and youth struggling with mental illness and substance abuse.

Just last week, Congress approved new CDBG funds to speed up disaster recovery assistance to communities upended by Hurricanes Harvey and Irma. Ms. Patenaude came in front of this committee and defended those budget cuts—programs for which she has advocated but doing, apparently, the dirty work for the administration and for the HUD Secretary, she agreed with this budget.

This budget would devastate public housing. It would cut funding for major repairs by some 70 percent. Again, in the face of substandard housing, unavailability shortages of affordable housing, it would cut funding for repairs by 70 percent, and it would expose more families to poor building conditions and health hazards. I have told this story before on the floor. My wife and I live in Cleveland, OH, in ZIP Code 44105. Ten years ago, in 2007, that ZIP Code had more foreclosures than any ZIP Code in the United States of America. Within a not very great distance from my home, there is block after block of homes that are in need of repairs, and people living in homes they own far too much devastation, crying out for some help from this HUD budget. Yet this administration turns their back on them.

It reduces funding for lead hazard control and healthy housing grants. Secretary Carson, whom I voted for—and not many Democrats did—I voted for him because he is a neurosurgeon. He didn't know much about housing when he took this job, but he knew about lead paint and what the exposure to lead meant to babies and infants. Yet this budget cuts lead hazard control.

I know, in my city, the public health department has said that in the old sections in my city of Cleveland, where homes are generally 60, 70, 80 years old, virtually almost every single home has high toxic levels of lead. Do we not care about what we sentence the next generation of children to by doing nothing for lead-based paint around the windows, the lead around the pipes? All of that we have a moral responsibility to do something about. These cuts to HUD programs have generated bipartisan concern about their effectiveness, in包括ing concerns raised, in fact, by Republican members of the Banking Committee.

I am voting against Ms. Patenaude's nomination because I can't support the direction the President's budget proposes for HUD, proposes for housing, proposes for our communities, and proposes for our country. She has pledged allegiance—in spite of her background, her skills, and her advocacy inside and outside the Department since, she has pledged allegiance to that disastrous vision and those horrible budget cuts to HUD.

I hope she uses her experience and knowledge to convince others in the administration of the importance of the Federal Government's role in housing and community development.

Too often, in this administration, we see officials who come to this agency with valuable experience and they quickly set it aside to push an agenda that does not serve working families in Appalachia, OH, and inner-city Ohio, in inner-ring suburbs, and affluent suburbs.

We have two very visible crises; one on the gulf coast and one stretching from Florida to the Virgin Islands, which we absolutely must tackle. We have a less visible crisis as well—not because of flooding or hurricanes but because decent affordable housing is beyond the reach of more and more Americans.

Ms. Patenaude is intelligent. She has good insight. She knows this. She knows in her heart what this budget will do. She understands the lot of Americans who work full time, who have generally low incomes—$8, $10, $12 an hour—who simply can't find affordable, clean decent housing. Her support for that budget will make the problem worse, and it is very troubling. I ask my colleagues to vote no on her nomination.

DATA BREACHES IN CREDIT REPORTING AGENCIES

Mr. President, last week, 143 million Americans—in essence, half of our country—had their personal information exposed through no fault of their own. We are talking about names, dates of birth, Social Security numbers, addresses, and probably much more.

Equifax, one of three huge data collection companies in our country, makes their money off of this information, and they failed to protect it.

If a student at Bowling Green, in Northwest Ohio, or a homeowner in Springfield, OH, fails to make that monthly payment for her student loan debt or for their home mortgage, Equifax dings them on their credit report. Yet Equifax, even after last year when it followed the breach of 400,000 employees of an Ohio company, Kroger—one of our best companies domiciled in Ohio—they just don't seem accountable when that happens. This is the worst example, so far, that we have seen.

I spoke yesterday on the phone with Bill of Hamilton, OH, who is one of those 143 million Americans whose personal data was exposed to criminals, to somebody who can use this information, onboard this data, or literally up to 143 million Americans. Bill and his wife are retired. They have worked hard to pay their bills. They have excellent credit. He went to the Equifax website after this happened and discovered his information may have been breached.

He talked about how worried he was. He talked about, after all his family's hard work, after years of following the rules, that someone could get access to his personal information and shred his credit history.

This is a company whose job it is to gather this data and to protect this data, and they failed, without being held accountable.

I am worried for folks in Ohio like Bill. I am really worried for service members around this country whose private information might be compromised. The servicemember's credit history isn't just important when they want to buy a home or open up a new credit card. For a servicemember, a credit history damaged by hackers could mean losing their security clearance and maybe their job along with it. Their patriotic mission to serve the country, around the world. They are not especially well paid. Their families rely on good credit to get housing and jobs wherever our military chooses to send them.

Life for military families is stressful enough. I know that that from Ray Patterson, Sunset Air Force Base, one of the most important Air Force Bases in this country, near Dayton. I know that from meeting with these families. I know that when I see the kinds of consumer protections the Federal Government's bureau has provided to these servicemembers. So often financial companies try to prey on these servicemembers who, as I said, are not paid well. Maybe a servicemember is deployed overseas and the family struggles at home without one of their parents being present and with the generally low income they make. They sacrifice enough without them also having to worry about credit corporations and this company's breach putting them at risk.

That is why I filed an amendment to the NDAA that would provide service members with crucial consumer protections. First, the bill requires credit reporting agencies such as Equifax, TransUnion and Experian, the three big companies, to implement a cost-free and convenient way for all service members to be able to lock down their credit reports if they think they are at risk.

While credit freezes are currently available in some States, there is no national standard. There are often charges for starting and stopping a freeze, and it can be hard to figure out whom they should even contact. This protects the Federal consumer bureau's standard simple and free process for service members to protect their credit histories.

There is so much more in this bill that will matter to servicemen. We have an opportunity right now to move quickly to make sure this breach does not put our military men and women at risk.
I yield the floor.

The PRESIDENT pro Tempore (Mr. PERDUE). The question is, Will the Senate advise and consent to the Patenaude nomination?

Mr. BROWN. I ask for the yeas and nays.

The PRESIDENT pro Tempore. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Florida (Mr. RUBIO).

Further, if present and voting, the Senator from Florida (Mr. RUBIO) would have voted 'yea'.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Florida (Mr. NELSON) are necessarily absent.

The PRESIDENT pro Tempore. (Mr. CASIDY). Are there any other Senators in the chamber desiring to vote?

The result was announced—yeas 80, nays 17, as follows:

[Rollcall Vote No. 196 Ex.]

YEAS—80

Alexander
Baldu
Barrasso
Bennet
Blunt
Boozeman
Burr
Cantwell
Capito
Cardin
Carper
Casey
Cassidy
Cochran
Collins
Coons
Corker
Cory
Cortez Masto
Cotton
Crapo
Cruz
Daines
Donnelly
Durbin
Emi
Ernst

NAYS—17

Blumenthal
Booker
Brown
Duckworth
Gillibrand
Harris

NOT VOTING—3

Menendez
Nelson
Rubio

The nomination was confirmed.

The PRESIDENT pro Tempore. Under the previous order, the motion to reconsider is considered made and laid upon the table and the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDENT pro Tempore. Under the previous order, the Senate will resume legislative session.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2018—Continued

Mr. McCAIN. Mr. President, I ask unanimous consent that notwithstanding rule XXIII, there be 10 minutes of debate, equally divided in the usual form, and that following the use or yielding back of that time, the Senate vote on the motion to invoke cloture on the substitute amendment No. 1003, as modified.

The PRESIDENT pro Tempore. Is there objection?

Ms. BALDWIN. Mr. President, I have filed Baldwin amendment No. 329. This deals with the subject matter of ’Buy American’ legislation in the National Defense Authorization Act.

I have long been a strong supporter of our manufacturing sector, of our national security, and I believe this amendment strongly supports both.

All week we have been going back and forth about whether we are going to vote on amendments to this measure. The Senate is supposed to be an institution where we can debate and bring our ideas forward, represent our States, represent the hard workers of this Nation, and I reserve the right to object to this unanimous consent request because I am frustrated, on behalf of those I represent, that we are not going to see a vote on this “Buy American” amendment.

I would additionally note the unique status we have—actually, in this case, a Statement of Administration Policy indicating strong support for the amendment that I have filed. To me, the ultimate test will be what is in the final bill that is signed into law. I am going to continue to push on, but I am, again, disappointed that this Senate is not operating in a fashion where we can offer amendments, debate those amendments, and have votes on those amendments.

I wish to yield to both the chairman and ranking member, as we have had discussion on this subject matter during these negotiations.

The PRESIDENT pro Tempore. The Senator from Arizona.

Mr. McCAIN. Mr. President, I thank the Senator from Wisconsin. I thank her for her agreement that we should move forward with this important legislation, and I am very proud of the way this legislation has proceeded before the Senate most of the way. But I am not very proud because we are now not allowing Senators to have a vote.

I do not agree with the amendment from the Senator from Wisconsin, but I strongly believe she should have the right to have her amendment considered, debated, and voted on.

I am very proud of the fact that we have approved and agreed to 103 amendments. We still have three or four amendments that have caused us to be where we are today. It will be a conference item, the amendment of the Senator from Wisconsin, and although I do not agree with it, I will certainly make sure that it is part of the conference.

But I want to remind my colleagues again that one of the reasons we had 107 votes for and 0 against is that we went through a process of days, weeks, and months of hearings, study, debate, discussion, and to the floor. That is the way the Senate should work.

I thank the Senator from Wisconsin, and I want to tell her and the Senator from New York, Mrs. GILLIBRAND, that I will continue to do everything I can to make sure they are given the rights that they earned by being elected in the States they represent.

The PRESIDENT pro Tempore. The Senator from Rhode Island.

Mr. REED. Mr. President, the Senator from Wisconsin has pointed out one of the shortcomings in this process, which is that we have not had a series of amendments on the floor to vote on.

Through the chairman’s leadership, we have, as he has indicated, cleared 103 amendments on a bipartisan basis. We think we have legislation that is important for the Nation, particularly for our men and women in uniform. Senator BALDWIN raises an extremely important question. “Buy American” is not only for the people we represent all across the country but for the quality of goods and services that our men and women in uniform will receive. I thank her, and I join with her in the frustration of not having a vote, despite the progress we have made in so many other areas. This is something that both the chairman and I would like to see remedied in the next national defense debate on the floor.

As the chairman pointed out, this will be an issue at conference. I know Senator BALDWIN will not cease her efforts. She has been incredibly tenacious in pushing forward this “Buy American” provision on behalf of her constituents and all of our constituents. I do, in fact, support this provision, and I will work to my utmost to see that we can move this issue forward. I appreciate very much the fact that it will be considered in conference.

Again, I think we have done a lot over the last several days with the leadership of Chairman McCAIN. I regret that we can’t wrap up this legislation with several votes on issues, which each side would like to see, but I commit myself to work with the Senator from Wisconsin to see if we can move this “Buy American” provision forward.

Ms. BALDWIN. Mr. President, I had reserved the right to object, but I will not object to proceeding to the vote to move the NDAA forward. I would note that this amendment is germane.
postcloture, and I still would like to see the Senate operate in a manner where Senators can bring forth their amendments, can debate them, and can get to a vote.

I yield back.

The PRESIDING OFFICER. Is there objection to the Senator’s request?

Without objection, it is so ordered.

There are now 10 minutes of debate, equally divided.

Mr. MCCAIN. Mr. President, I have no further use of the time.

Mr. REED. Mr. President, I yield back the time.

The PRESIDING OFFICER. All time is yielded back.

CLOTURE MOTION

Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Senate amendment No. 1003, as modified, to Calendar No. 175, H.R. 2810, an act to authorize appropriations for fiscal year 2018 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. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on amendment No. 1003, as modified, offered by the Senator from Arizona, Mr. McCaIN, to H.R. 2810, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from North Carolina (Mr. BURR), the Senator from Georgia (Mr. ISAKSON), the Senator from Florida (Mr. RUBIO), and the Senator from Pennsylvania (Mr. TOOMEY).

Further, if present and voting, the Senator from Florida (Mr. RUBIO) would have voted “yea” and the Senator from Pennsylvania (Mr. TOOMEY) would have voted “nay.”

Mr. DURBIN, I announce that the Senator from Vermont (Mr. LEAHY), the Senator from New Jersey (Mr. MENENDEZ), and the Senator from Florida (Mr. NELSON) are necessarily absent.

The PRESIDING OFFICER (Mr. GRAHAM). Are there any other Senators in the chamber desiring to vote?

The yeas and nays resulted—yeas 84, nays 9, as follows:

[Roll call Vote No. 197 Leg.]

YEAS—84

Alexander... Murphy
Baldwin... Fischer... Murray
Barrasso... Flake... Perdue
Bennet... Franken... Peters
Blumenthal... Gardner... Portman
Blunt... Graham... Reid
Boxer... Grassley... Risch
Brown... Harris... Roberts
Cassidy... Hirono... Saslaw
Cardin... Heinrich... Schatz
Carpenter... Heitkamp... Schumer
Casey... Heller... Scott
Cassidy... Hirono... Shaheen
Chambliss... Inhofe... Shelby
Collins... Johnson... Stabenow
Coons... Johnson... Strange
Corker... Kennedy... Sullivan
Corry... Kennedy... Tester
Cortez Masto... King... Udall
Cruz... Manchin... Van Hollen
Daines... McCaskill... Warner
Donnelly... McCaskill... Warner
Duckworth... McConnell... Whitehouse
Enzi... Moran... Wicker
Ernst... Murkowski... Young

NAYS—9

Booker... Lee... Paul
Durbin... Menendez... Paul
Gillibrand... Merkley... Sanders
Gillibrand... Merkley... Wyden

NOT VOTING—7

Burr... Menendez... Toomey
Isakson... Nelson... Toomey
Leahy... Rubio

The PRESIDING OFFICER (Mr. CASSIDY). On this vote, the yeas are 84, the nays are 9.

Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The Senator from Nebraska.

Mrs. FISCHER. Mr. President, I rise today to speak on the Defense authorization bill.

Congress has passed this bipartisan legislation every year for the past 55 years. Once again, this year, the Senate is debating this critical legislation to provide our men and women in uniform with the resources they need to keep America safe.

This is a bipartisan bill. It represents the combined efforts of Members from both sides of the aisle. It was approved unanimously by the Senate Armed Services Committee. All 27 of our members voted for it. That is more than a quarter of this body.

The distinguished chairman, the senior Senator from Arizona, spoke on the Senate floor on Monday about the geo-political challenges we are facing and the need for this legislation. He is absolutely right.

The number and the complexity of the threats we face today are unprecedented. North Korea is relentlessly pursuing long-range ballistic missiles capable of carrying nuclear warheads to our shores. Americans are informed about the sobering threat from the Kim regime because it has dominated much of the recent news, but it is by no means the only significant challenge we face. We remain a nation at war, with thousands of men and women in uniform still deployed to the Middle East and Afghanistan. Russia and China continue to undermine rules-based international order by developing advanced military capabilities designed specifically to counter U.S. defense systems. Iran continues to pursue regional dominance and regularly harasses U.S. ships and planes operating in that region.

There are needless or provocative acts that carry risks of an accident or a miscalculation that could spiral into serious confrontation. Additional low-intensity conflicts continue to smolder across the globe, particularly in South-east Asia, Africa, and the Arabian Peninsula, and each one has the potential to impact U.S. national security.

The global turmoil of today highlights why the bill before us is so very important. It will provide the resources necessary to defend our Nation in the face of those challenges. But the NDAA is about more than just answering these threats; it is about helping us here at home as well.

This bill authorizes the resources our men and women in uniform need to respond to these crises and to do the job the Nation asks of them. It also begins to address the readiness gaps that have emerged in recent years as the Department has been asked to do more with less.

Upon returning to the Department of Defense 4 years after retiring from military service, Senator Mattis testified before the Senate Armed Services Committee about this very issue. He said: “I have been shocked by what I have seen about our readiness to fight.” Additional testimony from other military leaders has borne this assessment out as well.

Only 3 of the Army’s 58 brigade combat teams are ready to “fight tonight.” Sixty-two percent of the Navy’s F-18 fighters cannot fly. Approximately 80 percent of our Marine aviation units lack the minimum number of ready Basic aircraft for training, and flight-hour averages are below the minimum standards required to achieve and to maintain adequate levels of readiness.

Following the direction by President Trump to rebuild the military and prioritization by Secretary Mattis to improve readiness, this bill authorizes $30 billion to address unmet requirements identified by the military services and our combatant commanders, and it provides additional resources to address emerging threats.

In the Strategic Forces Subcommittee, which I chair, we provided...
over $500 million in additional funding for cooperative missile defense programs with Israel to fully meet the needs of our ally.

We also authorized an additional $200 million to approve the Ground-based Midcourse Defense or the GMD system. These increases include funds for the development of more capable boosters and funds to improve what our military calls “discrimination,” or the ability of the system to distinguish between hostile warheads and decoys and other debris in space. The GMD is our only missile defense system capable of defending the homeland from intercontinental ballistic missiles, and the smart, agile increases made by the subcommittee have only become more necessary as North Korea continues to demonstrate increased capabilities.

The subcommittee’s mark also fully supports the modernization of our nuclear forces and the energy’s nuclear enterprise and the sustainment activities. As part of this effort, the subcommittee added almost $200 million to help address the backlog of deferred maintenance activities at our nuclear forces. More than half of these facilities are over 40 years old, and roughly 30 percent date back to the era of the Manhattan Project. Dilapidated structures at these facilities pose safety risks to our workers and jeopardize essential operations.

This additional funding will enhance the administration’s efforts to address the highest priority requirements and begin reducing the immense maintainance backlog. More work will be required in future years to resolve this very longstanding issue.

The jurisdiction of the Strategic Forces Subcommittee also includes outer space. In the subcommittee’s mark, we added over $700 million to address unfunded needs for space operations. This includes over $100 million to expand the development and testing of advanced prototypes in response to the urgent operational needs of our warfighting forces. An additional $5 million to expedite the development of advanced jam-resistant GPS receivers.

Our forces rely heavily on the capabilities provided by our satellites, and our adversaries know it. They are developing capabilities to target our space assets, and these investments are critical if we want to ensure our forces never have to face a day without space.

I am proud of the strong provisions the Strategic Forces Subcommittee contributed to the bill before us today. In addition to the steps taken in this bill to address current threats, it makes important investments in advanced technologies to stay ahead of the challenge. For example, the bill authorizes over $500 million in additional funding to support the Department’s Third Offset Strategy and improve the U.S. military’s technological superiority. It also prioritizes cyber security—an area of growing risk and opportunity as technology becomes more and more sophisticated.

I serve on the Cybersecurity Subcommittee, and last Congress I served as chairman of the Emerging Threats and Capabilities Subcommittee, which then had jurisdiction over our cyber capabilities. In this year’s bill, we are adding to those efforts that I worked so hard in those positions to ensure we man, train, and equip our military’s cyber forces. The committee added over $700 million for cyber-related requirements and included a number of policy provisions in this area, such as a requirement of Defense Department to undertake the first-ever cyber posture review, which will evaluate the military’s policy and capabilities in the cyber domain.

Before concluding my remarks, I would like to reply to an argument that was made earlier today by the Senator from Massachusetts against a provision in this bill responding to Russia’s violation of the INF Treaty.

The bill before us today authorizes over $65 million for a ground-launched cruise missile system. The committee’s report on the bill explains this in greater detail, but I would like to make a few quick points, if I may.

First, the senior Senator from Massachusetts had mentioned the GMD. The bill authorizes over $700 million for cyber-related requirements and included a number of policy provisions in this area, such as a requirement of Defense Department to undertake the first-ever cyber posture review, which will evaluate the military’s policy and capabilities in the cyber domain.

Second, with respect to this Russian treaty violation, the United States formally raised it with Russian officials in May of 2013—4½ years ago. This issue has been with us for some time and the provisions of this bill are anything but a knee-jerk reaction, which leads to my second point. The Senator argues that further study is needed and has proposed an amendment preventing any action from being taken before a report is complete.

In the last three Defense authorization bills, Congress has required some sort of study or requirement before anything can be done. Costs must be imposed on Russia for violation, and that is what this provision does.

Finally, there was some discussion of the views of our military leaders, and the Senator quoted heavily from Gen. Paul Selva, the Vice Chairman of the Joint Chiefs of Staff. The General and I have discussed this issue, and we have discussed it when he appeared before the Senate Armed Services Committee in July. He identified using our research and development programs, within the limits of the treaty, to increase pressure on the Russians.

That is exactly what this provision does. It does not violate the INF Treaty. It takes the first step to impose costs on Russia for its violation of this agreement.

Years have gone by, no action has been taken, and Russia has only increased its violation of the treaty. Without some initiatives to be complete only ensures that Russia’s actions will continue to go unanswered. Failing to hold Russia accountable risks undermining this agreement and our broader nonproliferation agenda.

In the words of President Obama: Rules must be binding. Violations must be punished. Words must mean something.

In closing, I want to express my thanks to the bill’s managers for their hard work. I have truly appreciated all they have done to bring this bill to the floor. This legislation upholds the bipartisan tradition that has characterized the National Defense Authorization Act, which has enabled it to pass for 56 years in a row. This is a strong bill that will strengthen our military. It will help ensure the military can protect our Nation in a world full of challenges. From North Korea’s belligerence to severe storms damaging our coasts, our military has a tough job to do. They must be prepared to do it. I hope my colleagues will join me in swiftly passing this bill.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Blunt). Without objection, it is so ordered.

HEALTHCARE

Mr. CASSIDY. Mr. President, I ask unanimous consent to place an order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Blunt). Without objection, it is so ordered.
The Affordable Care Act and the CHIP program. Along that way, we equalize how much each American receives toward her care, irrespective of where she lives.

Why do I say that? Right now, 37 percent of the revenue from the Affordable Care Act goes to Americans in four States—37 percent of the revenue goes to those who live within four States. That is frankly not fair. I have nothing against those four States, but I don’t see why a lower income American in Pennsylvania would receive much less health insurance if he or she lived in Missouri, or if he or she lived in Massachusetts or why someone in Arizona should be treated differently than someone in New York. I think we should equalize that treatment. Americans think that is fair. We do that with Medicare and Social Security and other popular programs. It is something we should do, as well, as we attempt to provide insurance for all to achieve President Trump’s goals.

One example of this, by the way—Pennsylvania has twice the population of Massachusetts. Both of those States expanded Medicaid. Massachusetts gets 58 percent more money than does Pennsylvania. Again, Pennsylvania has twice the population of Massachusetts, but it is not spending twice the money. Both Northeastern States have cities with a high cost of living, but somehow Massachusetts does that much better.

Our goal, though, is through this grant that we are giving through the CHIP program—which Senators like Senator WYDEN have praised, and rightfully so, as being an effective program for improving health, with safeguards needed to make sure the money is used wisely and that all States and all residents within those States will receive about the same amount of money toward their healthcare. This would be, if you will, not a Democratic plan, not a Republican plan but an American plan, in which the voters vote to trust the people in their State over a Washington bureaucracy.

We have critics who don’t understand our bill. It is a partisan bill, we are told.

No. If you look at the residents of the States who do better under our plan, it includes States represented by Democratic Senators. Virginia does far better because they will get the dollars they currently do not—as do Floridians, and other Democrats. Senator WYDEN from Oregon has said that Medicare and Social Security and other programs—Democrats didn’t like them that much to give them a bunch of money instead of a policy that would work. That is what we are looking for.

If you live in Massachusetts, you don’t get twice the money or 50 percent more than if you live in Pennsylvania. How can this happen? ObamaCare, for whatever reason, favors four blue States against the rest of us.

Now, our friends in Mississippi, like South Carolina—we have a 31-percent African-American population in South Carolina—I think the highest in the country is Mississippi. Under this block grant, our friends in Mississippi get a 900-percent increase. How can that be? Well, that is money that was going someplace else other than Mississippi.

What have we learned about ObamaCare? Rural poor, particularly African Americans, don’t do so well. These four States—New York, California, Massachusetts, and Maryland, they have a lot of high wage earners.

We have some rural poor States. Missouri is a very wonderful State, with big cities and rural areas. How do you think they are doing? Is this a Democratic formula, you are getting money that would have gone to the four other States. So 50 to 138 percent of poverty, and there are 45 million people in America who fall in that demographic. We can figure out how many live in Missouri. We use that as the basis for the formula. You are not limited to spending the money on 50 to 138 percent of poverty, but that seems to be a fair way to redistribute the money. By 2026, the goal is, no matter where you live in the States, California, you are going to get the same basic contribution from the Federal Government, regardless of where you
live. What a novel idea. That means places like Missouri and South Carolina do better.

To our friends in New York and California, we are giving you a long time to come down. To our friends in Massachusetts and we have a great Republican Governor—I don’t know how to explain the system where you get that much more money than everybody else. The goal is for you to have time to adjust, become more efficient, and Charlie Baker can do this.

Is it unfair that people like me, and Louisiana and Missouri, to say: No four States should get twice the amount of money for their population. I am trying to fix the problem in ObamaCare.

Who should get the money is another question. Should some bureaucrat you will never meet in Washington be in charge of your healthcare or should somebody you actually know and vote for be in charge of your healthcare?

The block grant has a beautiful concept: It gives you the money instead of some bureaucrat in Washington, let me tell you what would happen. You would call me up, say: Hey, listen, this is not working for my family. I will find out who the statehouse person is, and we will call them together, and I guarantee you the Governor will listen to you because the Governor wants you to vote for him or her.

The bottom line is, the concept of who should be in charge of your healthcare is all about you, you actually live with them, and you vote for them. If you don’t like ObamaCare and, God knows, if you don’t like BernieCare, whom do you complain to?

You can tell me: I don’t like ObamaCare, it is too high and many politicians have gone up. My deductibles are going through the roof. You can complain to me all day long, and I will call somebody up who could care less what I think.

Now, if you have South Carolina responsible for the money instead of some bureaucrat in Washington, let me tell you what would happen. We tried, and we were one vote short. We have 17 days left. What would Democrats have done? They would have been fighting. There would have been no August break. We would have been right here on this floor. We would have been arguing about their view of healthcare.

So I am encouraged that our leadership is going to push the CBO and get behind this bill. I am encouraged that the President came out for the bill. The Vice President, above all others in the last two days, has been on the phone, calling Governors. We have over 15 Governors now on the Republican side who are saying: Give me the money. Give me the power. I can do a better job than some bureaucrat in Washington.

To the other Republican Governors, check it out for your States, but here is what I would ask you to consider. The money that you are getting from ObamaCare is unsustainable. It is a false promise. We can never match that system because that system is unsustainable, and it is going to fail.

What have I learned about Republican Governors? Most of them practice what they preach, and some of them have been hard to get on board. It is almost like crack cocaine, in terms of ObamaCare dollars.

I am telling you right now, Republican Governors and Democratic Governors have been to collapse in Washington. There is not enough money to keep it afloat, and I am not going to spend good money after bad. This is a chance for you, at the State level, to have control over funds and for us to be as flexible as we possibly can be in our designing systems that make sense for your States. If California wants to go to single-payer healthcare, it can. If it wants to reimpose the employer mandate and the individual mandate, it can. We will repeal the individual mandate and the employer mandate for the country at large, but if you want to put it back in place, you can.

Here is the good news. California cannot take the rest of us down the tubes with them, and we will have the debate in California about what works and what does not.

Give South Carolina, Louisiana, and Missouri the space they need to design healthcare based on their individual demographics. You cannot spend the money on football stadiums. You have to spend it on healthcare. You have to take care of people who are sick. These are the powers that are around this block grant, but innovation will flourish.

Under ObamaCare, where is the incentive to be innovative? All you need to do is print more money. Under BernieCare, there is zero incentive to be creative. Just tax the rich. This is what happens. We go from four States getting 30-something percent of the money and representing 20 percent of the population to where, basically, everybody gets the money.

Let’s talk about Medicaid. BERNIE SANDERS, who is a good man with a good heart, is an avowed socialist. He is the most honest guy in this building. If you left it up to Bernie, we would have a rowboat for a plan for the Army, a prop plane for the Air Force, and everything else would be spent on entitlements. Most of us are not in that camp.

As to Medicaid, it is a program for low-income Americans to help them with their healthcare. There is a State match. Right now, we are spending almost $400 billion on Medicaid. By 2027, we are going to be spending over $650 billion. That is more than we spend on the military right now—with no end in sight.

So we do two things in this bill. We tell the States that we are going to give them more flexibility. This is what we spend on the military—$650 billion under sequestration. I hope that number goes up, but, by 2027, we are going to spend more money on Medicaid, let alone Medicare, than we do on the military. That is just unsustainable.

So what do we do?

We keep Medicaid in place as it is today. We try to give more flexibility because Indiana was a good example of what can happen if you give States the flexibility to help poor people. The one thing about Medicaid that I do not like is that, if you get a headache, you can ride to the emergency room, and we will pay a big Medicaid bill. I want to put Medicaid managed care. I want them to have some ownership over their healthcare. If you smoke, then that is something that ought to be considered in terms of cost. I like copayments. I want to treat fairly people who are low-income and poor, but all of us need to be responsible for our healthcare.

Rather than having a Medicaid Program that just writes checks no matter what, the outcomes are, we are going to, in year 8, begin to slow down the growth of Medicaid. It grows faster than medical inflation. Medical inflation is what it costs for you and your
family. Medicaid is way beyond that. Why? Because it is inefficient. We have proven at the State level that you can get a better bang for your buck from Medicaid.

The bottom line is that the first block grant will slow the growth of Medicaid to make it affordable for the rest of us and incentivize innovation in year 8.

If we do not do that, here is what will happen to the country. By 2038, all of the tax money that you send to Washington will go to pay the interest on the debt, Medicare, Medicaid, and Social Security. There will not be one penny for the Department of Education or the Department of Defense. That is how quickly these programs are growing.

So we do two good things. We put Medicaid on a more sustainable path because it is an important program, and we allow flexibility in order to get better outcomes for the taxpayer and the poor.

The second block grant is money that would have been spent by a bureaucrat in Washington. Under the first Republican proposal, you would get a refundable tax credit to go out and buy your own insurance, and you would get insurance companies money so that they would not collapse on the ObamaCare exchanges.

Instead of giving a refundable tax credit to an individual to buy a product that is going to go away because ObamaCare will not work and instead of giving a bunch of money to the insurance companies to prop them up, we are going to take that same amount of money and give it back to the States so that, by 2026, they will all get the same basic contribution.

Now, what did we do?

We repealed the individual mandate and the employer mandate. That is $250 billion in savings. The States can reimpose it if they would like. That is up to the States. We repealed the medical device tax because that hurts innovation. We left the other ObamaCare taxes in place. There is no more taking from the poor and giving to the rich. I wish that we would not have to do that, but we need the money to transition in a fair and sound way to a State-centric system.

To my friends on the other side, we leave the taxes in place. We just give the money to somebody else. It is called State control, local control, not Washington-based healthcare. We do it in a way in which, basically, everybody gets the same contribution from the Federal Government. What a novel idea.

Now, to President Trump, without you, we cannot do this. Your pen will be the one that signs the law if we can ever get it to your desk. You said today that you would veto BernieCare.

Let me tell everybody in America not to worry. Single-payer healthcare will never get through the Republican-controlled House, and we have the majority in the Senate.

Mr. President, we are not going to need you to veto single-payer healthcare. What we need you to do is to put in place a new system to stop the march toward single-payer healthcare because, if we do not change where we are going, the Federal Government will be in charge from the cradle to grave. On your watch, you can stop that.

Once we get the money and the power out of Washington, that will be the end of single-payer healthcare. Once people have to respond to their needs at the State level versus some bureaucrat they will never meet, there will be no going back to Washington-based healthcare.

President Trump, you have the chance in your first term to set us on a new path: healthcare that is closer to the patient, money based not on where you live but parity, and innovation versus bureaucracy. What a legacy it would be. For that to happen—and I know because I know the people in North Korea—you are going to have to get on the phone, and you are going to have to help us sell this. I believe you will, and I know you can, and I am asking you to do it.

To Senator McConnell, thank you for what you said today. Thank you for being willing to push this forward.

To my colleagues on this side, there are three options left for America: propping up ObamaCare, which will never work, or full-blown single-payer healthcare; or this block grant approach.

I ask this question: Who are we, and what do we believe as Republicans? Our Democratic friends are pretty clear on who they are and what they believe when it comes to healthcare.

Here is what I believe. Send the money home. Send the money back to where the patient lives. Put it in the hands of doctors and hospitals in the communities where the patient lives. Allow the people in the State are responsive to the needs of the individuals in that State. Replace a bureaucrat with an elected official. You will improve quality, and outcomes will be better, and it will be more fiscally sustainable.

At the end of the day, that Governor, whoever he or she might be, who can figure out quality healthcare in a sustainable fashion, will not only get re-elected, but other people will copy what is going on. We leave the money and power here, there is never going to be any innovation. It is always going to be more money. Single-payer healthcare only works with a printing press—with unlimited dollars. Just keep printing the money. A block grant will bring out the best in America. It will create better outcomes for patients, and it will take us off the path of becoming Greece, because this is where we are headed.

Senator Cassidy is a doctor in a low-income, not-for-profit hospital. He knows more about this than I could ever hope to learn. There is a reason that I did not go to medical school. I could not get in. I just cannot tell you how impressed I have been with Bill Cassidy’s understanding of how healthcare works for average, everyday working people. He has dedicated his life to that segment of the population.

There would be no Graham, Cassidy, Heller, Johnson without Rick. Rick said: Lindsey, we did this with welfare reform. They said that we could not do it, but we block-granted the money and unleashed innovation at the State level, and not one dollar of extra spending was put in since 1996 because we were generous in the beginning. The Governors figured it out. It was a better way of dealing with the welfare population.

I had a bill to opt out of ObamaCare, and Rick said: Why don’t you just do a block grant like we did with welfare reform. So, when you look at it, it is such an elegant, fair, commonsense solution to a complicated problem.

Dean Heller. Dean Heller is in the first fight of his political life. A lot of people around here—and I understand it; I am included sometimes—just wish hard problems would go away. This is a tough business to be in. Dean was told by all of the experts—and he said this tonight—just lay low. Do not get your fingerprints on this healthcare debate.

There are no winners. Healthcare is too complicated. Just stay away from this fight. Lay low.

Dean told us today in the conference: I did not get elected to lay low. If we don’t get healthcare right, all of us are going to pay later. So Dean Heller, who is in one of the most competitive seats in the country, said: Sign me up.

Nevada gets 30 percent more money under this formula. It gets more control than ObamaCare would ever give them. Dean Heller believes that Medicaid is worth saving and that this is a way to save it. With the second block grant, one percent of the money could be used to help traditional Medicaid.

The bottom line is that Dean Heller stood up today and said: Nobody in this conference has a tougher race than I do. Count me in because this is the right thing to do.

Ron Johnson. If there were ever a “Mr. Smith Goes to Washington,” it is Ron Johnson. This is his last term. If you want to have an interesting evening, do not go to dinner with Ron Johnson and Bill Cassidy. They are wonderful people, but they know numbers, and they love to talk about details and how systems work. Ron Johnson has brought energy and a can-do attitude to this debate. He is the closest thing that I have seen in a long time to “Mr. Smith Goes to Washington.” He is not going to run again. He is doing what he thinks is best for Wisconsin and the Nation.

Scott Walker. If it were not for Scott Walker, we would not be here today. Scott Walker said: I have been talking about federalism all of my political life, and this is the first time that I have seen somebody in Washington try
to empower me here since welfare re-
form.
Scott Walker has been the moving
force on the Governors' side.
As for the Governor of Utah, Mike,
you should be proud of him. He is a
really good guy. Thank you for work-
ing with us to make this as flexi-
ble as possible.
Senator LEE has really driven this
very hard in order to give as much
flexibility to the State level as pos-

Thank you. Your Governor has been
just absolutely awesome.
Asa Hutchinson in Arkansas stepped
up. Our good friend Governor Bryant
in Mississippi is all in. I could go on
and on.
I know JOHN McCAIN likes the con-
cept of the block grant. JOHN McCAIN
wants to reform healthcare. He knows
what happens to Arizona under
ObamaCare, and this is our last, best
chance to stop what I think is a march
toward single-payer healthcare. I hope
we can find a way to get our friends
in Arizona at the State level on board
because ObamaCare is failing your State.
If we don't find a replacement—and I
think this is a great replacement for the
idea of Arizona—everything is going
to collapse.
So to all of those on the staff who
have spent hours and hours and hours
listening to us change our minds, do it
one way, do it another: Thank you,
thank you, thank you.
I have been in politics now—I came
in a little bit before the Presiding Offi-
cer in the Senate. I have worked on a
lot of things. I have had a lot of fun,
virtually disconnected. I don't think I
have worked on anything more impor-
tant than this. It has been fun. It has
been frustrating.
I believe this is our last, best chance
to get healthcare on a sustainable foot-
ing and to stop the march toward sin-
gle-payer healthcare, which I believe
with all my heart will reduce quality
and explode costs, and that doesn't
have to be the choice.
To my Republican friends: They
know what they are for. Do we know
what we are for? They are committed
to their causes. Are we equally com-
mittted to ours? I hope the answer is
yes. And if we can get 50 of us here, I
will make a prediction. A few of them
over there are going to sign on because
they think it will work. They are some Democratic Senators who are my
dear friends who are going to have to
turn down more money and more power
for their State to keep the status quo.
I can tell my colleagues this about
bipartisanship. I am a pretty big be-
liever in bipartisanship. I have taken
my fair share of beatings—working on
immigration; I believe climate change
is real. I have done deals, and I un-
derstand that you have to work together.
But our friends on the other side are
never going to vote for anything that
fundamentally repeals and replaces ObamaCare. They just can't do it. They
are not bad people; they are just locked
into a different way. And their way is
that the government makes these deci-
sions, not the private sector. My belief
is that healthcare closer to the patient,
like government, is better healthcare.
This is the last, best chance we
will have to stop this march toward singe-
ple payer healthcare.
Mr. President, we need you. We need
the weight of your office and the
strength of your voice.
Senator MCCONNELL, thank you for
what he is doing to try to end this
charge, without trial, and without meeting
the evidentiary standard required for every
other crime—potentially for life. The
National Defense Authorization Act for
Fiscal Year 2012, Congress authorized
the indefinite military detention of
suspected terrorists, including Amer-
ican citizens arrested on American soil.
These episodes—Japanese-American
interment, the McCarran Internal Se-
curity Act, and the NDAA for 2012—are
teachable moments, if you will. In all
three cases, the government was faced
with real threats from totalitarian foes—
foes hostile to our very core values and
ideals as a nation. But instead of
defying our foes by holding fast to our
core values, we jettisoned them in a
panic for fear and secrecy—out. The
Constitution and constitutional values
lost.
Thankfully, that isn't the whole
story, for there have also been times
when Americans have stood up for the
Constitution in crises, thus sending a strong message to the
totalitarian forces arrayed against us.
For instance, in 1971 Congress passed
the Non-Detention Act, stating that
"no citizen shall be imprisoned or
otherwise detained by the United
States except pursuant to an Act of
Congress."
Congress can make another stand for
the Constitution by allowing a vote on
the bipartisan Due Process Guarantee
Act. The President has heard this story,
for there have also been times
when Americans have stood up for the
Constitution in crises, thus sending a strong message to the
totalitarian forces arrayed against us.
For instance, in 1971 Congress passed
the Non-Detention Act, stating that
"no citizen shall be imprisoned or
otherwise detained by the United
States except pursuant to an Act of
Congress."
What, one might ask, is the Due
Process Guarantee Act? In short, the
amendment would raise the bar that
the government has to clear in order to
indefinitely detain American citizens
and lawful permanent residents who
are apprehended on U.S. soil. It would
unlawfully detain American citizens for
the indefinite detention of suspected terrorists using general author-
izations for the use of military force,
such as the 2001 AUMF against the 9/11
plotters. Instead, the government
would have to obtain explicit, written
approval from Congress before taking
such action in the future. If the United
States could ever again be faced with
such detentions using general author-
izations for the use of military force,
such as the 2001 AUMF against the 9/11
plotters. Instead, the government
would have to obtain explicit, written
approval from Congress before taking
such action in the future. If the United
States could ever again be faced with
such detentions using general author-
izations for the use of military force,
such as the 2001 AUMF against the 9/11
plotters. Instead, the government
would have to obtain explicit, written
approval from Congress before taking
such action in the future. If the United
States could ever again be faced with
such detentions using general author-
izations for the use of military force,
such as the 2001 AUMF against the 9/11
plotters. Instead, the government
would have to obtain explicit, written
approval from Congress before taking
such action in the future. If the United
States could ever again be faced with
such detentions using general author-
izations for the use of military force,
EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session for the en bloc consideration of the following nominations: Executive Calendar Nos. 280, 281, 283, 284, 285, 286, 304, 305, 306, 307, 308, 309, and 310.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the nominations en bloc.

The senior assistant legislative clerk read the nominations of Peter E. Deegan, Jr., of Iowa, to be United States Attorney for the Northern District of Iowa for the term of four years; Marc Krickbaum, of Iowa, to be United States Attorney for the Southern District of Iowa for the term of four years; D. Michael Dunavant, of Tennessee, to be United States Attorney for the Western District of Tennessee for the term of four years; Louis V. Franklin, Sr., of Alabama, to be United States Attorney for the Middle District of Alabama for the term of four years; Essie K. Littrell, of Virginia, to be United States Attorney for the District of Columbia for the term of four years; Richard W. Moore, of Alabama, to be United States Attorney for the Southern District of Alabama for the term of four years; Kurt M. Davis, of Idaho, to be United States Attorney for the District of Idaho for the term of four years; Kurt G. Alme, of Montana, to be United States Attorney for the District of Montana for the term of four years; Donald Q. Cochran, Jr., of Tennessee, to be United States Attorney for the Northern District of Oklahoma for the term of four years; Russell M. Cole, of Kentucky, to be United States Attorney for the Western District of Kentucky for the term of four years; Brian J. Kuester, of Oklahoma, to be United States Attorney for the Eastern District of Oklahoma for the term of four years; R. Trent Shores, of Oklahoma, to be United States Attorney for the District of Oklahoma for the term of four years; Daniel J. Kuebler, of Minnesota, to be Deputy Administrator for National Preparedness, Federal Emergency Management Agency, Department of Homeland Security.

Thereupon, the Senate proceeded to consider the nominations en bloc.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate vote on the nominations en bloc with no intervening action or debate; that if confirmed, the motions to reconsider be considered made and laid upon the table en bloc; the President be immediately notified of the Senate's action; that no further motions be in order, and that any statements relating to the nominations be printed in the Record.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The nominations were confirmed en bloc.

LEGISLATIVE SESSION

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to legislative session.

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

MORNING BUSINESS

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

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

REMEMBERING PETE DOMENICI

Mr. HATCH. Mr. President, I would like to take a few minutes amidst the Senate's business to memorialize my good friend, fellow colleague, and long-serving Senator of New Mexico, Pete Domenici. It is altogether fitting that we offer tribute right in the middle of a busy day. Pete was a true legislator, the kind we just don't see all that often any longer. He was at his best when we were here getting things done—and often we were getting things done because of his efforts. He will be sorely missed by those of us who had the distinct privilege of serving alongside him.

Pete's life was a testament to the American Dream; born to immigrant parents, Pete grew up working in his father's store before going on to earn his degree in education. Later, he would teach math at a local junior high school, before making his way into city politics and, from there, join the Senate in 1972. Some will no doubt recall that he was the first Republican elected as Senator of New Mexico in nearly 40 years, but most will remember that he always put the people of his State and his Nation ahead of partisan interests.

While serving in the Senate, Pete fulfilled his charge with diligence, passion, and decorum. His time here still serves as an example to many of us. Pete was regularly willing to reach across the aisle, always willing to take the first step, and never one to shrink from an opportunity presented, whether difficult or not. Pete's efforts to bring the Federal budget under control were especially admirable, and his leadership was crucial in achieving the balanced budget of 1997. That has proven a rare accomplishment. His work as an advocate for the mentally ill showed
his deep levels of compassion, and his efforts helped create a more just and equitable society for all.

Even after he retired, Pete, as was his way, refused to rest. He continued to promote bipartisan solutions in Washington and continued to remind each of us of the duties to the American people. My prayers and condolences go out to his wife, Nancy, and all of his family. Amidst their grief, I take heart they may know that his legacy outlives his days and that this body will be forever better for his service.

Mr. DURBIN. Mr. President, this week, we mourn the loss of Pete Domenici, a former Senate colleague, a respected and leading voice in bipartisanship, and, most of all, a friend.

Pete had the distinction of being the longest serving Senator in New Mexico’s history. He spent almost half a century as a public servant.

Most knew Pete for his outspokenness on budget issues, but I remember him best for his commitment and dedication on behalf of Americans struggling with mental illness.

In 2008, two Senators—Paul Wellstone, a liberal Democrat from Minnesota, and Pete Domenici, a conservative Republican from New Mexico—came together to pass legislation that prohibited health insurance companies from treating mental health differently from physical health benefits. The Domenici-Wellstone Mental Health Parity and Addiction Equity Act finally set mental health and substance abuse benefits on equal footing with other health benefits, ensuring fairness in deductibles, copayments, provider networks, and lifetime limits.

Those two Senators couldn’t have been more different, but they each had family members who were touched by mental illness.

Pete Domenici and Paul Wellstone asked, Why should we treat illnesses of the brain any different than a cancer, diabetes, or heart disease?

That shared bond brought them together. It is why they spent years fighting with insurance companies about the importance of mental health coverage and ultimately got a law passed.

The Wellstone-Domenici Parity Act laid the groundwork for so much of what we fought for in the Affordable Care Act, and the idea that people should have access to coverage, regardless of what their medical needs are.

You see, the ACA built off this law by requiring that all individual market insurance plans cover mental health and substance abuse services as an “essential health benefit.”

Thanks to Pete’s hard work, millions of Americans no longer have to fight for mental health benefits or addiction treatment benefits, so important in the face of today’s opioid crisis.

Pete taught us that mental illness is exactly that—an illness—and that those who suffer from any illness deserve equal rights and access to care.

Senator Domenici was also a strong advocate for immigration reform. Back in 2002, he signed on as a co-sponsor of the original DREAM Act, legislation that I introduced to give a path to citizenship to talented young immigrants who grew up in the country.

As the son of an Italian immigrant mother and an Italian-born father who earned citizenship after his service in WWII, Pete understood firsthand the immigrant experience. He once said, “I understand this whole idea of a household with a father who is American and a mother who is not, but they are living, working, and getting ahead. I understand that they are just like every other family in America. There is nothing different. They have the same love, same hope, same will and same aspirations as those of us who were born here have.” Pete didn’t just talk; he put his money where his mouth was.

In 2006, he voted for the McCain-Kennedy comprehensive immigration reform bill that included the DREAM Act.

It passed the Republican-controlled Senate on a strong bipartisan vote, but unfortunately, the Republican leadership in the House of Representatives never brought it to a vote.

Senator Domenici’s work in the Senate is a great example of the good that can come from bipartisanship—of what can happen when we start working together to get something done for the American public.

It is my hope that we can carry on Pete’s legacy of equal rights for all through bipartisan means.

My condolences to the Domenici family and thank you for sharing such an earnest man with us.

Mr. COCHRAN. Mr. President, I wish to honor former Senator Pete V. Domenici of New Mexico, who passed away September 13 in Albuquerque. It was a privilege to call Pete a friend and to work with him as a Senate colleague and member of the Appropriations Committee.

Senator Domenici had a great ability to bring people together to work on solutions to complicated challenges like the budget deficit, national security, and energy policy. His passing closes the book on a life well-lived as a public servant dedicated to his family, his State, and our Nation.

My condolences go out to his lovely wife, Nancy, and their family.

(At the request of Mr. SCHUMER, the following statement was ordered to be printed in the RECORD.)

**VOTE EXPLANATION**

**Mr. NELSON.** Mr. President, I was necessarily absent for yesterday’s vote on the motion to table Senate amendment No. 871 to H.R. 2810, the National Defense Authorization Act, to repeal existing authorizations for the use of military force. I would have voted yea.

Mr. President, I was necessarily absent for today’s vote on the motion to invoke cloture on substitute amendment No. 1003 to H.R. 2810, the National Defense Authorization Act. I would have voted yea.

Mr. SCHUMER. At the request of Mr. SCHUMER, the following statement was ordered to be printed in the RECORD.

**VOTE EXPLANATION**

**Mr. MENENDEZ.** Mr. President, I was unavoidably absent for rollcall vote No. 197, the motion to invoke cloture on McCain-Reed amendment No. 1003, as modified, the substitute to H.R. 2810, the National Defense Authorization Act for 2018. Had I been present, I would have voted yea.

**NORTH KOREA**

Mr. CARDIN. Mr. President, today I wish to address one of the most pressing and most challenging national security issues facing our Nation: North Korea’s growing nuclear and ballistic missile programs and its continued bellicose behavior.

North Korea has developed an active nuclear weapons program and is making considerable progress in developing nuclear-capable ballistic missiles that can reach our allies and partners in the region, including South Korea and Japan, U.S. territories like Guam, and, likely, the continental United States as well.

The time for illusions about North Korea’s programs, or wishful thinking about our policy options, is past.

With each passing day, North Korea’s continued defiance of the international community makes it clear that the Trump administration’s policy of maximum pressure is yielding minimal results.

If the United States continues on the path laid out by President Trump, there are only two realistic outcomes, both bad: North Korea becomes a nuclear power or a large-scale conventional war breaks out on the Korean Peninsula that would result in the loss of hundreds of thousands and possibly millions of lives.

If our policy options leave us with only capitulation or war as possible outcomes, those policies are deeply flawed. There should be a lot of space between war and capitulation on the Korean Peninsula.

I strongly believe that we must therefore adjust our strategy to fill that space with an all-out “diplomatic surge,” one that results in serious, hard constraints on North Korea’s nuclear ambitions and a more peaceful, stable, and prosperous Northeast Asia for all.

The initial objective of this surge would be to begin a diplomatic process, with Pyongyang first verifiably halting
their nuclear and ballistic missile testing and the United States and our allies taking steps to deescalate the current tensions on the Korean Peninsula.

We have not arrived at the current situation with North Korea overnight. When we entered into an outcome of two decades of steady progress by North Korea’s nuclear and ballistic programs. The tense situation on the Korean Peninsula highlights the failure of the international community and multiple administrations, Republican and bipartisan alike, to North Korea’s nuclear and missile programs and to promote greater security and stability in the region.

This year alone, North Korea has conducted at least a dozen ballistic missile tests, including ICBM tests, and now a nuclear test of what is likely a thermonuclear weapon.

We may not like this reality, but we must face the fact that North Korea already has a small but nonetheless operational nuclear arsenal.

At this critical moment, the President, instead of providing responsible leadership, has engaged in bluster and provocative statements about nuclear war with North Korea. He continues to show a lack of temperament and judgment to deal with this serious crisis. He continues to increase tensions rather than reduce them and to issue threats when it is far from clear he is willing to back them up.

President Trump’s dangerous rhetoric has painted the United States into a corner.

The President has zig-zagged from one extreme to the other, as the Washington Post recently put it, veering between bellicose tweets aimed at North Korea, threats to our allies and partners, efforts to flatter Beijing, offers of diplomacy, and then strident rejections of it at the same time. He has created an environment of uncertainty among our friends and allies and, indeed, emboldened our adversaries, and confused and deeply concerned the American people about their safety.

I therefore feel a solemn responsibility as the ranking member of the Senate Foreign Relations Committee to put forward an approach to North Korea that I believe represents the type of responsible bipartisan leadership the world has come to expect from the United States.

While the United States leads with our values and interests at the fore, others follow, but when we abdicade or purposefully cause doubt, well, that kind of uncertainty makes the world less safe.

Therefore, the United States should put its full weight into creating and executing a comprehensive policy that includes the immediate imposition of additional sanctions, active engagement with our allies, vigorous support for human rights and the pursuit of principle-driven, multilateral measures to shape the regional environment.

Most urgently, we should begin immediate and direct diplomatic engagement with Pyongyang, guided by strategic clarity, to curtail North Korea’s nuclear ambitions, protect our allies, and bring stability to the Korean Peninsula.

Underlying our current North Korea policy—or lack thereof—are a series of assumptions, which I believe must be reconsidered in light of our decades-long failure to achieve our strategic objectives.

First, will China, ever really ‘carry our water’ on economic sanctions?

My assessment is China prioritizes its own interests in maintaining North Korea stability over denuclearization and will never place enough pressure on North Korea to force them to give up their nuclear program. That said, and as I will discuss further, China has a crucial role to play as a partner in this process, both imposing costs on North Korea up front and providing security and economic guarantees on the back end, but we should not expect that China will solve this issue for us.

Second, do we still think that North Korea wants and needs to rejoin the international community?

In other words, do they need us more than we need them? Based on its current actions, one would have to conclude no—and that holding out that possibility is not in fact an incentive for Pyongyang because it does not interest them.

We should also be clear about North Korea’s intentions. Indeed, for all the talk about how irrational and unpredictable North Korea is, they have pursued the well-developed tactics to evade international sanctions and pressure—with clarity and determination. They have not hid their intentions, the reasons why they believe they are seeking these weapons, or their vision for the peninsula.

Even so, I believe Pyongyang will respond to incentives and to pressure, but we must get both the pressure and the disincentives right to be effective.

Third, is time still on our side?

The regime continues to move forward with its nuclear and missile programs, defying consistent predictions since the end of the Cold War that North Korea was on the verge of immediate collapse. All signs indicating that Kim Jung-Un is firmly in control and faces no serious challenges. He has even had members of his own family murdered to keep his iron grip on the country firm and in place. So while time has not run out, it is not on our side, either.

Finally, are negotiations with North Korea pointless because they will always reneg on their commitments?

I recognize the history of numerous efforts to conclude a framework agreement that have ended in failure and acrimony, but it is also important to remember that while the 1994 framework agreement had many problems, it did limit and constrain North Korea’s stockpile of plutonium for an 8-year period.

Yes, North Korea continued with a part of its nuclear programs in secret, but there is no question that, during this period, the United States and our allies were safer and more secure than they would have been given the alternatives, which were war or acquiesce to North Korea’s nuclear program.

While it is certainly possible that the Agreed Framework would have fallen apart regardless, it is also possible, if the agreement had been maintained, it would have provided options for bringing the North’s nuclear ambitions to a more permanent end.

Nevertheless, it is incumbent on those of us in Congress, as well as our colleagues in the executive branch, to think through a policy that gives us the best chance of success and to take the necessary steps to see if this approach might lead to a better outcome.

Second, do we still think that North Korea wants and needs to rejoin the international community?

At the end of the day, China understands that it, too, benefits from a denuclearized peninsula and that increased military tensions in the region, let alone war, do not serve China’s interests well. So we can work with China to assure that sanctions are fully implemented—especially those which China has already signed up for at the United Nations but has been slow to bring into force, an immediate test being the unanimously passed Security Council sanctions just this week. We can encourage China to take clear and more meaningful steps to pressure Pyongyang back to the negotiating table.

To make this strategy work, we must indicate to China and Russia that we are ready and willing to engage in negotiations with North Korea.

As we turn the screws on North Korea and strengthen our alliances, we need to be open to wide-ranging talks. We should be willing to discuss measures to deescalate the conflict on the Korean Peninsula, ways to improve the lot of the downtrodden people of North Korea, and ultimately a pathway forward for a denuclearized Korean Peninsula.
To begin this process, Pyongyang will first have to verifiably halt their nuclear and ballistic missile testing, and the United States and our allies must indicate a willingness to take steps to deescalate the current tensions over the Korean Peninsula.

China’s assistance will be necessary not only in getting talks started but also in helping them reach a successful conclusion. Only China can provide North Korea with certain kinds of security guarantees which likely will be necessary to enhance Pyongyang’s confidence that any agreement will be enduring.

Second, it is worth emphasizing that an “America first” approach is not a formula for success in dealing with North Korea—or anything else for that matter. A complex threat like North Korea can’t be successfully confronted without assistance from our allies and partners. This is a comprehensive and has been critical for maintaining peace, stability, and economic prosperity throughout the Asia-Pacific region.

This stability and prosperity has also made the United States more secure and more prosperous. It is why the United States, after the devastation of the Second World War and the Korean war, built partnerships with Japan, South Korea, and other dynamic and comprehensive forces that have been key hubs for North Korean activities. These turned the region into one of the most successful stories of the foreign policy success stories of the past 70 years. Any successful policy toward North Korea must be built on this foundation and recognize that our approach with that of our regional allies. Nations such as Australia, Singapore, and our other ASEAN partners also have important roles to play.

The United States has worked diligently for the past several years, starting under the Obama administration, to strengthen and diversify our alliances and partnerships in the region by enhancing our defense and deterrence capabilities in light of emerging North Korean threats. This has included missile defense, extended deterrence, counter-proliferation, and a suite of other capabilities relevant to the new security environment.

We must continue and deepen these defense efforts to assure that we can stay ahead of North Korean threats, to provide leverage for diplomacy, and to maintain an insurance policy for the sort of “containment” that will be necessary should diplomacy fail.

Third, the United States has an important opportunity to set the broader regional context for peace and stability on the Korean Peninsula by engaging in forward-leaning, principled, multilateral diplomatic engagement. Over the years, there have been numerous proposals for multilateral architecture in Northeast Asia proposed by the nations of the region, as well as by the United States.

While there may not be room for discussion and debate over which model might be best, it is clear we need a forum to draw the nations of Northeast Asia together to engage in confidence-building measures and to address outstanding diplomatic, security, and political issues so that the right context exists for a stable Korean Peninsula. When President Trump travels to Asia this November, he has an important opportunity to move the multilateral architecture forward as a necessary supporting element of a broader North Korea strategy.

Fourth and finally, the administration must seek to fully exercise our economic leverage, not incrementally but at the maximum extent feasible, and should immediately impose additional economic sanctions on Pyongyang.

Secondly, sanctions imposed upon firms that trade with North Korea along with other targeted sectoral and financial measures through the UN Security Council, are essential to make it more difficult for the Kim Jong Un regime to support its prohibited nuclear and missile programs, including the financing that fuels its illegal activities.

The administration must also rigorously implement and enforce the North Korea Sanctions and Policy Enforcement Act of 2016, the relevant sections of the recently passed Countering America’s Adversaries Through Sanctions Act and UNSC resolutions 2270 and 2321 on North Korea. I know several of our colleagues, including Senators Gardner, Markey, Toomey, and Rohla, also have legislation to impose new and additional sanctions.

Critically, while many past efforts have been targeted at imposing costs on North Korea by curtailing trade leaving North Korea, to be truly effective a sanctions regime must have as its primary purpose halting the flow of goods, finances, and material into North Korea. We know that when oil shipments have dried up in the past or when we threaten the ability of North Korea to use the international financial system to bring its ill-gotten funds home, we have gotten Pyongyang’s attention.

We will have to consider again if we cut off North Korean elites’ ability to continue to enjoy luxury goods. By cutting off access to these goods, through existing sanctions that are often not seriously enforced, we will provide an opportunity to focus minds in Pyongyang.

China plays a key role in bringing this sort of pressure to bear on North Korea, but so do others. Russia, for example, houses some 30,000 North Korean slave laborers, a key source of regime income, and has also supplied North Korea with oil and aviation fuel in the past, sometimes illicitly. Other partners, including Singapore, have been key hubs for North Korean activity.

Robust implementation of current sanctions to address these activities is crucial across all members of the international community.

While I have laid out today are lofty goals to be sure, but we should stand up and try to reach them. Let’s try to stop North Korea through diplomacy while watching to make sure North Korea will not cheat during negotiations or on any final agreement, as they have in the past.

While imperfect in the short term, a freeze on North Korea’s nuclear and missile program serves our national security interests. If nothing is done to slow North Korea down, its nuclear program and delivery systems will continue to grow, imperiling our allies and the American people. Diplomatic engagement that allows us to constrain and eventually reverse North Korea’s nuclear ambitions may not be “perfect” security, but it is enhanced security and by far the better option available.

Time is no longer on our side, but the clock hasn’t run out yet. The United States and the international community have an opportunity to test the proposition of what a robust diplomatic surge to North Korea might look like. It is critical that we take the opportunity now.

ADDITIONAL STATEMENTS

TRIBUTE TO ALBERT “AL” LEE

Mr. DAINES. Mr. President, this week, I have the distinct honor of recognizing Albert “Al” Lee of Forsyth. Al has made a lifetime of contributions to our State and our Nation. Al’s experiences as a veteran, rancher, long-time volunteer, shooting sports enthusiast have made him a highly respected member of his community in Rosebud County.

After finishing his military service with the U.S. Air Force during the Korean war, Al returned to Montana State University and married Sharon, a fellow Bobcat. Al and Sharon soon settled near the Yellowstone River and began operating the family ranch. Over the years, the Lee family has opened large sections of their ranch to the Boy Scouts, hunters, and to the participants of the Matthew Quigley Buffalo Rifle Match. The Matthew Quigley Buffalo Rifle Match recently completed its 26th annual competition in June. This prestigious shooting match has grown from a few dozen shooters the first year, to well over 600 shooters this year, including international competitors from six nations.

Al’s love for shooting sports and his passion for sharing our Montana cultural traditions has been highly valued...
at both the State and national levels. The Montana Department of Fish, Wildlife, and Parks has honored AI for over five decades of volunteering to teach firearms safety to rising generations of future hunters. In 2001, The National Rifle Association recognized AI with their highly esteemed public service award.

Montana cowboys like Al Lee give a unique character to the Treasure State. Thank you, AI, for the many years of service and for strengthening our Montana traditions.

EXECUTIVE MESSAGES REFERRED
As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE
ENROLLED JOINT RESOLUTION SIGNED
At 12:38 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution:

S.J. Res. 49. Joint resolution condemning the violence and domestic terrorist attack that took place between August 11 and August 12, 2017, in Charlottesville, Virginia, recognizing the first responders who lost their lives while monitoring the events, offering deepest condolences to the families and friends of those individuals who were killed and deepest sympathies and support to those individuals who were injured by the violence, expressing support for the Charlottesville community, rejecting White nationalists, White supremacists, the Ku Klux Klan, neo-Nazis, and other hate groups, and urging the President and the President’s Cabinet to use all available resources to address the threats posed by those groups.

The enrolled joint resolution was subsequently signed by the President pro tempore (Mr. Hatch).

ENROLLED JOINT RESOLUTION PRESENTED
The Secretary of the Senate reported that on today, September 14, 2017, she had presented to the President of the United States the following joint resolution:

S.J. Res. 49. Joint resolution condemning the violence and domestic terrorist attack that took place during events between August 11 and August 12, 2017, in Charlottesville, Virginia, recognizing the first responders who lost their lives while monitoring the events, offering deepest condolences to the families and friends of those individuals who were killed and deepest sympathies and support to those individuals who were injured by the violence, expressing support for the Charlottesville community, rejecting White nationalists, White supremacists, the Ku Klux Klan, neo-Nazis, and other hate groups, and urging the President and the President’s Cabinet to use all available resources to address the threats posed by those groups.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS
The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. Murphy (for himself and Mr. Boozman):
S. 1088. A bill to require the collection of voluntary feedback on services provided by agencies, and for other purposes (Rept. No. 115-156).

By Mr. Johnson, from the Committee on Homeland Security and Governmental Affairs, without amendment:
S. 1103. A bill to amend the Homeland Security Act of 2002 to require the Secretary of Homeland Security to issue Department-wide guidance and to develop training programs as part of the Department of Homeland Security Blue Campaign, and for other purposes (Rept. No. 115-157).

EXECUTIVE REPORTS OF COMMITTEES
The following executive reports of nominations were submitted:

By Mr. Johnson for the Committee on Homeland Security and Governmental Affairs:

By Mr. Grassley for the Committee on the Judiciary:
Ralph R. Erickson, of North Dakota, to be United States Circuit Judge for the Eighth Circuit.
Donald C. Coggins, Jr., of South Carolina, to be United States District Judge for the District of South Carolina.
Dabney Langhorn Friedrich, of California, to be United States District Judge for the District of Columbia.
Stephen S. Schwartz, of Virginia, to be a Judge of the United States Court of Federal Claims for a term of fifteen years.
Robert R. Higdon, Jr., of North Carolina, to be United States Attorney for the Eastern District of North Carolina for the term of four years.
J. Cody Hiland, of Arkansas, to be United States Attorney for the Eastern District of Arkansas for the term of four years.
Joshua J. Minkler, of Indiana, to be United States Attorney for the Southern District of Indiana for the term of four years.
Byung J. Pak, of Georgia, to be United States Attorney for the Northern District of Georgia for the term of four years.

* Nomination was reported with recommendation that it be confirmed subject to the nominee’s commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

REPORTS OF COMMITTEES
The following reports of committees were submitted:

By Mr. Johnson, from the Committee on Homeland Security and Governmental Affairs, with amendments:
At the request of Mr. Brown, the names of the Senator from Montana (Mr. Daines) and the Senator from Idaho (Mr. Risch) were added as cosponsors of S. 464, a bill to amend title XVIII of the Social Security Act to provide for a permanent Independence at Home medical practice program under the Medicare program.

S. 683

At the request of Ms. Hirono, the name of the Senator from New Hampshire (Mrs. Shaheen) was added as a cosponsor of S. 683, a bill to amend title 38, United States Code, to extend the requirement to provide nursing home care to certain veterans with service-connected disabilities.

S. 705

At the request of Mr. Hatch, the name of the Senator from Delaware (Mr. Coons) was added as a cosponsor of S. 705, a bill to amend the National Child Protection Act of 1993 to establish a national criminal history background check system and criminal history review program for certain individuals who, related to their employment, have access to children, the elderly, or individuals with disabilities, and for other purposes.

At the request of Mr. Thune, the name of the Senator from Indiana (Mr. Donnelly) was added as a cosponsor of S. 808, a bill to provide protections for certain sports medicine professionals who provide certain medical services in a secondary State.

S. 819

At the request of Mrs. Murray, the name of the Senator from North Dakota (Ms. Heitkamp) was added as a cosponsor of S. 819, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 872

At the request of Mr. Schumer, the name of the Senator from Pennsylvania (Mr. Casey) was added as a cosponsor of S. 872, a bill to amend title XVIII of the Social Security Act to make permanent the extension of the Medicare-dependent hospital (MDH) program and the increased payments under the Medicare low-volume hospital program.

S. 946

At the request of Mr. Flake, the name of the Senator from Indiana (Mr. Donnelly) was added as a cosponsor of S. 946, a bill to require the Secretary of Veterans Affairs to hire additional Veterans Justice Outreach Specialists to provide treatment court services to justice-involved veterans, and for other purposes.

S. 1090

At the request of Ms. Duckworth, the name of the Senator from Oregon (Mr. Wyden) was added as a cosponsor of S. 1050, a bill to award a Congressional Gold Medal, collectively, to the Chinese-American Veterans of World War II, in recognition of their dedicated service during World War II.

S. 1270

At the request of Mr. Toomey, the name of the Senator from Michigan (Mr. Peters) was added as a cosponsor of S. 1117, a bill to protect the investment choices of investors in the United States, and for other purposes.

S. 1161

At the request of Mr. Lankford, the name of the Senator from Oklahoma (Mr. Inhofe) was added as a cosponsor of S. 1161, a bill to amend title XVIII of the Social Security Act to allow physicians, nurse practitioners, and clinical nurse specialists to supervise cardiac, intensive cardiac, and pulmonary rehabilitation programs.  

S. 1391

At the request of Mr. Toomey, the name of the Senator from Arkansas (Mr. Cotton) was added as a cosponsor of S. 1591, a bill to impose sanctions with respect to the Democratic People’s Republic of Korea, and for other purposes.

S. 1718

At the request of Mr. Kennedy, the name of the Senator from Maine (Ms. Collins) was added as a cosponsor of S. 1718, a bill to authorize the minting of a coin in honor of the 75th anniversary of the end of World War II, and for other purposes.

S. 1742

At the request of Ms. Stabenow, the names of the Senator from Michigan (Mr. Peters), the Senator from Illinois (Mr. Durbin) and the Senator from Illinois (Ms. Duckworth) were added as cosponsors of S. 1742, a bill to amend title XVIII of the Social Security Act to provide for an option for any citizen or permanent resident of the United States age 55 to 64 to buy into Medicare.

S. 1774

At the request of Mr. Hatch, the name of the Senator from Mississippi (Mr. Wicker) was added as a cosponsor of S. 1774, a bill to provide protections for workers with respect to their right to select or refrain from selecting representation by a labor organization.

S. 1782

At the request of Ms. Collins, the name of the Senator from Indiana (Mr. Young) was added as a cosponsor of S. 1782, a bill to amend the Internal Revenue Code of 1986 to modify the definition of full-time employee for purposes of the employer mandate in the Patient Protection and Affordable Care Act.

S. 1783

At the request of Ms. Duckworth, the name of the Senator from Oregon (Mr. Wyden) was added as a cosponsor of S. 1783, a bill to amend the National Voter Registration Act of 1993 to require each State to implement a process under which individuals who are 16 years of age may apply to register to vote in elections for Federal office in the State. To direct the Assistance Commission to make grants to States to increase the involvement of minors in public election activities, and for other purposes.

S. 1786

At the request of Mr. Schatz, the name of the Senator from Massachusetts (Mr. Markey) was added as a cosponsor of S. 1786, a bill to amend the Fair Credit Reporting Act to enhance the accuracy of credit reporting and provide greater rights to consumers who dispute errors in their credit reports, and for other purposes.

AMENDMENT NO. 426

At the request of Mr. Cornyn, his name was added as a cosponsor of amendment No. 426 intended to be proposed to H.R. 2810, to authorize appropriations for fiscal year 2018 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.

AMENDMENT NO. 510

At the request of Mr. Cardin, the name of the Senator from Maryland (Mr. Van Hollen) was added as a cosponsor of amendment No. 510 intended to be proposed to H.R. 2810, to authorize appropriations for fiscal year 2018 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.
At the request of Mr. GARDNER, the name of the Senator from Iowa (Mrs. ERNST) was added as a cosponsor of amendment No. 558 intended to be proposed to H.R. 2810, to authorize appropriations for fiscal year 2018 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.

AMENDMENT NO. 607

At the request of Mr. MARKKEY, the names of the Senator from New Jersey (Mr. BOOKER) and the Senator from Wisconsin (Ms. BALDWIN) were added as cosponsors of amendment No. 607 intended to be proposed to H.R. 2810, to authorize appropriations for fiscal year 2018 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.

At the request of Mr. TESTER, the names of the Senator from Florida (Mr. NELSON), the Senator from Missouri (Mrs. McCASKILL) and the Senator from Minnesota (Mr. FRANKEN) were added as cosponsors of amendment No. 670 intended to be proposed to H.R. 2810, to authorize appropriations for fiscal year 2018 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.

AMENDMENT NO. 714

At the request of Mr. PORTMAN, the name of the Senator from Montana (Mr. DAINES) was added as a cosponsor of amendment No. 714 intended to be proposed to H.R. 2810, to authorize appropriations for fiscal year 2018 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.

AMENDMENT NO. 768

At the request of Mr. DONNELLY, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of amendment No. 768 intended to be proposed to H.R. 2810, to authorize appropriations for fiscal year 2018 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.

AMENDMENT NO. 770

At the request of Mr. MURPHY, the name of the Senator from Utah (Mr. LEE) was added as a cosponsor of amendment No. 770 intended to be proposed to H.R. 2810, to authorize appropriations for fiscal year 2018 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.

AMENDMENT NO. 818

At the request of Mr. PORTMAN, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of amendment No. 819 intended to be proposed to H.R. 2810, to authorize appropriations for fiscal year 2018 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.

AMENDMENT NO. 879

At the request of Mr. JOHNSON, the name of the Senator from Texas (Mr. BLUMENTHAL) was added as a cosponsor of amendment No. 879 intended to be proposed to H.R. 2810, to authorize appropriations for fiscal year 2018 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.

AMENDMENT NO. 908

At the request of Mr. CARDIN, the name of the Senator from Maryland (Mr. CORNYN) was added as a cosponsor of amendment No. 909 intended to be proposed to H.R. 2810, to authorize appropriations for fiscal year 2018 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.

AMENDMENT NO. 967

At the request of Mr. CASEY, the name of the Senator from New Hampshire (Ms. HASSAN) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of amendment No. 999 intended to be proposed to H.R. 2810, to authorize appropriations for fiscal year 2018 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.

AMENDMENT NO. 1004

At the request of Mr. BENNET, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of amendment No. 999 intended to be proposed to H.R. 2810, to authorize appropriations for fiscal year 2018 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.

AMENDMENT NO. 1017

At the request of Mr. SCHUMER, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of amendment No. 999 intended to be proposed to H.R. 2810, to authorize appropriations for fiscal year 2018 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.

AMENDMENT NO. 1033

At the request of Mr. REED, the names of the Senator from Ohio (Mr. PORTMAN) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of amendment No. 939 intended to be proposed to H.R. 2810, to authorize appropriations for fiscal year 2018 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.
(Mrs. GILLibrAND) was added as a co-sponsor of amendment No. 1017 intended to be proposed to H.R. 2810, to authorize appropriations for fiscal year 2018 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.

AMENDMENT NO. 1027

At the request of Mr. STRANGE, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of amendment No. 1027 intended to be proposed to H.R. 2810, to authorize appropriations for fiscal year 2018 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.

AMENDMENT NO. 1032

At the request of Mr. ISAkSON, the names of the Senator from Texas (Mr. CORNyN) were added as a cosponsor of amendment No. 1032 intended to be proposed to H.R. 2810, to authorize appropriations for fiscal year 2018 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.

AMENDMENT NO. 1033

At the request of Mr. PERDUE, the names of the Senator from Maryland (Mr. VAN HOLlen), the Senator from Maryland (Mr. CARdIN), the Senator from Mississippi (Mr. WICKer) and the Senator from Texas (Mr. CORNyN) were added as cosponsors of amendment No. 1033 intended to be proposed to H.R. 2810, to authorize appropriations for fiscal year 2018 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.

AMENDMENT NO. 1056

At the request of Mr. GARDNER, the name of the Senator from New Jersey (Mr. MENNENDEZ) was added as a cosponsor of amendment No. 1056 intended to be proposed to H.R. 2810, to authorize appropriations for fiscal year 2018 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.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KAIeNE (for himself, Mrs. CAPpto, Mrs. SHaHeEN, Mr. WYDeN, Mr. CASEy, Mr. WHITEHOUSE, and Mr. WARNer), a bill to provide support for the development of middle school career exploration programs linked to career and technical education programs of study: to the Committee on Health, Education, Labor, and Pensions.

Mr. KAIeNE. Mr. President. Far too many students leave our Country's classrooms ill-equipped to keep up with the demands of the 21st century job market. Many enter high school and postsecondary education uninform ed of the range of careers available to them. For our Country's continued success, it is essential that our young people have exposure to a range of available work and career options early in their academic careers so that, by the time they begin high school, they are more knowledgeable about future paths and what they need to do to pursue them.

Wherever I travel through Virginia I hear the same thing from business owners, manufacturers, and plant managers: there are good paying jobs out there, we just need to train our students with the skills to fill them. Middle school is a time for students to begin thinking about what they want to pursue in life. Helping them explore how their coursework could support those interests can make a valuable difference down the road.

Programs that focus on career and technical education, (CTE) allow for students to explore their own strengths and passions, as well as how they match up with potential future careers. But limited funding for middle school CTE programming often requires students to wait until high school for access to this type of experience. This is why I am pleased to introduce today the Middle School Technical Education Program Act, or Middle STEP Act. This bipartisan legislation creates a pilot program that allows for middle schools to partner with colleges and local businesses to develop and implement CTE exploration programs that give students access to apprenticeships or project-based learning opportunities. Middle schools CTE programs funded through the Middle STEP Act would give students access to career guidance and academic counseling to help them understand the educational requirements for high-growth, in-demand career fields. Programs would assist student in drafting a high school graduation plan that demonstrates what courses prepare them for a given career. The programs must also provide a clear transition path to an introductory middle school program to a more narrow focus of CTE study in high school, and must be accessible to students from economically disadvantaged, urban and rural communities. I believe this meaningful legislation can propel young students toward the careers of the future, and help to fill workforce shortages across the Commonwealth and the Nation. I strongly encourage my colleagues to consider this legislation to allow for students to have access to potential career choices and pathways early on in their academic careers. Their futures depend on it.

SENATE RESOLUTION 255—CONGRATULATING THE NATIONAL FEDERATION OF FEDERAL EMPLOYEES ON THE 100TH ANNIVERSARY OF ITS FOUNDOING AND RECOGNIZING THE VITAL CONTRIBUTIONS OF ITS MEMBERS TO THE UNITED STATES

Ms. HIElkAmP submitted the following resolution; which was referred to the Committee on Homeland Security and Governmental Affairs:

S. Res. 255

Whereas the National Federation of Federal Employees (referred to in this preamble as the "NFFE") was created in 1917 as the first union in the United States to exclusively represent civil service Federal employees;

Whereas the NFFE preserves, promotes, and improves the rights and working conditions of Federal employees and other professionals through all lawful means, including collective bargaining, legislative activities, education, and contributing to civic and charitable organizations;

Whereas the contributions of the NFFE are noted in history through a century of achievements for the Federal labor movement, including numerous reforms to workforce policy and working conditions; Whereas NFFE members serve the United States by performing critical functions throughout Federal agencies, including the Department of Defense, the Department of Housing and Urban Development, the Department of Veterans Affairs, the Bureau of Land Management, the Forest Service, the National Park Service, the Federal Aviation Administration, the General Services Administration, the Indian Health Service, the Passport Service of the Bureau of Consular Affairs, and the Corps of Engineers; Whereas, through a partnership with the International Association of Machinists and Aerospace Workers and the American Federation of Labor and Congress of Industrial Organizations, the NFFE promotes better working conditions, critical functions of life for working families across the United States;

Whereas the NFFE represents more than 100,000 Federal employees; and

Whereas the NFFE continues to ensure that the voices of Federal civil servants are properly represented: Now, therefore, be it

Resolved, That the Senate congratulates and honors the National Federation of Federal Employees on the celebration of the 100th anniversary of its founding.

SENATE RESOLUTION 256—RECOGNIZING HISPANIC HERITAGE MONTH AND CELEBRATING THE HERITAGE AND CULTURE OF LATINOS IN THE UNITED STATES AND THE IMMENSE CONTRIBUTIONS OF LATINOS TO THE UNITED STATES

Mr. SCHuMER (for Mr. MENNENDEZ for himself, Mr. CORNyN, Mr. BLUMENTHAL, Ms. CORTez MASTo, Mr. DURhin, Mr. FRANKEN, Mr. REED, Mr. KAIeNE, Mr. BENNET, Mrs. PENNSTEIN, Mr. HeLLER, Mr. NELsoN, Mrs. SHAHeEN, Mr. HeinRich, Mr. WARNer, Mr. UDALL, and Mr. RUbo)) submitted the
following resolution; which was considered and agreed to:

S. Res. 256

Whereas from September 15, 2017, through October 15, 2017, the United States celebrates Hispanic Heritage Month;

Whereas the Bureau of the Census estimates the Hispanic population living in the continental United States at over 57,000,000, and the 2017 American Community Survey estimates the Puerto Rican population at 3,500,000, making Hispanic Americans almost 18 percent of the total population of the United States; and

Whereas, in 2016, there were close to 1,000,000 or more Latino residents in the following states: California; Arizona; Texas; Florida; Colorado; New Mexico; Nevada; New York; North Carolina; Pennsylvania; Texas, and Washington; and

Whereas, New Mexico, New York, North Carolina, Pennsylvania, Texas, and Washington; and

Whereas, New Mexico, New York, North Carolina, Pennsylvania, Texas, and Washington; and

Whereas, in July 1, 2015, and July 1, 2016, Latinos grew the United States population by approximately 1,311,766 individuals, accounting for 1/3 of the total population growth during that period;

Whereas, by 2060, the Latino population in the United States is projected to grow to 119,000,000, and the Latino population will comprise more than 28.6 percent of the total United States population;

Whereas, the Latino population in the United States is currently the third largest worldwide, exceeding the size of the population in every Latin American and Caribbean country except Mexico and Brazil;

Whereas, in 2016, there were more than 18,345,742 Latino children under the age of 18 in the United States, which represents approximately 1/5 of the total Latino population in the United States;

Whereas more than 1 in 4 public school students in the United States are Latino, and the ratio of Latino students is expected to rise to nearly 30 percent by 2027;

Whereas 19 percent of all college students between the ages of 18 and 24 are Latino, making Latinos the largest racial or ethnic minority group on college campuses in the United States, including 2-year community colleges and 4-year colleges and universities;

Whereas, in 2016, 1,700,000 Latinos voted in the 2016 Presidential election, representing a record 9.2 percent of the electorate in the United States;

Whereas, the number of eligible Latino voters is expected to rise to 40,000,000 by 2030, accounting for 40 percent of the growth in the eligible electorate in the United States by 2025;

 Whereas each year approximately 800,000 Latino citizens turn 18 years old and become eligible to vote, a number that could grow to 1,000,000 by 2028, and a potential 18 million new Latino voters by 2032;

Whereas, in 2016, the annual purchasing power of Hispanic Americans was an estimated $1,400,000,000, which is an amount greater than the economy of all except 17 countries in the world;

Whereas there are more than 2,700,000 Hispanic owned businesses in the United States, supporting millions of employees nationwide and contributing more than $600,000,000,000 in revenue to the economy of the United States;

Whereas Hispanic-owned businesses represent the fastest-growing segment of small businesses in the United States, with Latino-owned businesses growing at more than 15 times the national rate;

Whereas, as of August 2017, more than 27,000,000 Latino workers represented 17 percent of all labor force in the United States, and the rate of Latino labor force participation is expected to grow to 28 percent by 2024, accounting for approximately 48 percent of the total labor force increase in the United States by that year;

Whereas, with 65.8 percent labor force participation, Latinos have the highest labor force participation by any racial or ethnic group, as compared to 62.9 percent labor force participation overall;

Whereas, as of 2016, there were 312,228 Latino elementary school teachers, 92,344 Latino chief executives of businesses, 63,448 Latino lawyers, 62,990 Latino physicians and surgeons, and 11,109 Latino psychologists, who contribute to the United States through the civic and public service work;

Whereas Hispanic Americans serve in all branches of the Armed Forces and have fought bravely in every war in the history of the United States;

Whereas, as of July 31, 2016, more than 164,000 Hispanic active duty service members served with distinction in the Armed Forces;

Whereas, as of August 31, 2016, more than 286,000 Latinos have served in post-September 11, 2001, over 8,000 Latinos serving as of September 2017 in operations in Iraq and Afghanistan;

Whereas, as of September 15, 2017, at least 675 United States military fatalities in Iraq and Afghanistan were Hispanic;

Whereas an estimated 200,000 Hispanics were mobilized for World War I, and approximately 500,000 Hispanics served in World War II;

Whereas more than 80,000 Hispanics served in the Vietnam War, representing 5.5 percent of individuals who made the ultimate sacrifice for the United States in the conflict, even though Hispanics comprised only 4.5 percent of the population of the United States during the Vietnam War;

Whereas approximately 148,000 Hispanic soldiers served in the Korean War, including the 65th Infantry Regiment of the Commonwealth of Puerto Rico, known as the "Borinqueneers", the only active duty segregated Latino military unit in United States history;

Whereas, as of 2015, there were more than 1,200,000 living Hispanic veterans of the Armed Forces, including Latinos;

Whereas 61 Hispanic Americans have received the Congressional Medal of Honor, the highest award for valor in action against an enemy force bestowed on an individual serving in the Armed Forces;

Whereas Hispanic Americans are dedicated public servants, holding posts at the highest levels of the Government of the United States, including 1 seat on the Supreme Court of the United States, 4 seats in the Senate, 34 seats in the House of Representatives, and 1 seat in the Cabinet; and

Whereas Hispanic Americans harbor a deep sense of honor to family and community, an enduring work ethic, and a perseverance to succeed and contribute to society; Now, therefore, be it

Resolved, That the Senate—

(1) designates September 16, 2017, as "Isaac M. Wise Temple Day'';

(2) recognizes the importance of the Isaac M. Wise Temple in—

(A) United States Jewish history;

(B) establishing Cincinnati, Ohio, as a great center of Jewish life; and

(C) contributing to religious life in the United States.

That the Senate—

Resolved, That the Senate—

(1) recognizes the celebration of Hispanic Heritage Month, September 15, 2017, through October 15, 2017;

(2) esteems the integral role of Latinos and the manifold heritage of Latinos in the economy, culture, and identity of the United States; and

(3) urges the people of the United States to observe Hispanic Heritage Month with appropriate programs and activities that celebrate the contributions of Latinos to the United States.

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(3) urges the people of the United States to observe Hispanic Heritage Month with appropriate programs and activities that celebrate the contributions of Latinos to the United States.
Whereas direct support professionals must build close, respectful, and trusted relationships with individuals with disabilities; and

Whereas direct support professionals provide a broad range of individualized support to individuals with disabilities, including—

(1) assisting with the preparation of meals;
(2) helping with medication;
(3) assisting with bathing, dressing, and other aspects of daily living;
(4) assisting with access to their environment;
(5) providing transportation to school, work, religious, and recreational activities; and

(6) helping with general daily affairs, such as assisting with financial matters, medical appointments, and personal interests;

Whereas the participation of direct support professionals in medical care planning is critical to the successful transition of individuals from medical events to post-acute care and long-term support and services;

Whereas there is a documented critical and increasing shortage of direct support professionals throughout the United States;

Whereas direct support professionals are a critical element in supporting individuals with disabilities in the United States; and

Whereas support professionals are the primary financial providers for their families;

Whereas direct support professionals are hardworking, taxpaying citizens who provide an important service to people with disabilities in the United States, yet many continue to earn low wages, receive inadequate benefits, and have limited opportunities for advancement, resulting in high turnover and vacancy rates that adversely affect the quality of supervision, safety, and health of individuals with disabilities; and

Whereas the Supreme Court of the United States, in Olmstead v. L.C. by Zimring, 527 U.S. 386 (June 22, 1999)—

(1) recognized the importance of the deinstitutionalization of, and community-based services for, individuals with disabilities; and

(2) held that, under the Americans with Disabilities Act of 1990 (42 U.S. 12101 et seq.), a State must provide community-based services to individuals with intellectual and developmental disabilities if—

(A) the community-based services are appropriate;
(B) the affected person does not oppose receiving the community-based services; and

(C) the community-based services can be reasonably accommodated after the community has taken into account the resources available to the State and the needs of other individuals with disabilities in the State; and

Whereas, in 2017, the majority of direct support professionals are employed in home- and community-based settings and that trend will increase over the next decade: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning September 10, 2017, as "National Direct Support Professionals Recognition Week";

(2) recognizes the dedication and vital role of direct support professionals in enhancing the lives of individuals with disabilities of all ages;

(3) appreciates the contribution of direct support professionals in supporting individuals with disabilities and their families in the United States;

(4) commends direct support professionals for being "the backbone of the long-term support and services for individuals with disabilities;" and

(5) encourages the Bureau of Labor Statistics of the Department of Labor to collect data specific to direct support professionals; and

(6) finds that the successful implementation of the public policies affecting individuals with disabilities in the United States depends on the dedication of direct support professionals.

Mr. CARDIN. Mr. President, I rise today with my colleagues Senators COLLINS, BROWN, BLUMENTHAL, MARKEY, PORTMAN, KING, WARREN, MENENDEZ, and KUCZYNSKI to recognize the week beginning September 10th, 2017—this week—as National Direct Support Professionals Recognition Week. The Senate has passed a similar resolution for the past nine years. Direct Support Professionals are an invaluable part of our Nation’s health care system, caring for the most vulnerable Americans, including the chronically ill, seniors, and those living with a disability. With the help of Direct Support Professionals, these individuals can perform daily activities that are not taken for granted, such as eating, bathing, dressing, and leaving the house. The work of Direct Support Professionals ensures that these individuals can be active participants in their communities.

In our Country, we are incredibly fortunate to have millions of service-oriented Americans who are willing to rise to the task of becoming a Direct Support Professional. According to the Bureau of Labor Statistics, the employment of DSPs is projected to grow by an average of 26 percent from 2014 to 2024, compared to a 7 percent average growth rate for all occupations during that period. Unfortunately, direct support professionals are often forced to leave the jobs they love due to low wages and excessive, difficult, work hours. Many Direct Support Professionals rely on public benefits, and some must work multiple jobs in order to provide for themselves and their families. Now, more than ever, it is imperative that we ensure that these hard-working individuals have the income and emotional support they need and deserve.

I urge my colleagues to join me in expressing appreciation for the critically important work of our Country’s Direct Support Professionals, in thanking them for their commitment and dedication, and in supporting the resolution designating the week beginning September 10, 2017, as National Direct Support Professionals Recognition Week.

SENATE RESOLUTION 259—EXPRESSING SUPPORT FOR THE DESIGNATION OF THE WEEK OF SEPTEMBER 11 THROUGH SEPTEMBER 15, 2017, AS “NATIONAL FAMILY SERVICE LEARNING WEEK”

Whereas family service learning activities provide opportunities for families to improve essential skills, such as organization, research, planning, and writing, technological literacy, teamwork, and sharing;

Whereas families participating together in service are afforded quality time learning about their communities;

Whereas adults engaged in family service learning serve as positive role models for their children;

Whereas family service learning projects enable families to build substantive connections with their communities, develop a stronger sense of self-worth, experience a reduction in social isolation, and improve parenting skills;

Whereas family service learning has added benefits for English language learners by helping individuals and families to—

(1) feel more connected with their communities; and

(2) practice language skills;

Whereas family service learning is particularly important for at-risk families because family service learning—

(1) provides opportunities for leadership and civic engagement; and

(2) helps build the capacity to advocate for the needs of children and families; and

Whereas the value that parents place on civic engagement and relationships within the community has been shown to transfer to children who, in turn, replicate important values, such as responsibility, empathy, and caring for others; Now, therefore, be it

Resolved, That the Senate—

(1) supports the designation of the week of September 11 through September 15, 2017, as "National Family Service Learning Week;" and

(2) recognizes the following organizations—

Mr. CORNYN (for himself, Mr. BOOKER, Mr. BROWN, Mr. PAUL, Mr. PORTMAN, Mr. REED, Ms. STABENOW, Mr. WHITEHOUSE, Mr. WICKER, and Mr. PETERS) submitted the following resolution:
“National Family Service Learning Week” to raise public awareness about the importance of family service learning, family literacy, community service, and 2-generation experiences;

(2) encourages people across the United States to support family service learning and community development programs;

(3) recognizes the importance that family service learning plays in cultivating family literacy, civic engagement, and community investment; and

(4) encourages public, private, and nonprofit entities to support family service learning opportunities to aid in the advancement of families.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1057. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 1003 proposed by Mr. McCain (for himself and Mr. Reed) to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for defense 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; which was ordered to lie on the table.

SA 1058. Mr. CORKER submitted an amendment intended to be proposed to amendment SA 1003 proposed by Mr. McCain (for himself and Mr. Reed) to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 1059. Mr. VAN HOLLEN (for himself and Mr. Whitehouse) submitted an amendment intended to be proposed to amendment SA 1003 proposed by Mr. McCain (for himself and Mr. Reed) to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 1060. Mr. GRAHAM (for himself and Mr. Whitehouse) submitted an amendment intended to be proposed to amendment SA 1003 proposed by Mr. McCain (for himself and Mr. Reed) to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 1061. Mr. McCAIN (for himself and Mr. Reed) submitted an amendment intended to be proposed to amendment SA 1003 proposed by Mr. McCain (for himself and Mr. Reed) to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 1062. Mr. TILLIS submitted an amendment intended to be proposed to amendment SA 1003 proposed by Mr. McCain (for himself and Mr. Reed) to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 1063. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 1003 proposed by Mr. McCain (for himself and Mr. Reed) to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 1064. Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 1003 proposed by Mr. McCain (for himself and Mr. Reed) to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 1065. Ms. CANTWELL (for herself, Mr. Casey, and Mr. Bennet) submitted an amendment intended to be proposed by her to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 1066. Mr. CRUZ (for himself, Mr. Leahy, Mr. TILLIS, and Mr. Merkley) submitted an amendment intended to be proposed to amendment SA 1003 proposed by Mr. McCain (for himself and Mr. Reed) to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 1067. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 1003 proposed by Mr. McCain (for himself and Mr. Reed) to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 1068. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 1003 proposed by Mr. McCain (for himself and Mr. Reed) to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 1069. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 1003 proposed by Mr. McCain (for himself and Mr. Reed) to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 1070. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 1003 proposed by Mr. McCain (for himself and Mr. Reed) to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 1071. Mr. STRANGE submitted an amendment intended to be proposed to amendment SA 1003 proposed by Mr. McCain (for himself and Mr. Reed) to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 1072. Mr. BURRE submitted an amendment intended to be proposed to amendment SA 1003 proposed by Mr. McCain (for himself and Mr. Reed) to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 1073. Mr. SULLIVAN submitted an amendment intended to be proposed to amendment SA 1003 proposed by Mr. McCain (for himself and Mr. Reed) to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 1074. Mr. FRANKEN submitted an amendment intended to be proposed to amendment SA 1003 proposed by Mr. McCain (for himself and Mr. Reed) to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 1075. Mr. FRANKEN submitted an amendment intended to be proposed to amendment SA 1003 proposed by Mr. McCain (for himself and Mr. Reed) to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 1076. Mr. INHOFE (for himself and Mr. King) submitted an amendment intended to be proposed to amendment SA 1003 proposed by Mr. McCain (for himself and Mr. Reed) to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 1077. Mr. Daines submitted an amendment intended to be proposed to amendment SA 1003 proposed by Mr. McCain (for himself and Mr. Reed) to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 1078. Mr. PORTMAN (for himself, Mr. Bennett, and Mrs. Shaheen) submitted an amendment intended to be proposed to amendment SA 1003 proposed by Mr. McCain (for himself and Mr. Reed) to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 1079. Ms. BALDWIN submitted an amendment intended to be proposed to amendment SA 1003 proposed by Mr. McCain (for himself and Mr. Reed) to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 1080. Mr. PERRY (for himself, Mr. Wyden, and Mr. Sanders) submitted an amendment intended to be proposed to amendment SA 1003 proposed by Mr. McCain (for himself and Mr. Reed) to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 1081. Mr. YOUNG (for himself, Mr. Murray, and Mr. Heller) submitted an amendment intended to be proposed to amendment SA 1003 proposed by Mr. McCain (for himself and Mr. Reed) to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 1082. Mr. STRANGE (for himself, Mr. Peters, Ms. Baldwin, and Ms. Stabenow) submitted an amendment intended to be proposed to amendment SA 1003 proposed by Mr. McCain (for himself and Mr. Reed) to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 1083. Ms. DUCKWORTH submitted an amendment intended to be proposed to amendment SA 1003 proposed by Mr. McCain (for himself and Mr. Reed) to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 1084. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 1003 proposed by Mr. McCain (for himself and Mr. Reed) to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 1085. Mr. CORKER submitted an amendment intended to be proposed to amendment SA 1003 proposed by Mr. McCain (for himself and Mr. Reed) to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 1086. Mr. STRANGE (for himself, Mr. Peters, Ms. Stabenow, and Ms. Baldwin) submitted an amendment intended to be proposed to amendment SA 1003 proposed by Mr. McCain (for himself and Mr. Reed) to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 1087. Mr. BENNET (for himself and Mr. Gardner) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 1088. Mr. WYDEN (for himself, Mr. Merkley, and Mrs. Feinstein) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 1089. Mr. Kaine (for himself, Mr. Winwood, Mr. Thune, Mr. Portman, Mr. Sanders, Mrs. Murray) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 1090. Mr. COOK (for himself and Mrs. Capito) submitted an amendment intended to be proposed by her to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 1091. Mr. MCGONNELL (for Mr. Wicker) proposed an amendment to the bill S. 129, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes.

TEXT OF AMENDMENTS

SA 1057. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 1003 proposed by Mr. McCain (for himself and Mr. Reed) to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 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; which was ordered to lie on the table; as follows:

Beginning in section 854, strike paragraph (2) and insert the following:

“(2) When applying the preference for the acquisition of commercial items and non-developmental items under this section, priority shall be provided to small businesses for the acquisition of commercial items or nondevelopmental items.”.

SEC. 855. INAPPLICABLE LAWS AND REGULATIONS.

(a) REVIEW OF DETERMINATIONS NOT TO EXEMPT DEPARTMENT OF DEFENSE CONTRACTS FOR COMMERCIAL ITEMS AND COMMERCIALLY AVAILABLE OFF-THE-SHELF ITEMS FROM CERTAIN LAWS AND REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall—

(1) review each determination of the Federal Acquisition Regulatory Council pursuant to section 1906(b)(2), section 1906(c)(3), or section 1907(a)(2) of title 41, United States Code, not to exempt contracts and subcontracts described in section 2375 of title 10, United States Code, from laws such contracts and subcontracts would
otherwise be exempt from under section 1006(d) of title 41, United States Code; and

(2) revise the Department of Defense Supplement to the Federal Acquisition Regulation to provide that the provisions from each law subject to such determination unless the Secretary determines there is a specific reason not to provide the exemption.

(b) CARRIAGE OF CERTAIN CONTRACT CLAUSE REQUIREMENTS APPLICABLE TO COMMERCIAL ITEM CONTRACTS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall revise the Department of Defense Supplement to the Federal Acquisition Regulation to eliminate all regulations promulgated after the date of the enactment of the Federal Acquisition Streamlining Act of 1994 (Public Law 103–355) that require a specific contract clause for a contract using commercial item acquisition procedures under part 12 of the Federal Acquisition Regulation, except for regulations required by law, unless the Secretary determines on a case-by-case basis that there is a specific reason not to eliminate the requirement.

(c) INCLUSION OR EXCLUSION OF CERTAIN CONTRACT CLAUSE REQUIREMENTS APPLICABLE TO COMMERCIALLY AVAILABLE OFF-THE-SHELF ITEM SUBCONTRACTS.—Not later than 180 days after the date of the enactment of this Act, and as a result of the determination made under paragraph (a), the Secretary of Defense shall revise the Department of Defense Supplement to the Federal Acquisition Regulation to eliminate all regulations promulgated after the date of the enactment of the Federal Acquisition Streamlining Act of 1994 (Public Law 103–355) that require a specific contract clause for a sub-contract using commercially available off-the-shelf items unless the inclusion of such clause is required by law or is necessary for the contractor to meet the requirements of the prime contract, unless the Secretary determines on a case-by-case basis that there is a specific reason not to eliminate the requirement.

SA 1058. Mr. CORKER submitted an amendment intended to be proposed to amendment SA 1003 proposed by Mr. McCAIN (for himself and Mr. REED) to the bill S. 2810, to authorize appropriations for fiscal year 2018 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; which was ordered to lie on the table; as follows:

SEC. 1091. SHORT TITLE.

This subtitle may be cited as the “Bilateral Access to Foreign Data Act of 2017”.

SEC. 1092. CONGRESSIONAL FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) Timely access to electronic data held by communications-service providers is an essential component of government efforts to protect public safety and combat serious crime, including terrorism.

(2) Such efforts by the United States Government are being impeded by the inability to access the content of data stored outside the United States that is in the custody, control, or possession of communications-service providers that are subject to jurisdiction of the United States.

(3) Foreign governments also increasingly seek access to electronic data held by communications service providers in the United States for the purpose of combating serious crime.

(4) Communications-service providers face potential conflicting legal obligations when a foreign government orders production of electronic data that United States law may prohibit providers from disclosing.

(5) Foreign law may create similarly conflicting legal obligations when the United States Government orders production of electronic data that foreign law prohibits communications-service providers from disclosing.

(6) International agreements provide a mechanism for resolving these potential conflicting legal obligations where the United States and the relevant foreign government share a common commitment to the rule of law and the protection of privacy and civil liberties.

(b) PURPOSES.—The purposes of this subtitle are—

(1) provide authority to implement international agreements to resolve potential conflicting legal obligations arising from cross-border requests for the production of electronic data where the foreign government targets non-United States persons outside the United States in connection with the prevention, detection, investigation, or prosecution of serious crime; and

(2) ensure reciprocal benefits to the United States of such international agreements.

SEC. 1093. AMENDMENTS TO CURRENT COMMUNICATIONS LAWS.

Title 18, United States Code, is amended—

(A) in section 2511(2) by adding at the end the following:
(b) in section 2520(d), by amending paragraph (3) to read as follows:

“(3) a good faith determination that section 2511(3), 2511(2)(c), or 2511(2)(c)(i) of this title permitted the conduct complained of;”;

(II) by adding at the end following:

“(9) to a foreign government pursuant to an order from a foreign government that is subject to an executive agreement that the Attorney General has determined and certified to Congress satisfies section 2523.”; and

(ii) by adding at the end the following:

“(9) to a foreign government pursuant to an order from a foreign government that is subject to an executive agreement that the Attorney General has determined and certified to Congress satisfies section 2523.”; and

(II) by adding at the end the following:

“(7) a foreign government pursuant to an order from a foreign government that is subject to an executive agreement that the Attorney General has determined and certified to Congress satisfies section 2523.”; and

(B) in section 206—

(1) in paragraph (5), by striking “or” at the end;

(ii) in paragraph (6), by striking the period at the end and inserting “; or”;

(III) by adding at the end following:

“(9) to a foreign government pursuant to an order from a foreign government that is subject to an executive agreement that the Attorney General has determined and certified to Congress satisfies section 2523.”; and

(ii) by adding subsection (d) to read as follows:

“(d) NO CAUSE OF ACTION AGAINST A PROVIDER DISCLOSING INFORMATION UNDER THIS CHAPTER.—No cause of action shall lie in any court against a provider of a wire or electronic communication service, its officers, employees, agents, or other specified persons for providing information, facilities, or assistance with a court order under this chapter, request pursuant to section 3123 of this title, or an order from a foreign government that is subject to an executive agreement that the Attorney General has determined and certified to Congress satisfies section 2523.”; and

by amending section 2523, as follows:

“2523. Executive agreements on access to data by foreign governments

(a) DEFINITIONS.—In this section—

“(1) the term ‘lawfully admitted for permanent residence’ means the term given in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)); and

“(2) the term ‘United States person’ means a citizen of the United States or an alien lawfully admitted for permanent residence, an unincorporated association a substantial number of members of which are citizens of the United States or aliens lawfully admitted for permanent residence, or a corporation that is incorporated in the United States.

(b) EXECUTIVE AGREEMENT REQUIREMENTS.—For purposes of this chapter, chapter 121, and chapter 206, an executive agreement governing access by a foreign government to data subject to this chapter, chapter 121, or chapter 206 shall be considered to satisfy the requirements of this section if the Attorney General, with the concurrence of the Secretary of State, determines, and submits a written certification of such determination to Congress, that—

“(1) the domestic government of the foreign government, including the implementation of that law, affords robust substantive and procedural protections of personal and civil liberties in light of the data collection and activities of the foreign government that will be subject to the agreement, if—

“(A) such a determination under this section takes into account, as appropriate, credible information and expert input; and

“(B) the factors to be considered in making such a determination include whether the foreign government—

“(i) has adequate substantive and procedural laws on cybercrime and electronic evidence and enforcement, as determined by being a party to the Convention on Cybercrime, done at Budapest November 23, 2001, and entered into force January 7, 2004, or through domestic laws that are consistent with definitions and requirements set forth in chapters I and II of that Convention;

“(ii) demonstrates a commitment to protecting the free flow of information, and the corresponding freedom of expression, peaceful assembly, and association, and ensuring enforcement thereof, to the United States or United States persons located outside the United States if the purpose is to obtain information concerning a United States person or a person located in the United States;

“(III) be issued only if the same information could not reasonably be obtained by an other less intrusive method;

“(II) in the case of an order for the interception of wire or electronic communications, and any extensions thereof, shall require that the interception order—

“(I) be for a fixed, limited duration; and

“(II) may not last longer than is reasonably necessary to accomplish the approved purposes of the order; and

“(III) be issued only if the same information could not reasonably be obtained by another less intrusive method;

“(E) an order issued by the foreign government may not be used to infringe freedom of speech;

“(F) the foreign government shall promptly review material collected pursuant to the agreement and store any unreviewed communications on a secure system accessible only to those persons trained in applicable procedures;

“(G) the foreign government shall, using procedures that, to the maximum extent possible, meet the definition of minimization procedures in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801), segregate, security disseminate material found not to be information that is, or is necessary to understand or assess the importance of information that is, relevant to the prevention, detection, investigation, or prosecution of serious crime, including terrorism, or necessary to protect against a threat of death or seriously bodily harm to any person;

“(H) the foreign government may not disseminate the content of a communication of a United States person to United States authorities unless the content is not reasonably necessary to accomplish the approved purposes of the order; and

“(i) shall be subject to the agreement, including any procedures provided thereunder, including any procedures the Secretary of State, determines, and sub- mits a written certification of such determination to Congress, that—

“(I) is not a United States person, alien lawfully admitted for permanent residence, and relates to significant harm, or the threat thereof, to the United States or United States persons, including national security such as terrorism, significant violent crime, child exploitation,
transnational organized crime, or significant financial fraud;

"(i) the foreign government shall afford the right to receive and inspect, without delay, removing restrictions on communications service providers and there- by allow them to respond when the United States Government orders production of electronic data that foreign law otherwise prohibits communications-service provi-

ders from disclosing;

"(j) the foreign government shall agree to periodic review of compliance by the foreign government with the terms of the agreement to be conducted by the United States Govern-

ment and

"(k) the United States Government shall reserve the right to render the agreement inapplicable as to any order for which the United States Government concludes the agreement may not properly be invoked.

"(c) LIMITATION ON JUDICIAL REVIEW.—A determination or certification made by the Attorney General to satisfy the re-

quirements of this section shall enter into

subparagraph (b) shall not be subject to judicial or administrative review.

"(d) EFFECTIVE DATE OF CERTIFICATION.—

"(1) NOTICE.—Not later than 7 days after the date on which the Attorney General cer-

tifies an executive agreement under sub-

section (a) or (c), the Attorney General shall provide notice of the determination under sub-

section (b) and a copy of the executive agree-

ment to Congress, including—

"(A) the Committee on the Judiciary and the Committee on Foreign Relations of the

Senate; and

"(B) the Committee on the Judiciary and the Committee on Foreign Affairs of the House of Representatives.

"(2) ENTRY INTO FORCE.—An executive agreement that is determined and certified by the Attorney General to satisfy the re-

quirements of this section shall enter into

force not earlier than the date that is 90 days after the date of notification that notice is provided under paragraph (1), unless Congress enacts a joint resolution of disapproval in accordance with paragraph (4).

"(3) CONSIDERATION BY COMMITTEES.—

"(A) IN GENERAL.—During the 60-day period beginning on the date on which notice is pro-

vided under paragraph (1), each congressional committee described in paragraph (1) may—

"(i) hold one or more hearings on the exec-

utive agreement; and

"(ii) recommend to the respective House of Congress a report recommending whether the executive agreement should be approved or disapproved.

"(B) NOTIFICATION FOR INFORMATION.—Upon re-

quest by the Chairman or Ranking Member of a congressional committee described in paragraph (1), the head of an agency shall promptly furnish a summary of factors con-

sidered in determining that the foreign govern-

ment satisfies the requirements of section

2023.

"(4) CONGRESSIONAL REVIEW.—

"(A) JOINT RESOLUTION DEFINED.—In this paragraph, the term ‘joint resolution’ means only a joint resolution—

"(i) introduced during the 90-day period de-

scribed in paragraph (2);

"(ii) which does not have a preamble;

"(iii) the title of which is as follows: ‘Joint resolution disapproving the executive agree-

ement signed by the United States and …’,

the blank space being appropriately filled in; and

"(iv) the matter after the resolving clause of which is as follows: ‘That Congress dis-

approves the executive agreement governing access by … to certain electronic data as sub-

mitted by …, the blank space being appropriately filled in.

"(B) JOINT RESOLUTION ENACTED.—Notwith-

standing any other provision of this section, if not later than 90 days after the date on which notice is provided to Congress under paragraph (1), the Attorney General shall proclaim a joint resolution disapproving of an executive agreement under this section, the executive agreement shall not enter into force.

"(C) EFFECTIVE DATE OF CERTIFICATION.—

"(i) in the House of Representatives, by the

majority leader or the minority leader; and

"(ii) in the Senate, by the majority leader (or the majority leader’s designee) or the

minority leader (or the minority leader’s des-

ignee).

"(5) FLOOR CONSIDERATION IN HOUSE OF REP-

RESENTATIVES.—If a committee of the House of Representatives to which a joint resolu-

tion of disapproval has been referred has not reported the joint resolution within 60 days after the date of referral, that committee shall be discharged from further consider-

ation of the joint resolution.

"(6) CONSIDERATION IN THE SENATE.—

"(A) COMMITTEE REFERRAL.—A joint resolu-

tion of disapproval introduced in the Senate shall be—

"(i) referred to the Committee on the Judi-

iciary; and

"(ii) referred to the Committee on Foreign Relations.

"(B) REPORTING AND DISCHARGE.—If a com-

mittee to which a joint resolution of dis-

approval was referred has not reported the joint resolution within 60 days after the date of referral, that committee shall be discharged from further consider-

ation of the joint resolution.

"(C) PROCEEDING TO CONSIDERATION.—Not-

withstanding any other provision of this section, the following procedures shall apply:

"(i) That joint resolution shall not be re-

ferred to a committee.

"(ii) With respect to that joint resolu-

tion—

"(aa) the procedure in the Senate shall be the same as if no joint resolution had been received from the House of Representatives;

"(bb) the vote on passage shall be on the joint resolution from the House of Repre-

sentatives.

"(B) TREATMENT OF HOUSE JOINT RESOLU-

TION IN SENATE.—

"(i) If, before the passage by the Senate of a joint resolution of disapproval, the Senate receives an identical joint resolution from the House of Representatives, the following procedures shall apply:

"(I) That joint resolution shall not be re-

ferred to a committee.

"(II) With respect to that joint resolu-

tion—

"(aa) the procedure in the Senate shall be the same as if no joint resolution had been received from the House of Representatives;

"(bb) the vote on passage shall be on the joint resolution from the House of Repre-

sentatives.

"(ii) If, following passage of a joint resolu-

tion of disapproval in the Senate, the Senate receives an identical joint resolution from the House of Representatives, that joint resolu-

tion shall be placed on the appropriate Senate calendar.

"(iii) If a joint resolution of disapproval is received from the House, and no companion joint resolution has been introduced in the Senate, the Senate procedures under this subsection shall apply to the House joint resolu-

tion.

"(C) APPLICATION TO REVENUE MEASURES.—

The provisions of this paragraph shall not apply in the House of Representatives to a joint resolution of disapproval that is a reve-

 nue measure.

"(8) RULES OF HOUSE OF REPRESENTATIVES AP-

PPLY.—This subsection is enacted by Congress—

"(A) as an exercise of the rulemaking power of the Senate and the House of Rep-

resentatives, respectively, and as such is deemed a part of the rules of each House, re-

spectively, and supersedes other rules only to the extent that it is inconsistent with such rules and

"(B) with full recognition of the constitu-

tional right of either House to change the rules (so far as relating to the procedure of the House) at any time, in the man-

ner, and to the same extent as in the case of any other rule of that House.

"(e) RENEWAL OF DETERMINATION.—
“(1) In general.—The Attorney General, with the concurrence of the Secretary of State, shall renew a determination under subsection (b) every 5 years.

“(2) Determination.—Following a determination under subsection (b), the Attorney General shall file a report with the Committee on the Judiciary and the Committee on Foreign Relations of the Senate and the Committee on the Judiciary and the Committee on Foreign Affairs of the House of Representatives describing—

(A) the reasons for the renewal;

(B) any substantive changes to the agreement or to the relevant laws or procedures of the foreign government since the original determination; and any proposed or subsequent determination, since the last renewal;

and

(C) how the agreement has been implemented and what progress, if any, have arisen as a result of the agreement or its implementation.

“(3) Non-renewal.—If a determination is not renewed under paragraph (1), the agreement shall no longer be considered to satisfy the requirements of this section.

“(4) Publication.—Any determination or certification under section (b) regarding an executive agreement under this section, including any termination or renewal of such an agreement, shall be published in the Federal Register as soon as is reasonably practicable.

“(g) Minimization Procedures.—A United States authority that receives the contents of a communication described in subsection (b)(3)(H) from a foreign government in accordance with an executive agreement under this section shall use procedures that, to the maximum extent possible, meet the definition of minimization procedures in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801) to appropriately protect nonpublicly available information concerning United States persons.

“(h) Affirmation.—The Secretary of State, for each calendar year, shall file a report with the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

“(i) Authorization.—The terms of the executive agreement are hereby authorized.

“(j) Table of chapters.—The tables of sections for chapter 119 of title 18, United States Code, is amended by inserting after the item relating to section 2522 the following:

‘‘2533. Executive agreements on access to data by foreign governments.’’.

SEC. 1095. RULE OF CONSTRUCTION

Nothing in this subtitle, or the amendments made by this subtitle, shall be construed to preclude any foreign authority from obtaining assistance in a criminal investigation or prosecution pursuant to section 3512 of title 18, United States Code, section 1732 of title 28, United States Code, or as otherwise provided by law.

SA 1061. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3010, to authorize appropriations for fiscal year 2018 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; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:


It is the sense of Congress that—

(1) the enactment of the Budget Control Act of 2011 (Public Law 112-25; 125 Stat. 240) budget requests have been guided by artificial constraints rather than the realities of the global strategic environment;

(2) sequestration and artificial budget caps on national defense, including nondefense agencies that contribute to the national security, are harmful to the security of the Nation;

(3) for the Armed Forces specifically, such constraints on the budget, along with sustained high operational tempo, have led to a significant degradation in military readiness in the near term, and the threat that the United States will fall behind its adversaries in the long-term;

(4) in order to address the degraded state of the Armed Forces and to stop the erosion of the Nation’s military advantage of the United States, Congress believes that the budget should be based on requirements, rather than arbitrary budget caps;

(5) the Secretary authorizes $659,000,000,000 in discretionary spending for defense within the jurisdiction of the Committee on Armed Services of the Senate, which is spending well above the current caps under the Budget Control Act of 2011; and

(6) Congress agrees with the statement that included in the report to accompany S. 1519 (115th Congress), dated July 10, 2017 (Report 115-125) that ‘‘The committee has ongoing concerns about the negative impact of the Budget Control Act of 2011 (P.L. 112-25) on the Department of Defense and other agencies that contribute to our national security and supports its unconditional repeal.’’. 

SA 1062. Mr. VAN HOLLEN (for himself and Mr. TOOMEY) submitted an amendment intended to be proposed by him to the bill H.R. 3010, to authorize appropriations for fiscal year 2018 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; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

Subtitle —Sanctions With Respect to North Korea

SEC. 01. SHORT TITLE

This subtitle may be cited as the ‘‘Banking Restrictions Involving North Korea (BRINK) Act of 2017’’.

SEC. 02. FINDINGS

Congress finds the following:

(1) Since 2006, the United Nations Security Council has approved 5 resolutions imposing sanctions against North Korea under chapter VII of the United Nations Charter, which—

(A) prohibit the use, development, and proliferation of weapons of mass destruction by the Government of North Korea.

(B) prohibit the transfer of arms and related material to or by the Government of North Korea;

(C) prohibit the transfer of luxury goods to North Korea;

(D) restrict access by the Government of North Korea to the financial system and require due diligence on the part of financial institutions to prevent the financing of proliferation involving the Government of North Korea;

(E) restrict North Korean shipping, including the refrigerating ships owned or controlled by the Government of North Korea;

(F) limit the sale by the Government of North Korea of precious metals, iron, coal, vanadium, and precious metals; and

(G) prohibit the transfer to North Korea of rocket, aviation, or jet fuel.

(2) The Government of North Korea has threatened to conduct, or has conducted, nuclear tests against the United States and South Korea and has sent clandestine agents to kidnap or murder the citizens of foreign countries and murder dissidents in exile.

(3) The Federal Bureau of Investigation has determined that the Government of North Korea is responsible for cyberattacks against the United States and South Korea.

(4) In February 2016, the Director of National Intelligence reported that the Government of North Korea is developing a long-range, nuclear-armed missile that is capable of posing a direct threat to the United States and some arms control experts have estimated that the Government of North Korea may acquire this capability by 2020.


(6) The Government of North Korea has increased the pace of its missile testing, including the test of a submarine-launched ballistic missile, potentially furthering the development of capability to attack the United States with a nuclear weapon.

(7) Financial transactions and investments that provide financial resources to the Government of North Korea, and that fail to incorporate adequate safeguards against the misuse of those financial resources, pose an undue risk of contributing to—

(A) weapons of mass destruction programs of the Government of North Korea;

(B) prohibited imports or exports of arms and related materiel, services, or technology by that Government;

(8) The strict enforcement of sanctions is essential to the efforts by the international community to achieve the peaceful, complete, verifiable, and irreversible dismantlement of weapons of mass destruction programs of the Government of North Korea.

SEC. 03. DEFINITIONS

In this subtitle:

(1) APPLICABLE EXECUTIVE ORDER; APPLICABLE UNITED NATIONS SECURITY COUNCIL RESOLUTION; GOVERNMENT OF NORTH KOREA; NORTH KOREA.—The terms ‘‘applicable Executive order’’, ‘‘applicable United Nations Security Council resolution’’, ‘‘Government of North Korea’’, and ‘‘North Korea’’ have the meanings given those terms in section 3 of the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9202).

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘‘appropriate congressional committees’’ means—

(A) the Committee on Banking, Housing, and Urban Affairs and the Committee on Foreign Relations of the Senate;

(B) the Committee on Financial Services and the Committee on Foreign Affairs of the House of Representatives;

(3) KNOWINGLY.—The term ‘‘knowingly’’, with respect to conduct, a circumstance, or a result, means that a person has actual knowledge, or should have known, of the conduct, the circumstance, or the result.

(4) NORTH KOREAN COVERED PROPERTY.—

(A) IN GENERAL.—The term ‘‘North Korean covered property’’ includes any goods, services, or technology—

(i) that are in North Korea;

(ii) that are made with significant amounts of North Korean labor, materials, goods, or technology;

(iii) in which the Government of North Korea or a North Korean financial institution has a significant interest or exercises significant control;

(iv) in which a designated person has a significant interest or exercises significant control;

(B) DESIGNATED PERSON.—In this paragraph, the term designated person means a person who is designated under—

(i) an applicable United Nations Security Council resolution; or
INCIDENTS.—
(a) any North Korean financial institution, as defined in section 3 of the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9202);
(b) any financial agency, as defined in section 5312 of title 31, United States Code, that is owned or controlled by the Government of North Korea;
(c) any money transmitting business, as defined in section 5318A of the Currency and Foreign Transactions Reporting Act (8 U.S.C. 1956(a)); and
(d) any financial institution that is a joint venture between any person and the Government of North Korea.

SEC. 201A. SANCTIONS WITH RESPECT TO FINANCIAL INSTITUTIONS PROVIDING SERVICES IN NORTH KOREA.

(a) IN GENERAL.—Section 201A of the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9221a) is amended to read as follows:

"SEC. 201A. SANCTIONS WITH RESPECT TO FINANCIAL INSTITUTIONS PROVIDING SERVICES IN NORTH KOREA.—
"(a) REPORT ON NONCOMPLIANT FINANCIAL INSTITUTIONS.—
"(1) IN GENERAL.—Not later than 60 days after the date of the enactment of the Bank of Korea Act of 2017, and every 180 days thereafter, the President shall submit to the appropriate congressional committees and publish in the Federal Register a report that contains a list of any financial institutions that—
"(A) has failed to submit to the Bank of Korea the appropriate reports required under subparagraph (B) and the applicable United Nations Security Council Resolutions;
"(B) has failed to comply with applicable United Nations Security Council Resolutions; or
"(C) has failed to comply with any relevant United Nations Security Council Resolutions.

(II) section 104 of the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9204);

(2) FORM OF REPORT.—Each report required under paragraph (1) shall be submitted in unclassified form but may contain a classified annex.

(3) REPORT TO CONGRESS.—The President shall submit to the appropriate congressional committees and publish in the Federal Register a report that describes the proposed action and the reasons for that action.

(b) SANCTIONS.—If the President determines that a financial institution identified under subsection (a) has knowingly engaged in conduct described in that subsection, the President shall apply one or more of the following sanctions to that financial institution:

(1) prohibit the opening, and prohibit or impose strict conditions on the maintenance, in the United States of any correspondent account or payable-through account by the financial institution if the financial institution is a foreign financial institution;

(2) In accordance with the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), block and prohibit all transactions or other acquisitions or transfers of property or interests in property associated with the financial institution if such property and interests in property are in the United States, come within the United States, or are or become within the United States, or are or become within the possession or control of a United States person.

(c) TERMINATION.—In the case of a United States financial institution:

(1) if the financial institution has taken reasonable steps to prevent a recurrence of the conduct described in subsection (a) and is cooperating fully with the efforts of the United States to implement the sanctions or penalties under this Act and the Sanctions Concerning a Military Armistice in Korea Act of 1954 (22 U.S.C. 1101(a)); and

(2) if the financial institution has not knowingly engaged in conduct described in that subsection and is cooperating fully with the efforts of the United States to implement the sanctions or penalties under this Act and the Sanctions Concerning a Military Armistice in Korea Act of 1954 (22 U.S.C. 1101(a)); and

(3) for each reportable act described in paragraphs (1) and (2), the President may terminate the application of any sanctions or penalties under subsection (a) if the President certifies that the Government of North Korea has made significant progress towards:

(1) completely, verifiably, and irreversibly dismantling all of its nuclear, chemical, and radiological weapons programs, including all programs for the development of systems designed in whole or in part for the delivery of such weapons; and

(2) fully accounting for and repatriating all nonnuclear armaments, including all programs for the development of systems designed in whole or in part for the delivery of such armaments.

"(C) DESCRIPTION OF TYPE OF ACTION.—Each report submitted under subparagraph (A) shall include a description of each action to which subparagraph (A) applies, including each action described in subparagraph (B).

"(D) SUSPENSION FOR LAW ENFORCEMENT PURPOSES.—The President may suspend the application of sanctions or penalties under subsection (a) with respect to any financial institution for the purpose of facilitating any law enforcement investigation or prosecution if the President determines that the financial institution has failed to cooperate fully with such investigation or prosecution.

"(E) WAIVER.—Subject to subsection (f), the President may waive the application of any sanctions or penalties under subsection (a) if the President determines that the financial institution has failed to cooperate fully with any investigation or prosecution described in this paragraph or fails to correct any noncompliance with such investigation or prosecution.

"(F) SUSPENSION AND TERMINATION OF SANCTIONS.—

"(1) SUBMISSION TO CONGRESS OF PROPOSED ACTION.—

(II) detained in violation of the Agreement Concerning a Military Armistice in Korea, signed at Panmunjom July 27, 1953 (commonly referred to as the ‘Korean War Armistice Agreement’.

(3) TERMINATION OF SANCTIONS.—Subject to subsection (f), the President may terminate the application of any sanctions or penalties under subsection (a) if the President determines that the Government of North Korea has made significant progress towards:

(1) discontinuing all nuclear, chemical, and radiological weapons programs, including all programs for the development of systems designed in whole or in part for the delivery of such weapons; and

(2) fully accounting for and repatriating all nonnuclear armaments, including all programs for the development of systems designed in whole or in part for the delivery of such armaments.

"(G) SUSPENSION FOR LAW ENFORCEMENT PURPOSES.—The President may suspend the application of sanctions or penalties under subsection (a) with respect to any financial institution for the purpose of facilitating any law enforcement investigation or prosecution if the President determines that the financial institution has failed to cooperate fully with such investigation or prosecution.

"(H) SUSPENSION AND TERMINATION OF SANCTIONS.—

"(1) SUBMISSION TO CONGRESS OF PROPOSED ACTION.—

(II) detained in violation of the Agreement Concerning a Military Armistice in Korea, signed at Panmunjom July 27, 1953 (commonly referred to as the ‘Korean War Armistice Agreement’.

(3) TERMINATION OF SANCTIONS.—Subject to subsection (f), the President may terminate the application of any sanctions or penalties under subsection (a) if the President determines that the Government of North Korea has made significant progress towards:

(1) completely, verifiably, and irreversibly dismantling all of its nuclear, chemical, and radiological weapons programs, including all programs for the development of systems designed in whole or in part for the delivery of such weapons; and

(2) fully accounting for and repatriating all nonnuclear armaments, including all programs for the development of systems designed in whole or in part for the delivery of such armaments.

"(I) SUSPENSION OF SANCTIONS WITH RESPECT TO PERSONS.—

"(1) SUBMISSION TO CONGRESS OF PROPOSED ACTION.—

(II) detained in violation of the Agreement Concerning a Military Armistice in Korea, signed at Panmunjom July 27, 1953 (commonly referred to as the ‘Korean War Armistice Agreement’.

(3) TERMINATION OF SANCTIONS.—Subject to subsection (f), the President may terminate the application of any sanctions or penalties under subsection (a) if the President determines that the Government of North Korea has made significant progress towards:

(1) completely, verifiably, and irreversibly dismantling all of its nuclear, chemical, and radiological weapons programs, including all programs for the development of systems designed in whole or in part for the delivery of such weapons; and

(2) fully accounting for and repatriating all nonnuclear armaments, including all programs for the development of systems designed in whole or in part for the delivery of such armaments.

"(J) SUSPENSION OF SANCTIONS WITH RESPECT TO PERSONS.—

"(1) SUBMISSION TO CONGRESS OF PROPOSED ACTION.—

(II) detained in violation of the Agreement Concerning a Military Armistice in Korea, signed at Panmunjom July 27, 1953 (commonly referred to as the ‘Korean War Armistice Agreement’.

(3) TERMINATION OF SANCTIONS.—Subject to subsection (f), the President may terminate the application of any sanctions or penalties under subsection (a) if the President determines that the Government of North Korea has made significant progress towards:

(1) completely, verifiably, and irreversibly dismantling all of its nuclear, chemical, and radiological weapons programs, including all programs for the development of systems designed in whole or in part for the delivery of such weapons; and

(2) fully accounting for and repatriating all nonnuclear armaments, including all programs for the development of systems designed in whole or in part for the delivery of such armaments.
‘(ii) is intended to significantly alter United States foreign policy with regard to North Korea.

‘(D) INCLUSION OF ADDITIONAL MATTER.—

‘(i) The report submitted under subparagraph (A) that relates to an action that is intended to significantly alter United States foreign policy with regard to North Korea, the Committee on Foreign Affairs of the House of Representatives should, as appropriate, hold hearings and briefings and otherwise obtain information in order to fully review the report; and

‘(ii) in the case of a report that relates to an action that is not intended to significantly alter United States foreign policy with regard to North Korea, the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives may request the submission to the Committee of the matter described in subclauses (II) and (III) of clause (i) with respect to a report submitted under subparagraph (A) that relates to an action that is not intended to significantly alter United States foreign policy with regard to North Korea.

‘(2) PERIOD FOR REVIEW BY CONGRESS.—

‘(A) IN GENERAL.—During the period of 30 calendar days beginning on the date on which the President submits a report under paragraph (1)(A)—

‘(i) in the case of a report that relates to an action that is not intended to significantly alter United States foreign policy with regard to North Korea, the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives should, as appropriate, hold hearings and briefings and otherwise obtain information in order to fully review the report; and

‘(ii) in the case of a report that relates to an action that is intended to significantly alter United States foreign policy with regard to North Korea, the Committee on Foreign Affairs of the House of Representatives should as, appropriate, hold hearings and briefings and otherwise obtain information in order to fully review the report.

‘(B) EXCEPTION.—The period for congressional review provided for under subparagraph (A) that is not intended to significantly alter United States foreign policy with regard to North Korea, the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Financial Services of the House of Representatives should, as appropriate, hold hearings and briefings and otherwise obtain information in order to fully review the report; and

‘(C) LIMITATION ON ACTIONS DURING INITIAL CONGRESSIONAL REVIEW PERIOD.—Notwithstanding any other provision of law, during the period for congressional review provided for under subparagraph (A) of a report submitted under paragraph (1)(A), including any additional period for such review as applicable under the exception provided in subparagraph (B), the President may not take that action unless a joint resolution of approval with respect to that action is enacted in accordance with paragraph (3).

‘(D) LIMITATION ON ACTIONS DURING PRESIDENTS PROPOSED ACTION PERIOD.—Notwithstanding any other provision of law, if a joint resolution of disapproval relating to a report submitted under paragraph (1)(A) proposing an action described in paragraph (1)(B) passes both Houses of Congress in accordance with paragraph (3), the President may not take that action for a period of 10 calendar days after the date of the President’s veto.

‘(E) EFFECT OF A JOINT RESOLUTION OF DISAPPROVAL.—Notwithstanding any other provision of law, if a joint resolution of disapproval relating to a report submitted under paragraph (1)(A) proposing an action described in paragraph (1)(B) passes both Houses of Congress in accordance with paragraph (3), the President may not take that action for a period of 10 calendar days after the date of the President’s veto.

‘(F) EFFECT OF A JOINT RESOLUTION OF DISAPPROVAL.—Notwithstanding any other provision of law, if a joint resolution of disapproval relating to a report submitted under paragraph (1)(A) proposing an action described in paragraph (1)(B) is enacted in accordance with paragraph (3), the President may not take that action for a period of 10 calendar days after the date of the President’s veto.

‘(G) CONSIDERATION OF REPORTS.—The Committee on Banking, Housing, and Urban Affairs of the Senate, or the Committee on Financial Services of the House of Representatives may request the submission to the Committee of the matter described in subclauses (II) and (III) of clause (i) with respect to a report submitted under subparagraph (A) that relates to an action that is not intended to significantly alter United States foreign policy with regard to North Korea.

‘(H) JOINT RESOLUTIONS OF DISAPPROVAL OR APPROVAL.—

‘(A) JOINT RESOLUTIONS OF DISAPPROVAL OR APPROVAL DEFINED.—In this paragraph:

‘(i) the term ‘joint resolution of approval’ means only a joint resolution of either House of Congress described in clause (i) of subparagraph (B), the motion to proceed is not debatable. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order.

‘(ii) the term ‘joint resolution of disapproval’ means only a joint resolution of either House of Congress described in paragraph (1)(A) with respect to an action that is intended to significantly alter United States foreign policy with regard to North Korea.

‘(3) JOINT RESOLUTIONS OF DISAPPROVAL OR APPROVAL.—

‘(A) JOINT RESOLUTION OF DISAPPROVAL.—

‘(i) the title of which is as follows: ‘A joint resolution disapproving the President’s proposal to take an action relating to the application of certain sanctions with respect to North Korea.’; and

‘(ii) the sole matter after the resolving clause of which is the following: ‘Congress disapproves of the President’s proposal to apply sanctions imposed with respect to North Korea proposed by the President in the report submitted to Congress under section 201A(a)(1)(A) of the North Korea Sanctions and Policy Enhancement Act of 2016 on relating to the significant alteration of United States foreign policy with regard to North Korea.’

‘(B) EXCEPTION.—In the case of a report that relates to an action that is not intended to significantly alter United States foreign policy with regard to North Korea, the Committee on Banking and Financial Services of the Senate or the Committee on Foreign Affairs of the House of Representatives may request the submission to the Committee of the matter described in subclauses (II) and (III) of clause (i) with respect to a report submitted under paragraph (1)(A) proposing an action described in paragraph (1)(B) if a joint resolution of approval or joint resolution of disapproval was referred to the Committee on Banking and Financial Services of the Senate or the Committee on Foreign Affairs of the House of Representatives in accordance with paragraph (3), the President may not take that action unless a joint resolution of either House of Congress described in clause (i) of subparagraph (B), the motion to proceed is not debatable. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order.

‘(C) JOINT RESOLUTION OF DISAPPROVAL.—

‘(i) the title of which is as follows: ‘A joint resolution disapproving the President’s proposal to take an action relating to the application of certain sanctions with respect to North Korea.’

‘(ii) the sole matter after the resolving clause of which is the following: ‘Congress disapproves of the President’s proposal to apply sanctions imposed with respect to North Korea proposed by the President in the report submitted to Congress under section 201A(a)(1)(A) of the North Korea Sanctions and Policy Enhancement Act of 2016 on relating to the significant alteration of United States foreign policy with regard to North Korea.’

‘(iii) CONSIDERATION.—The joint resolution disapproving the President’s proposal to take an action relating to the application of certain sanctions with respect to North Korea shall be introduced—

‘(I) if the report to which the joint resolution relates was submitted under paragraph (1)(A) with respect to an action that is intended to significantly alter United States foreign policy with regard to North Korea.

‘(II) referred to the Committee on Foreign Relations if the joint resolution relates to a report submitted under paragraph (1)(A) with respect to an action that is not intended to significantly alter United States foreign policy with regard to North Korea.

‘(C) FLOOR CONSIDERATION IN HOUSE OF REPRESENTATIVES.—The motion to proceed to the consideration of the joint resolution shall not be in order.

‘(D) FLOOR CONSIDERATION IN SENATE.—

‘(i) COMMITTEE REFERRAL.—A joint resolution of approval or joint resolution of disapproval introduced in the Senate shall be referred to the Committee on Banking, Housing, and Urban Affairs if the joint resolution relates to a report submitted under paragraph (1)(A) with respect to an action that is not intended to significantly alter United States foreign policy with regard to North Korea.

‘(ii) COMMITTEE ON FOREIGN RELATIONS.—If the committee to which a joint resolution of approval or joint resolution of disapproval was referred has not reported the joint resolution within 10 calendar days after the date of the referral of the joint resolution, that committee shall be discharged from further consideration of the joint resolution and the joint resolution shall be placed on the appropriate calendar.

‘(ii) PROCEEDING TO CONSIDERATION.—Notwithstanding Rule XXII of the Standing Rules of the Senate, it is in order at any time after the Committee on Banking, Housing, and Urban Affairs or the Committee on Foreign Relations, as the case may be, reports a joint resolution of approval or joint resolution of disapproval or has been discharged from consideration of such a joint resolution (even though a previous motion to the same effect has been disagreed to) to move to consider the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are in order. The motion to proceed is not debatable. The motion is subject to a motion to postpone. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order.

‘(iii) ROLL CALL VOTING ON PROCEEDING TO CONSIDERATION.—Appeals from the decisions of the Chair relating to the application of the rules
of the Senate, as the case may be, to the procedure relating to a joint resolution of approval or joint resolution of disapproval shall be decided without debate.

"(1) COORDINATION WITH ACTION BY OTHER HOUSE.—If, before the passage by one House of a joint resolution of approval or joint resolution of disapproval of that House, that House receives an identical joint resolution from the other House, the following procedures shall apply:

"(i) The joint resolution of the other House shall not be referred to a committee.

"(ii) With respect to the joint resolution of the House receiving the joint resolution from the other House—

(aa) the procedure in that House shall be the same as if no joint resolution had been received from the other House; but

(bb) that resolution shall be on the joint resolution of the other House.

"(ii) RULES RELATING TO SENATE AND HOUSE OF REPRESENTATIVES.—

"(A) RULES OF HOUSE OF REPRESENTATIVES.—Not later than 180 days after the date of the enactment of this Act, the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, and the minority leader of the House of Representatives shall be in receipt of procedures in that House under this subsection.

"(B) RULES OF SENATE.—

"(i) In general.—The term 'knowingly', with respect to conduct, a circumstance, or a result, means that a person has actual knowledge, or should have known, of the conduct, the circumstance, or the result.

"(ii) KNOWLEDGE.—The term 'knowledge', with respect to conduct, a circumstance, or a result, means that a person has actual knowledge, or should have known, of the conduct, the circumstance, or the result.

"(B) Penalties.—

"(1) In general.—No person shall be fined not more than $5,000,000, imprisoned for not more than 20 years, or both, if the person knowingly—

(A) engages in a transaction described in subsection (a)(1), except pursuant to a license or permit granted under this section or regulations prescribed pursuant to this section;

(B) evade[s] a requirement to obtain a license or permit under this section or a regulation prescribed pursuant to this section.

"(C) public availability.—

"(1) In general.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the President shall submit to the appropriate congressional committees a report listing any licenses or permits granted under subsection (a).

"(2) FORM.—Each report required under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

"(D) public availability.—

"(1) In general.—The President may terminate the prohibition on transactions described in subsection (a) and the imposition of penalties under subsection (b) if the President submits to the appropriate congressional committees the certification described in section 402 of the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 2926).

"(2) MODIFICATION OF DEFINITION OF SPECIFIED UNLAWFUL ACTIVITY FOR MONEY LAUNDERING PURPOSES.—

"(1) In general.—The President may modify the definition of specified unlawful activity for money laundering purposes, as defined in section 1956(c)(7)(D) of title 18, United States Code, in any other rule of that House.

"(2) Penalties.—

"(1) In general.—The Secretary may not grant a license or permit under subparagraph (A) for an activity described in section 104(a) of the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 2924(a)).
(a) In General.—Section 318 of the Korean Interdiction and Modernization of Sanctions Act (Public Law 115–44) is amended to read as follows:

"SEC. 318. AUTHORIZATION OF IMPOSITION OF SANCTIONS WITH RESPECT TO THE PROVISION OF SPECIFIED FINANCIAL MESSAGING SERVICES TO NORTH KOREAN FINANCIAL INSTITUTIONS AND SANCTIONED PERSONS.

(a) IN GENERAL.—It is the sense of Congress that—

(1) providers of specialized financial messaging services have been used as a critical link between the Government of North Korea and the international financial system;

(2) the Financial Action Task Force has repeatedly called for jurisdictions to apply countermeasures to protect the financial system from the risks of money laundering and proliferation financing emanating from North Korea;

(3) credible published reports have implicated the Government of North Korea in stealing approximately $81,000,000 from the Bangladesh Bank and attempting to steal another $651,000,000 from other banks using a financial messaging service; and

(4) directly providing specialized financial messaging services to, or enabling or facilitating direct or indirect access to such messaging services for—

(I) a North Korean financial institution;

(ii) a person, including a financial institution, that is designated pursuant to—

(A) an applicable United Nations Security Council resolution;

(B) an applicable North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9214); or

(C) section 194 of the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9214); or

(III) section 194 of the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9214); or

(III) a person subject to sanctions under the Banking Restrictions Involving North Korea (BRINK) Act of 2017.

(b) BRIEFING ON MEASURES TO DENY SPECIALIZED FINANCIAL MESSAGING SERVICES TO DESIGNATED NORTH KOREAN FINANCIAL INSTITUTIONS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter for 5 years, the President shall provide to the appropriate congressional committees a briefing that includes the following information:

(A) A list of each person or foreign government the President has identified that knowingly or indirectly provides specialized financial messaging services to, or knowingly enables or facilitates direct or indirect access to such messaging services for—

(i) a North Korean financial institution;

(ii) a person, including a financial institution, that is designated pursuant to—

(A) an applicable United Nations Security Council resolution; or

(B) an applicable United Nations Security Council resolution; or

(iii) a person subject to sanctions under the Banking Restrictions Involving North Korea (BRINK) Act of 2017.

(B) A detailed assessment of the status of efforts by the Secretary of the Treasury to work with the relevant authorities in the home jurisdictions of such specialized financial messaging providers to end such provision or access.

(2) FORM.—The briefing required under paragraph (1) may be classified.

(c) AUTHORIZATION OF IMPOSITION OF SANCTIONS.—The President may impose sanctions pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) with respect to a person if, on or after the date that is 90 days after the date of the enactment of the Banking Restrictions Involving North Korea (BRINK) Act of 2017, the person knowingly and directly provides specialized financial messaging services to, or knowingly enables or facilitates direct or indirect access to such messaging services for—

(1) a North Korean financial institution;

(2) a person, including a financial institution, that is designated pursuant to—

(A) an applicable Executive order;

(B) an applicable United Nations Security Council resolution;

(C) section 194 of the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9214); or

(3) a person subject to sanctions under the Banking Restrictions Involving North Korea (BRINK) Act of 2017.

(d) ENABLING OR FACILITATING ACCESS TO SPECIALIZED FINANCIAL MESSAGING SERVICES.—For purposes of this section, enabling or facilitating direct or indirect access to specialized financial messaging services to a person described in paragraph (1) or (2) of subsection (c) includes doing so by serving as an intermediary financial institution with access to such messaging services.

(e) SUSPENSION AND TERMINATION OF SANCTIONS.—

(1) SUSPENSION.—The President may suspend the application of any sanctions under subsection (c) for—

(A) a period not more than one year if the President certifies to the appropriate congressional committees that the Government of North Korea is taking steps toward—

(i) the verification of its compliance with applicable United Nations Security Council Resolutions; and

(ii) fully accounting for and repatriating United States citizens and permanent residents (including deceased United States citizens and permanent residents)—

(I) abducted or unlawfully held captive by the Government of North Korea; or

(II) detained in violation of the Agreement Concerning a Military Armistice in Korea, signed at Panmunjom July 27, 1953 (commonly referred to as the ‘Korean War Armistice Agreement’).

(b) full accounting for and repatriating United States citizens and permanent residents (including deceased United States citizens and permanent residents) who have suffered under the Government of North Korea;

(2) TERMINATION OF SANCTIONS.—The President may terminate the application of any sanctions under subsection (c) if the President certifies that the Government of North Korea has made significant progress towards—

(A) completely, verifiably, and irreversibly dismantling all of its nuclear, chemical, biological, and radiological weapons programs, including all programs for the development of systems designed in whole or in part for the delivery of such weapons; and

(B) fully accounting for and repatriating United States citizens and permanent residents (including deceased United States citizens and permanent residents)—

(i) abducted or unlawfully held captive by the Government of North Korea; or

(ii) detained in violation of the Agreement Concerning a Military Armistice in Korea, signed at Panmunjom July 27, 1953 (commonly referred to as the ‘Korean War Armistice Agreement’).

(f) DEFINITIONS.—In this section:

(1) APPLICABLE EXECUTIVE ORDER.—Applies to—

(A) all applicable United Nations Security Council resolutions;

(B) all applicable International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) resolutions; and

(C) all applicable North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9214) resolutions.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘appropriate congressional committees’ means—

(A) the Committee on Banking, Housing, and Urban Affairs and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Foreign Relations and the Committee on Foreign Affairs of the House of Representatives.

(3) KNOWINGLY.—The term ‘knowingly’, with respect to conduct, a circumstance, or a result, means that a person has actual knowledge, or should have known, of the conduct, the circumstance, or the result.

(4) NORTH KOREAN FINANCIAL INSTITUTION.—The term ‘North Korean financial institution’ has the meaning given that term in section 603 of the Banking Restrictions Involving North Korea (BRINK) Act of 2017.

(b) CLERICAL AMENDMENT.—The table of contents for the Countering America’s Adversaries Through Sanctions Act (Public Law 115–44) is amended by striking the item relating to section 318 and inserting the following:

"318. Authorization of imposition of sanctions with respect to the provision of specialized financial messaging services to North Korean financial institutions and sanctioned persons.

(1) IN GENERAL.—Section 318 of the Korean Interdiction and Modernization of Sanctions Act (Public Law 115–44) is amended—

(1) by redesignating subsection (c) as subsection (e); and

(2) by inserting after subsection (b) the following:

"(c) IMPOSITION OF SANCTIONS.—

(1) IN GENERAL.—The President may impose one or more of the sanctions described in paragraph (2) with respect to a government that the President has determined has knowingly failed to carry out the activities set forth in paragraphs (1) through (4) of subsection (a) until such time as the President determines that the government has taken substantial steps to carry out such activities.

(2) SANCTIONS DESCRIBED.—The sanctions described in this paragraph to be imposed with respect to the government of a country are the following:

(A) Prohibit or curtail the export of any goods or technology to that country pursuant to the authorities provided in section 6 of the Export Administration Act of 1979 (50 U.S.C. 4605) (as continued in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.)) to that government.

(B) Withhold assistance under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) to that government.

(C) Instruct the United States executive director at each international financial institution (as defined in section 1701(c) of the International Financial Institutions Act (22 U.S.C. 6801(c)) to vote on behalf of the United States to oppose the provision of loans, benefits, or other use of the funds of that institution to that government.

(RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the use of other sanctions authorities available to the President in response to governments of countries failing to comply with the activities set forth in paragraphs (1) through (4) of subsection (a)."

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘appropriate congressional committees’ means—

(A) the Committee on Banking, Housing, and Urban Affairs and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Foreign Relations and the Committee on Foreign Affairs of the House of Representatives.

(3) KNOWINGLY.—The term ‘knowingly’, with respect to conduct, a circumstance, or a result, means that a person has actual knowledge, or should have known, of the conduct, the circumstance, or the result.

(4) NORTH KOREAN FINANCIAL INSTITUTION.—The term ‘North Korean financial institution’ has the meaning given that term in section 603 of the Banking Restrictions Involving North Korea (BRINK) Act of 2017.

(b) CLERICAL AMENDMENT.—The table of contents for the Countering America’s Adversaries Through Sanctions Act (Public Law 115–44) is amended by striking the item relating to section 318 and inserting the following:

"318. Authorization of imposition of sanctions with respect to the provision of specialized financial messaging services to North Korean financial institutions and sanctioned persons."
Law 115–44 is amended by striking the item relating to section 317 and inserting the following:

"317. Authorization of imposition of sanctions with respect to programs that fail to comply with United Nations Security Council sanctions against North Korea."
that the person does not engage in investment activities in North Korean covered property, the measure shall not apply to that person.

(a) SECURITIES AND EXCHANGE COMMISSION.—It is the sense of Congress that a State or local government should not adopt a measure under subsection (b) unless it affects the public or all persons unless the State or local government has—

(A) made every effort to avoid erroneously targeting the person; and

(B) notified the person that the person engages in investment activities in North Korean covered property.

(4) NOTICE TO DEPARTMENT OF JUSTICE.—Not later than 30 days after a State or local government applies a measure under this section, the State or local government shall notify the Attorney General of that measure.

(g) NO PREEMPTION.—A measure applied by a State or local government authorized under subsection (b) or (e) is not preempted by any Federal law.

(g) - Definitions.—In this section:

(1) FEEDERAL LAW.—The term "Federal law" means any provision of law enacted by the Congress of the United States.

(2) A UTHORIZATION FOR PRIOR APPLIED MEASURES.—A measure described in paragraph (1) shall be subject to the requirements of paragraphs (1), (2), and (3)(A) of subsection (c) on and after the date that is two years after the date of the enactment of this Act.

(3) EFFECTIVE DATE.—Except as otherwise provided in this section, subsection (c) of section 13(c)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(3)), may divest plan assets from, or avoid investing in the assets of, any person that the fiduciary determines engages in investment activities involving North Korean covered property, if—

(A) the fiduciary makes that determination using credible information that is available to the public; and

(B) the fiduciary prudently determines that the potential divestment or avoidance of investment would not be expected to provide the employee benefit plan with—

(i) a lower rate of return than alternative investments with commensurate degrees of risk; or

(ii) a higher degree of risk than alternative investments with commensurate rates of return; and

(4) SECURITIES AND EXCHANGE COMMISSION.—Nothing in this subtitle or an amendment made by this subtitle shall be construed to limit the authority or obligation of the President—

(A) to comply with the sanctions described in—

(A) section 104 of the North Korea Sanctions and Policy Enforcement Act of 2016 (22 U.S.C. 9214) with regard to persons that meet the criteria for designation under such section; or

(B) the Korean Interdiction and Modernization of Sanctions Act (title III of Public Law 114–22); or

(2) to exercise any other law enforcement authorities available to the President.

SEC. 1063. Mr. TILLIS submitted an amendment intended to be proposed to amendment SA 1003 proposed by Mr. MCCAIN (for himself and Mr. REED) to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 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; which was ordered to lie on the table; as follows:

(1) SEC. 23. SENSE OF CONGRESS REGARDING CERTAIN ERISA PLAN INVESTMENTS.

It is the sense of Congress that—

(1) a fiduciary of an employee benefit plan, as defined in section 3(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(3)), may divest plan assets from, or avoid investing in the assets of, any person that the fiduciary determines engages in investment activities involving North Korean covered property, if—

(A) the fiduciary makes that determination using credible information that is available to the public; and

(B) the fiduciary prudently determines that the potential divestment or avoidance of investment would not be expected to provide the employee benefit plan with—

(i) a lower rate of return than alternative investments with commensurate degrees of risk; or

(ii) a higher degree of risk than alternative investments with commensurate rates of return; and

(2) by divesting assets or avoiding the investment of assets as described in paragraph (1), the fiduciary is not breaching the responsibilities, obligations, or duties imposed upon the fiduciary by subparagraph (A) or (B) of section 404(a)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1104(a)(1)).

PART III—GENERAL AUTHORITIES

SEC. 31. RULEMAKING.

The President may prescribe such rules and regulations as may be necessary to carry out this subtitle and amendments made by this subtitle.

SEC. 32. AUTHORITY TO CONSOLIDATE REPORTS.

(a) IN GENERAL.—Any and all reports required to be submitted to the appropriate congressional committees under this subtitle or an amendment made by this subtitle that are subject to a legislative provision consisting of the same unit of time may be consolidated into a single report that is submitted pursuant to that deadline.

(b) CONSOLIDATION.—Subsection (a) shall apply to the Secretary of Defense.
an additional prize for improving, repurposing, or reusing software to better support the Department of Defense mission. The prize programs shall be conducted in accordance with section 259a of title 10, United States Code.

(c) REVERSE ENGINEERING.—The Secretary of Defense shall task the Defense Advanced Research Project Agency with a project to identify methods to locate and reverse engineer Department of Defense custom-developed computer software and related technical data for which source code is unavailable.

(d) DEFINITIONS.—In this section:

(1) "Computer software."—The term "custom-developed computer software"—

(A) means human-readable source code, including segregable portions thereof, that is—

(i) first produced in the performance of a Department of Defense contract, grant, cooperative agreement, or other transaction; or

(ii) developed by a contractor or subcontractor exclusively with Federal funds (other than an item or process developed under a contract or subcontract to which regulations under section 9(y)(2) of the Small Business Act (15 U.S.C. 638(h)(2)) apply); and

(B) does not include Commercial Off-The-Shelf software, or packaged software developed exclusively at private expense, whether delivered as a Cloud Service, in binary form, or by any other means of software delivery.

SA 1064. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 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; which was ordered to lie on the table; as follows:

At the end of subtitle B of title V, add the following:

SEC. 515. TRAINING FOR NATIONAL GUARD PERSONNEL ON WILDFIRE RESPONSE.

(a) In General.—The Secretary of the Army and the Secretary of the Air Force shall, in consultation with the Chief of the National Guard Bureau, provide for training of appropriate personnel of the National Guard on wildfire response, with preference given to States with the most acres of Federal lands administered by the U.S. Forest Service or the Department of the Interior.

(b) Authorization of Appropriations.—There is authorized to be appropriated for the Department of Defense a total of $10,000,000, in addition to amounts authorized to be appropriated by sections 211 and 261, in order to carry out the training required by subsection (a) and provide related equipment.

SA 1065. Ms. CANTWELL (for herself, Mr. CASEY, and Mr. BENNET) submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for the department of the Army, for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In the funding table in section 4301, in the item relating to Environmental Restoration, Air Force, increase the amount in the Senate Authorized column by $20,000,000.

In the funding table in section 4301, in the item relating to Subtotal Environmental Restoration, increase the amount in the Senate Authorized column by $20,000,000.

In the funding table in section 4301, in the item relating to Total Miscellaneous Appropriations, increase the amount in the Senate Authorized column by $20,000,000.

In the funding table in section 4301, in the item relating to Undistributed, Line number 999, reduce the amount in the Senate Authorized column by $20,000,000.

In the funding table in section 4301, in the item relating to Total Undistributed, reduce the amount in the Senate Authorized column by $20,000,000.

In the funding table in section 4301, in the item relating to Subtotal Environmental Restoration, Air Force, increase the amount in the Senate Authorized column by $20,000,000.

In the funding table in section 4301, in the item relating to Subtotal Environmental Restoration, increase the amount in the Senate Authorized column by $20,000,000.

In the funding table in section 4301, in the item relating to Total Miscellaneous Appropriations, increase the amount in the Senate Authorized column by $20,000,000.

In the funding table in section 4301, in the item relating to Undistributed, Line number 999, reduce the amount in the Senate Authorized column by $20,000,000.

In the funding table in section 4301, in the item relating to Total Undistributed, reduce the amount in the Senate Authorized column by $20,000,000.

SA 1066. Mr. CRUZ (for himself, Mr. LEAHY, Mr. TILLIS, and Mr. MERKLEY) submitted an amendment intended to be proposed to amendment SA 1003 proposed by Mr. MCCAIN (for himself and Mr. REED) to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 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; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 119. LIMITATION ON OBSERVATION FLIGHTS OF THE RUSSIAN FEDERATION OVER UNITED STATES UNDER THE OPEN SKIES TREATY.

(a) In General.—No amounts authorized to be appropriated by this Act may be used to provide support, or permit in any manner observation flights of the Russian Federation over the United States under the Open Skies Treaty, unless the Russian Federation has agreed to the employment of the Open Skies Treaty, on United States observation aircraft from the United States and covered state parties that it requests to be included in an Open Skies Treaty, and covered state parties under the Open Skies Treaty.

(1) The Russian Federation has removed all restrictions regarding access to observation flights of the United States and covered state parties over the entirety of Russia in a manner that permits full implementation of the observation rights provided to the United States and covered state parties under the Open Skies Treaty.

(2) The Russian Federation provides the same Air Traffic Control prioritization to observation aircraft from the United States and covered state parties that it receives from other participants under the Open Skies Treaty.

(3) That no upgraded sensors will be employed in observation flights of the Russian Federation or Belarus under the United States and covered state parties covered by the Open Skies Treaty, on United States observation aircraft, and the United States has...
deployed such sensors, for observation flights over Russia under the Open Skies Treaty.

(b) DEFINITIONS.—In this section:

(1) COVERED STATE PARTY.—The term “covered state party” means a foreign country that—

(A) is a state party to the Open Skies Treaty; and

(B) is a United States ally.

(2) OBSERVATION AIRCRAFT, OBSERVATION FLIGHT, AND SENSOR.—The terms “observation aircraft”, “observation flight”, and “sensor” have the meanings given such terms in Article II of the Open Skies Treaty.


SA 1069. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 1003 proposed by Mr. MCCAIN (for himself and Mr. REED) to the bill S. 2810, to authorize appropriations for fiscal year 2018 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; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 1656. REVIEW OF PROPOSED GROUND-BASED MIDCOURSE DEFENSE SYSTEM CONTRACT.

(a) LIMITATION ON CHANGES TO CONTRACTING STRATEGY.—The Director of the Missile Defense Agency may not change the contracting strategy for the ground-based midcourse defense system until the date on which—

(1) the report under subsection (b)(4) is submitted to the congressional defense committees; and

(2) a period of 30 days has elapsed following the date of such submittal.

(b) REVIEW.—

(1) IN GENERAL.—The Director of Cost Assessment and Program Evaluation shall conduct a review of the contract for the systems integration, operations, and test of the ground-based midcourse defense system.

(2) ELEMENTS.—The review required by paragraph (1) shall include the following:

(A) Contract performance of current industry-led prime contract approach, including with respect to—

(i) system readiness performance and reliability growth;

(ii) development, integration, and fielding of new homeland defense capabilities; and

(iii) cost performance against baseline contract.

(B) With respect to alternate contracting approaches—

(i) an enumeration and detailing of any specific benefits for each such alternate approach;

(ii) an identification of specific costs to switching to each such alternate approach; and

(iii) detailing of the specific risks of each such alternate approach to homeland defense, including regarding schedule, costs, and the sustainment, maintenance, development, and fielding, of integrated capabilities.

(C) With respect to contracting approaches that transition to Federal Government-led systems engineering integration and test—

(i) an enumeration of the processes, procedures, and command media that have been established by the Missile Defense Agency and proven to be effective for the execution of programs that are of the scale of the ground-based midcourse defense system; and

(ii) the manner in which a new contract will control for growth in the personnel and life cycle costs of the programs in support of cost growth and minimize the risk of schedule delay.
D A baseline for historical and current staffing of the ground-based midcourse defense system, specifically with respect to personnel of the Federal Government, for military construction, and for defense activities of the Department of Energy, and support contractors. (E) The staffing categories specified in subparagraph (D) under a new contracting strategy and how such staffing categories will be limited to prevent significant cost growth and to minimize the risk of schedule delays. (F) The views and recommendations of the Director for any changes the current ground-based midcourse defense system contract or a new contract, including the proposed contracting strategy of the Missile Defense Agency. (G) Such other matters as the Director determines appropriate. (3) TRANSMISSION.—The Director of Cost Assessment and Program Evaluation shall transmit to the Under Secretary of Defense for Research and Engineering and the Missile Defense Executive Board the findings of the Director with respect to the review conducted under paragraph (1). (4) REPORT.—Not later than 30 days after the date on which the Under Secretary and the Missile Defense Executive Board receive the findings under paragraph (3), the Under Secretary and Board shall jointly submit to the congressional defense committees a report containing (A) the findings of the Director transmitted under paragraph (3), without change; and (B) such views and recommendations of the Under Secretary and the Board as may have with respect to such findings or the review conducted under paragraph (1). 

SA 1072. Mr. BURR submitted an amendment intended to be proposed to amendment SA 1008 proposed by Mr. MCCAIN (for himself and Mr. REED) to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 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; which was ordered to lie on the table; as follows:

SEC. 1653. GROUND-BASED INTERCEPTOR CAPABILITY, CAPACITY, AND RELIABILITY. (a) SENSE OF THE SENATE.—It is the sense of the Senate that it is the policy of the United States to maintain and improve, with the allies of the United States, an effective, robust layered system capable of defending the citizens of the United States residing in territories and States of the United States, allies of the United States, and deployed Armed Forces of the United States. (b) INCREASE IN CAPACITY AND CONTINUED ADVANCEMENT.—The Secretary of Defense shall (1) subject to the annual authorization of appropriations and the annual appropriation for defense, increase the number of United States ground-based interceptors, unless otherwise directed by the Ballistic Missile Defense Review, by up to 28; (2) develop a plan to further increase such number to the currently available missile field capacity of 104 and to plan for any future capacity at any site that may be identified by the Ballistic Missile Defense Review; and (3) continue to rapidly advance missile defense technology to enhance the capability and reliability of the ground-based midcourse defense element of the ballistic missile defense system. (c) DEPLOYMENT.—Not later than December 31, 2021, the Secretary of Defense shall— (1) execute any requisite construction to ensure that Missile Field 1 or Missile Field 2 at Fort Greely or alternative missile fields at Fort Greely which may be identified pursuant to subsection (b), are capable of supporting and sustaining additional ground-based interceptors; (2) deploy up to 14 additional ground-based interceptors to Missile Field 1 or up to 20 additional ground-based interceptors to an alternative missile field at Fort Greely as soon as technically feasible; and (3) identify a ground-based interceptor stockpile storage site for the remaining ground-based interceptors required by subsection (b). (d) REPORT.—(1) IN GENERAL.—Unless otherwise directed or recommended by the Ballistic Missile Defense Review (BMDR), the Director of the Missile Defense Agency shall submit to the congressional defense committees not later than 90 days after the completion of the Ballistic Missile Defense Review, a report on options to increase the capacity, capability, and reliability of the ground-based midcourse defense element of the ballistic missile defense system and the infrastructure requirements for increasing the number of ground-based interceptors in currently feasible locations across the United States. (2) CONTENTS.—The report required by paragraph (1) shall include the following: (A) An identification of potential sites in the United States, whether existing or new on the East Coast or in the Midwest, for the deployment of 104 ground-based interceptors. (B) A cost-benefit analysis of each such site, including tactical, operational, and cost-to-construct considerations. (C) A description of any completed and outstanding environmental assessments or impact statements for each such site. (D) A description of the existing capacity of the missile fields at Fort Greely and the infrastructure required to increase the number of ground-based interceptors to 20 ground-based interceptors each. (E) A description of the additional infrastructure and cost required to further outfit missile fields at Fort Greely before deploying additional ground-based interceptors configured with the redesigned kill vehicle, including with respect to ground excavation, silos, utilities, and support equipment. (F) An estimated cost of such infrastructure and components. (G) An estimated schedule for completing such construction as may be required for such infrastructure and components. (H) An identification of any environmental assessments or impact studies that would need to be conducted to expand such missile fields at Fort Greely beyond current capacity. (I) An operational evaluation and cost analysis of the deployment of transportable, mobile ground-based interceptors, including an identification of potential sites, including in the eastern United States and at Vandenberg Air Force Base, and an examination of any environmental, legal, or tactical challenges associated with such deployments, including to any sites identified in subparagraph (A). (J) A determination of the appropriate fleet mix of ground-based interceptor kill vehicles and boosters to maximize overall system effectiveness and increase its capacity and capability, including the costs and benefits of such continued inclusion of multiple enhancement II (CE-II) Block 1 interceptors after the fielding of the redesigned kill vehicle. (K) A description of the planned improvements to homeland ballistic missile defense sensor and discrimination capabilities and an assessment of the expected operational benefits of such improvements to homeland ballistic missile defense. (L) The benefit of supplementing ground-based midcourse defense elements with more distributed basing, including both Aegis ships and Aegis Ashore installations with Standard Missile-3 Block IIA and other interceptors in Hawaii and at other locations for homeland missile defense. (3) FORM.—The report submitted under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.
inserting “specified in section 134 of title 41, United States Code”; (3) Section 2533b(f) of title 10, United States Code, is amended by striking “referred to in section 134 of this title” and inserting “specified in section 134 of title 41, United States Code”; SA 1075. Mr. FRANKEN submitted an amendment intended to be proposed to amendment SA 1003 proposed by Mr. MCCAIN (for himself and Mr. REED) to the bill H.R. 2819, to authorize appropri- ations for fiscal year 2018 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; which was ordered to lie on the table; as follows: At the end of title VIII, add the following: Subtitle K—Fair Pay and Safe Workplaces SEC. 899G. SHORT TITLE. This subtitle may be cited as the “Fair Pay and Safe Workplaces Act of 2017”. SEC. 899H. DEFINITIONS. In this subtitle— (1) COVERED CONTRACT.—The term “covered contract” means a Federal contract for the procurement of property or services including construction, valued in excess of $500,000. (2) COVERED SUBCONTRACT.—The term “cov- ered subcontract” means a subcontract for property or services under a Federal contract that is valued in excess of $500,000; and (b) does not include a subcontract for the procurement of property or services otherwise available off-the-shelf items. (3) EXECUTIVE AGENCY.—The term “execu- tive agency” has the meaning given the term in section 101 of title 5, United States Code. SEC. 899I. FINDINGS. Congress makes the following findings: (1) Over the last two decades, the role of private contractors in public projects has significantly increased. Having doubled the amount of taxpayer dollars spent on contract labor since the year 2000, the Federal Government is on track to estimate that now purchases more than $500,000,000,000 worth of goods and services from private firms, which employ 26,000,000 workers. (2) A majority staff report released in 2013 by the Committee on Health, Education, Labor, and Pensions of the Senate (the “HELP Committee”), in recent years, 49 major Federal contractors have repeatedly violated basic Federal labor laws with impunity. From 2007 through 2012, 49 individual Federal contractors triggered 1,776 investigations of or for violating basic health and safety standards, discriminating against workers, or failing to pay workers what they earned. Despite these repeated infractions, these companies received $81,000,000,000 in Federal contracts in fiscal year 2012 alone. (3) The HELP Committee staff report also showed that from 2007 through 2012, compa- nies holding large Federal contracts ac- counted for 48 percent of the penalties as- signed by the Occupational Safety and Health Administration’s list of top 100 viola- tors, and incurred more than $87,000,000 in penalties. In fact, 8 of these companies were found to be directly responsible for the death of United States workers. However, in fiscal year 2012, United States taxpayers provided these companies with $3,400,000,000 in Federal contracts. (4) In addition to these health and safety violations, the HELP Committee report showed that Federal contractors have been repeatedly cited for violations of wage laws. Investigations of infractions by the Depart- ment of Labor often produce either a settle- ment or litigation, both of which can result in a back-wage award for victimized workers. Between 2007 and 2012, Federal contractors accounted for 35 of the 100 largest back pay awards, and 32 Federal contractors were re- peatedly cited for violations of the total amount of unpaid back wages awarded during this period. Despite being compelled to pay more than $62,000,000 in back wages, these 32 violators each received 35,000,000 of Federal contracts in fiscal year 2012. (5) The fact that repeat offenders continue to receive huge contracts indicates the profound lack of accountability in the present system of Federal contracting. Such a gap necessitates reforms to the rela- tionship between contractors and the Department of Labor as well expanding the number of supervision and enforcement tools available to both, which will ensure contractor compliance with Federal labor laws. (6) In 2014, President Barack Obama issued Executive Order 13673 on Fair Pay and Safe Workplaces. In the executive order, the President determined that “contractors that consistently adhere to labor laws are more likely to have workplace practices that en- hance productivity and increase the likeli- hood of timely, predictable, and satisfactory delivery of goods and services to the Federal Government. Helping executive departments and agencies to identify and work with contractors with track records of compliance will reduce execution delays and avoid dis- tractions and complications that arise from contracting with contractors with track records of noncompliance.” (7) In furtherance of economy and effi- ciency in procurement, the Fair Pay and Safe Workplaces Executive Order took a three- pronged approach to these problems:— (A) Companies were required to disclose any violations of Federal labor law when ap- plying for a contract. Those with poor track records of compliance were compelled to prove they had taken action to remedy these infractions. (B) Federal contractors were required to give their employees pay stubs each pay pe- riod documenting hours, overtime, and wages to prevent underpayment. (C) To protect workers from discrimina- tion or harassment, the executive order pro- hibited the use of forced arbitration agree- ments or similar arrangements in employment contracts by companies with large Federal contracts of $1,000,000 or more. (D) Parties who contract with the Federal Government should ensure that they understand and comply with labor laws, which are designed to promote safe, healthy, fair, and effective workplaces. (E) Contractors and subcontractors that consistently adhere to labor laws are more likely to have workplace practices that en- hance productivity and increase the likeli- hood of timely, predictable, and satisfactory delivery of goods and services to the Federal Government. SEC. 899J. STATEMENT OF POLICY. It is the policy of the United States that the Federal Government shall promote econ- omy and efficiency in procurement by awarding contracts to contractors that pro- mote safe, healthy, fair, and effective workplaces through compliance with labor laws, and by promoting opportunities for contractors to do the same when awarding sub- contracts. SEC. 899K. REQUIRED PRE-CONTRACT AWARD AC- TIONS. (a) DISCLOSURES.—The head of an executive agency shall ensure that the solicitation for a covered contract requires the offeror— (1) to represent, to the best of the offeror’s knowledge and belief, whether there has been any administrative merits determination, arbitral award or decision, or civil judgment, that the offeror would be subject to in guidance issued by the Sec- retary of Labor, rendered against the offeror in the preceding 3 years for violations of— (A) the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.); (B) the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.); (C) the Migrant and Seasonal Agricultural Workers Protection Act (29 U.S.C. 1981 et seq.); (D) the National Labor Relations Act (29 U.S.C. 151 et seq.); (E) any subchapter IV of chapter 31 of title 40, United States Code (commonly known as the “Davis-Bacon Act”); (F) chapter 67 of title 41, United States Code (commonly known as the “Service Con- tract Act”); (G) Executive Order 11246 (42 U.S.C. 2000e- note; relating to equal employment oppor- tunity); (H) section 503 of the Rehabilitation Act of 1973 (29 U.S.C. 793); (I) section 4212 of title 38, United States Code; (J) the Family and Medical Leave Act of 1993 (29 U.S.C. 2001 et seq.); (K) title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.); (L) the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.); (M) the Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 et seq.); (N) Executive Order 13658 (79 Fed. Reg. 9851; relating to establishing a minimum wage for contractors); or (O) any equivalent State laws, as defined in guidance issued by the Secretary of Labor; (b) to require each subcontractor for a cov- ered subcontract— (1) to represent, to the best of the subcontractor’s knowledge and belief, whether there has been any administrative merits de- termination, arbitral award or decision, or civil judgment, as defined in guidance issued by the Department of Labor, rendered against the subcontractor in the preceding three years for violations of any of the labor laws and executive orders listed under para- graph (1); and (b) to update such information every 6 months for the duration of the subcontract; and (c) to consider the information submitted by a subcontractor pursuant to paragraph (2) in determining whether the subcontractor is a reliable source of a satisfactory record of integrity and business ethics— (A) prior to awarding the subcontract; or (B) in the case of a subcontract that is awarded or will become effective within 5 days of the prime contract being awarded, not later than 30 days after awarding the subcontract. SEC. 899M. PRE-AWARD CORRECTIVE MEASURES.— (1) IN GENERAL.—A contracting officer, prior to awarding a covered contract, shall, as part of the responsibility determination, provide an offeror who makes a disclosure pursuant to subsection (a) an opportunity to report any steps taken to correct the viola- tions of or improve compliance with the labor laws listed in paragraph (1) of such sub- section, including any agreements entered into with an enforcement agency. (2) CONSIDERATION.—The executive agency’s Labor Compliance Advisor shall, pursuant to section 899M, in consultation with rel- evant enforcement agencies, advise the contracting officer whether agreements are appropriate, and otherwise needed to address appropriate remedial measures, compliance assistance, steps to resolve issues to avoid
further violations, or other related matters concerning the offeror.

(3) Responsibility determination.—The contracting officer, in consultation with the executive agency’s Labor Compliance Advisor, shall consider information provided by the offeror under this subsection in determining whether the offeror is a responsible source for any labor law requirements, including safety, health, and business ethics. The determination shall be based on the guidelines established by the Department of Labor under subsection (b)(1) of section 899K and the Federal Acquisition Regulatory Council under subsection (a) of such section.

(4) Referral of information to suspension or debarment officials.—As appropriate, contracting officers, in consultation with their executive agency’s Labor Compliance Advisor, shall refer matters related to information provided pursuant to paragraphs (1) and (2) of subsection (a) to the executive agency’s suspension and debarment official in accordance with agency procedures.

SEC. 899L. POST-AWARD CONTRACT ACTIONS

(a) Information updates.—The contracting officer for a covered contract shall require that the contractor update the information provided pursuant to paragraphs (1) and (2) of section 899K(a) every 6 months.

(b) Corrective actions.

(1) Prime contract.—The contracting officer, in consultation with the Labor Compliance Advisor designated pursuant to section 899M, shall determine whether any information provided under subsection (a) warrants corrective action. Such action may include—

(A) an agreement requiring appropriate remedial measures;

(B) compliance assistance;

(C) resolving issues to avoid further violations;

(D) the decision not to exercise an option on a contract or to terminate the contract;

(E) the agency suspending and debarring official, or

(F) such other action as the contracting officer deems appropriate.

(2) Subcontracts.—The prime contractor for a covered contract, in consultation with the Labor Compliance Advisor, shall determine whether any information provided under subsection (a) warrants corrective action, including remedial measures, compliance assistance, and resolving issues to avoid further violations.

(3) DEPARTMENT OF LABOR.—The Department of Labor shall, as appropriate, inform executive agencies of its investigations of contractors and subcontractors on current Federal awards and promptly report any such investigations to the Labor Compliance Advisors send information to the Secretary pursuant to subsection (b)(2)(C).

(r) Federal Acquisition Regulation.—The Federal Acquisition Regulatory Council, in consultation with the Director of the Office of Management and Budget, the Secretary of Labor, and the Administrator for General Services, the Labor Compliance Advisor may give appropriate consideration to determinations and agreements made by the Secretary and the heads of other executive agencies; and

(iii) by which contractors and Labor Compliance Advisors may give appropriate consideration to determinations and agreements made by the Secretary and the heads of other executive agencies; and

(iv) by which contractors may enter into agreements regarding assessments of, a prospective contractor will take to ensure compliance with applicable labor laws (as described in section 899K of this Act) with the Secretary, prior to being considered for a contract;

(b) Review data collection requirements and processes, and work with the Director of Management and Budget, the Administrator for General Services, and other agency heads to improve such requirements and processes, as necessary, to reduce the burden on contractors and increase the amount of information available to executive agencies;

(c) Regularly convene interagency meetings to share and promote best practices for improving labor law compliance; and

SEC. 899M. LABOR COMPLIANCE ADVISORS

(a) IN GENERAL.—Each executive agency shall designate a senior official to act as the agency’s Labor Compliance Advisor.

(b) Duties.—The Labor Compliance Advisor shall—

(1) meet quarterly with the Deputy Secretary, Deputy Administrator, or equivalent executive agency official with regard to matters covered under this subtitle;

(2) work with the acquisition workforce, agency officials, and agency contractors to promote greater awareness and understanding of labor law requirements, including record keeping, reporting, and notice requirements, as well as best practices for obtaining compliance with these requirements;

(3) coordinate assistance for executive agency contractors seeking help in addressing and preventing labor violations;

(4) in consultation with the Department of Labor and other enforcement agencies, and pursuant to section 899K(b) as necessary, provide assistance to contracting officers regarding appropriate actions to be taken in response to violations identified prior to or after contracts are awarded, and address complaints in a timely manner, by—

(A) consulting with the Labor Compliance Advisor and other executive agency officials in reviewing the information provided pursuant to subsections (a) and (b) of section 899K and section 899N(b)(2)(C) to determine if a violation of a labor law in order to assess the serious, repeated, willful, or pervasive nature of any violation and evaluate steps contractors may take to correct violations or improve compliance with relevant requirements;

(B) helping agency officials determine the appropriate response to address violations of the labor laws listed in section 899K(a)(1) or other information indicating such a labor violation (particularly serious, repeated, willful, or pervasive violations), including agreements requiring appropriate remedial measures, decisions not to award a contract or exercise an option on a contract, contract termination, or referral to the executive agency suspension and debarment official;

(C) providing assistance to agency officials in receiving and responding to, or making referrals of, complaints alleging violations by agency contractors and subcontractors of the requirements of the labor laws listed in section 899K(a)(1); and

(D) supporting contracting officers, suspension and debarment officials, and other agency officials in the coordination of actions taken pursuant to this subsection to ensure agency-wide consistency, to the extent practicable;

(i) as appropriate, send information to agency suspension and debarment officials in accordance with agency procedures;

(2) consult with the agency’s Chief Acquisition Officer, the Chief Acquisition Executive, and the Department of Labor as necessary, in the development of regulations, policies, and guidance addressing labor law compliance by contractors and subcontractors;

(3) make recommendations to the agency to strengthen agency management of contractor responsibilities under section 899M(b)(3); and

(4) publicly report, on an annual basis, a summary of agency actions taken to promote greater compliance with the labor laws, including the agency response pursuant to this order to serious, repeated, willful, or pervasive violations of the labor laws listed in section 899K(a)(1); and

(5) provide information to the Office of Management and Budget, the Secretary, and the Administrator for General Services, the Labor Compliance Advisors may give appropriate consideration to determinations and agreements made by the Secretary and the heads of other executive agencies; and

(iii) by which contractors and Labor Compliance Advisors may give appropriate consideration to determinations and agreements made by the Secretary and the heads of other executive agencies; and

(iv) by which contractors may enter into agreements regarding assessments of, a prospective contractor will take to ensure compliance with applicable labor laws (as described in section 899K of this Act) with the Secretary, prior to being considered for a contract;

(b) DEPARTMENT OF LABOR.—

(1) GUIDANCE.—

(A) IN GENERAL.—The Secretary of Labor (in this subsection referred to as the ‘‘Secretary’’) shall develop guidance, in consultation with the executive agency responsible for enforcing the requirements of the labor laws listed in section 899K(a)(1), to assist such agencies in determining whether administrative merits determinations, arbitral awards or decisions, or civil judgments were issued for serious, repeated, willful, or pervasive violations of such requirements for purposes of implementing subsections of any final rule issued by the Federal Acquisition Regulatory Council pursuant to this subtitle.

(B) STANDARDS.—Such guidance shall—

(i) where available, incorporate existing statutory standards for assessing whether a violation is serious, repeated, willful, or pervasive; and

(ii) where no such statutory standards exist, develop standards that take into account—

(I) for determining whether a violation is ‘‘serious’’ in nature, the number of employees affected, the degree of risk posed or actual harm caused by the violation to health, safety, or the well-being of a worker, the amount of damages incurred or fines or penalties assessed with regard to the violation, and other considerations as the Secretary determines appropriate; and

(II) for determining whether a violation is ‘‘repeated’’ in nature, whether the entity has had one or more additional violations of the same or a substantially similar requirement during the previous 3 years;

(III) for determining whether a violation is ‘‘willful’’ in nature, whether the entity knew of, showed reckless disregard for, or acted with plain indifference to the matter of whether its conduct was prohibited by the requirements of the labor laws listed in section 899K(a)(1); and

(IV) for determining whether a violation is ‘‘pervasive’’ in nature, the number of violations involving a requirement or a substantially similar requirement.

(2) ADDITIONAL ACTIVITIES AND LABOR COMPLIANCE AGREEMENTS.—The Secretary shall—

(A) develop a process—

(i) for the Labor Compliance Advisors designated pursuant to section 899M to consult with the Secretary in carrying out their responsibilities under section 899M(b)(4); and

(ii) by which contracting officers and Labor Compliance Advisors may give appropriate consideration to determinations and agreements made by the Secretary and the heads of other executive agencies; and

(iii) by which contractors may enter into agreements regarding assessments of, a prospective contractor will take to ensure compliance with applicable labor laws (as described in section 899K of this Act) with the Secretary, prior to being considered for a contract;

(b) Review data collection requirements and processes, and work with the Director of Management and Budget, the Administrator for General Services, and other agency heads to improve such requirements and processes, as necessary, to reduce the burden on contractors and increase the amount of information available to executive agencies;

(c) Regularly convene interagency meetings to share and promote best practices for improving labor law compliance; and
(D) designate an appropriate contact for executive agencies seeking to consult with the Secretary with respect to the requirements and activities under this subtitle.

(c) MANAGEMENT AND BUDGET.—The Director of the Office of Management and Budget shall—

(1) work with the Administrator of General Services, in consultation with other relevant executive agencies, shall establish a single Internet website for Federal contractors to use for all Federal contract reporting requirements under this subtitle, as well as any other Federal contract reporting requirements to the extent practicable.

SEC. 899O. PAYCHECK TRANSPARENCY.

(a) IN GENERAL.—Each executive agency entering into a covered contract, or covered subcontract, shall ensure that provisions in solicitations for such contracts, or subcontracts, and clauses in such contracts, or subcontracts, provide that, for each pay period, contractors or subcontractors providing services described in subsection (b) with a document containing information with respect to such individual for the pay period concerning hours worked, overtime hours worked, pay, and any additions made to or deductions made from pay.

(b) INDIVIDUALS DESCRIBED.—An individual described in this subsection is any individual performing work under a contract or subcontract for which the executive agency is required to maintain wage records.


(3) chapter 67 of title 41, United States Code (commonly known as the “Service Contract Act”).

(4) applicable State law.

(c) EXCEPTIONS.—

(1) EMPLOYEES EXEMPT FROM OVERTIME REQUIREMENTS.—The document provided under subsection (a) to individuals who are exempt from section 13 of the Fair Labor Standards Act of 1938 (29 U.S.C. 213) from the overtime compensation requirements under section 7 of such Act (29 U.S.C. 207) shall not be required to include a record of the hours worked if the contractor or subcontractor informs the individual of the status of such individual in accordance with the requirements of the Federal Acquisition Regulation.

(2) SIMILARLY SITUATED STATE LAWS.—The requirements under this section shall be deemed to be satisfied if the contractor or subcontractor complies with State or local requirements that the Secretary of Labor has determined are substantially similar to the requirements under this section.

(d) INDEPENDENT CONTRACTORS.—If the contractor or subcontractor is treating an individual performing work under a covered contract or covered subcontract as an independent contractor, and not as an employee, the contractor or subcontractor shall provide the individual a document informing the individual of their status as an independent contractor.

SEC. 899P. COMPLAINT AND DISPUTE TRANSPARENCY.

(a) IN GENERAL.—

(1) CONTRACTS.—The head of an executive agency may not enter into a contract for the procurement of property or services valued in excess of $1,000,000 unless the contractor agrees that any decision to arbitrate the claim of an employee or independent contractor performing work under the contract that arises under title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) or any tort related to or arising out of sexual assault or sexual harassment may only be made with the voluntary consent of the employee or independent contractor after the dispute arises.

(2) SUBCONTRACTS.—The Secretary shall require that a contractor covered under paragraph (1) incorporate the requirement under this subsection into each subcontract for the procurement of property or services valued in excess of $1,000,000 at any tier under the contract.

(b) EXCEPTIONS.—

(1) CONTRACTS FOR COMMERCIAL ITEMS AND COMMERCIALLY AVAILABLE OFF-THE-SHELF ITEMS.—The requirements under subsection (a) do not apply to contracts or subcontracts for the procurement of commercial items or commercially available off-the-shelf items (as those terms are defined in sections 103(1) and 104, respectively, of title 41, United States Code).

(2) EMPLOYEES AND INDEPENDENT CONTRACTORS NOT COVERED.—The requirements under subsection (a) do not apply with respect to an employee or independent contractor who—

(A) is covered by a collective bargaining agreement negotiated between the contractor or subcontractor and a labor organization representing the employee or independent contractor; or

(B) entered into a valid agreement to arbitrate claims under such subsection that is negotiated between the contractor or subcontractor and the employee or independent contractor before the contractor or subcontractor bid on the contract covered under such subsection, except that such requirements do apply—

(i) if the contractor or subcontractor is permitted to change the terms of the arbitration agreement with the employee or independent contractor; or

(ii) in the event the arbitration agreement is renegotiated or replaced after the contractor or subcontractor bid on the contract covered under such subsection, except that such requirements do apply—

(2) LIMITATION ON AVAILABILITY OF FUNDS FOR AERONAUTICAL MOBILE APPLICATION ARCHITECTURE.

No funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2018 or any other fiscal year may be used by the Department of Defense to conduct an acquisition for electronic flight bag aviation applications for Aeronautical Mobile Application Architecture if commercial off-the-shelf aviation applications are currently available.

SEC. 899H. IMPLEMENTING REGULATIONS.

Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation Council shall, in addition to any requirements that are otherwise required by such act, prescribe implementing regulations to carry out the other provisions of this subtitle, including sections 899K and 899L.

SEC. 899L. ANNUAL REPORT.

(a) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, and annually thereafter, the Secretary of Labor, in consultation with the Committee on Health, Education, Labor, and Pension of the Senate and the Committee on Education and the Workforce of the House of Representatives shall report to Congress on actions taken pursuant to this subtitle.

(1) the number of instances that each executive agency, in accordance with sections 899K and 899L, required remedial measures, decided not to award a contract or exercise an option on a contract, terminated a contract, or referred an entity to an agency suspension and disbarment list.

(2) The number of unique contractors that were subject to actions described in paragraph (1).

SEC. 899J. RULES OF CONSTRUCTION.

Nothing in this subtitle shall be construed as—

(1) impairing or otherwise affecting the authority granted by law to an executive agency or the head thereof;

(2) impairing or otherwise affecting the functions of the Director of the Office of Management and Budget, the Budget, administrative, or legislative proposals; or

(3) creating any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

SEC. 899K. COMPLAINT AND DISPUTE TRANSPARENCY.

Nothing in this subtitle shall be construed as—

(1) the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.).


(4) exempt from such requirements.

(5) that arises under title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) or any tort related to or arising out of sexual assault or sexual harassment may only be made with the voluntary consent of the employee or independent contractor after the dispute arises.

(6) any other Federal contract reporting requirements under this subtitle.

SEC. 899L. ANNUAL REPORT.

(a) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, and annually thereafter, the Secretary of Labor, in consultation with the Committee on Health, Education, Labor, and Pension of the Senate and the Committee on Education and the Workforce of the House of Representatives shall report to Congress on actions taken pursuant to this subtitle.

(b) INFORMATION INCLUDED.—The report required under this section shall include the following information:

(1) The number of instances that each executive agency, in accordance with sections 899K and 899L, required remedial measures, decided not to award a contract or exercise an option on a contract, terminated a contract, or referred an entity to an agency suspension and disbarment list.

(2) The number of unique contractors that were subject to actions described in paragraph (1).

SEC. 899J. RULES OF CONSTRUCTION.

Nothing in this subtitle shall be construed as—

(1) impairing or otherwise affecting the authority granted by law to an executive agency or the head thereof;

(2) impairing or otherwise affecting the functions of the Director of the Office of Management and Budget, the Budget, administrative, or legislative proposals; or

(3) creating any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

SEC. 899K. COMPLAINT AND DISPUTE TRANSPARENCY.

Nothing in this subtitle shall be construed as—

(1) the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.).


(4) exempt from such requirements.

(5) that arises under title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) or any tort related to or arising out of sexual assault or sexual harassment may only be made with the voluntary consent of the employee or independent contractor after the dispute arises.

(6) any other Federal contract reporting requirements under this subtitle.

SEC. 899L. ANNUAL REPORT.

(a) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, and annually thereafter, the Secretary of Labor, in consultation with the Committee on Health, Education, Labor, and Pension of the Senate and the Committee on Education and the Workforce of the House of Representatives shall report to Congress on actions taken pursuant to this subtitle.

(b) INFORMATION INCLUDED.—The report required under this section shall include the following information:

(1) The number of instances that each executive agency, in accordance with sections 899K and 899L, required remedial measures, decided not to award a contract or exercise an option on a contract, terminated a contract, or referred an entity to an agency suspension and disbarment list.

(2) The number of unique contractors that were subject to actions described in paragraph (1).

SEC. 899J. RULES OF CONSTRUCTION.

Nothing in this subtitle shall be construed as—

(1) impairing or otherwise affecting the authority granted by law to an executive agency or the head thereof;

(2) impairing or otherwise affecting the functions of the Director of the Office of Management and Budget, the Budget, administrative, or legislative proposals; or

(3) creating any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

SEC. 899K. COMPLAINT AND DISPUTE TRANSPARENCY.

Nothing in this subtitle shall be construed as—

(1) the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.).


(4) exempt from such requirements.

(5) that arises under title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) or any tort related to or arising out of sexual assault or sexual harassment may only be made with the voluntary consent of the employee or independent contractor after the dispute arises.

(6) any other Federal contract reporting requirements under this subtitle.
At the appropriate place in title XXVIII, insert the following:

SEC. 1080. Mr. PERDUE (for himself, Mr. WYDEN, and Mr. SANDERS) submitted an amendment intended to be proposed to amendment SA 1003 proposed by Mr. McCaIN (for himself and Mr. REED) to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 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; which was ordered to lie on the table; as follows:

At the end of subsection A of title X, add the following:

SEC. 2932. TECHNICAL CORRECTION TO WITHDRAWAL OF PUBLIC LAND AUTHORITY, LIMESTONE HILLS TRAINING AREA, MONTANA.


SA 1078. Mr. PORTMAN (for himself, Mr. BENNET, and Mrs. SHAHEEN) submitted an amendment intended to be proposed to amendment SA 1003 proposed by Mr. McCaIN (for himself and Mr. REED) to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 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; which was ordered to lie on the table; as follows:

In the funding table in section 4601, in the item relating to Washington Navy Yard AT/ FP Land Acquisition, increase the amount in the Senate Authorized column by $60,000,000.

In the funding table in section 4601, in the item relating to Subtotal Mil Con, Navy, increase the amount in the Senate Authorized column by $60,000,000.

In the funding table in section 4601, in the item relating to Total Military Construction, increase the amount in the Senate Authorized column by $60,000,000.

In the funding table in section 4601, in the item relating to Total Military Construction, Defense, Housing, and BRAC, increase the amount in the Senate Authorized column by $60,000,000.

SA 1079. Ms. BALDWIN submitted an amendment intended to be proposed to amendment SA 1003 proposed by Mr. McCaIN (for himself and Mr. REED) to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 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; which was ordered to lie on the table; as follows:

At the end of part II of subtitle C of title VI, add the following:

SEC. 2933. CREDIT TOWARD COMPUTATION OF YEAR- END SURPLUS FOR NONREGULAR SERVICE RETIRED PAY UPON COMPLETION OF REMOTELY DELIVERED MILITARY EDUCATION OR TRAINING.

The Secretary of Defense, in determining the amount available to such agency or organization for the fiscal year in which the determination is made shall be equal to—

(A) the amount authorized to be appropriated for such agency or organization for such fiscal year;

(B) the lesser of—

(i) an amount equal to 0.5 percent of the amount described in clause (i); or

(ii) $100,000,000; and

The Secretary shall deposit in the Fund pursuant to subsection (b)(2) all amounts unappropriated to agencies or organizations of the Department in the fiscal year pursuant to determinations made under subparagraph (A).

SA 1080. Mr. PERDUE (for himself, Mr. WYDEN, and Mr. SANDERS) submitted an amendment intended to be proposed to amendment SA 1003 proposed by Mr. McCaIN (for himself and Mr. REED) to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 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; which was ordered to lie on the table; as follows:

At the end of subtitle A of title X, add the following:

SEC. 2934. FINANCIAL AUDIT FUND.

(a) IN GENERAL.—The Department of Defense does not obtain a qualified audit opinion on its full financial statements for fiscal year 2020 by March 31, 2021, the Secretary of Defense shall establish a fund to be known as the ‘‘Financial Audit Fund’’ (in this section referred to as the ‘‘Fund’’) for the purpose of activities for the resolution of Notices of Findings and Recommendations received.

(b) ELEMENTS.—Amounts in the Fund shall include the following:

(1) Amounts appropriated to the Fund.

(2) Amounts transferred to the Fund under subsection (d).

(3) Any other amounts authorized for transfer or deposit into the Fund by law.

(c) AVAILABILITY.—

(1) IN GENERAL.—Amounts in the Fund shall be available for activities for the resolution of Notices of Findings and Recommendations received.

(2) TRANSFERS FROM FUND.—Amounts in the Fund may be transferred to any other account of the Department in order to fund activities described in paragraph (1). Any amounts transferred from the Fund to an account shall be merged with amounts in the account to which transferred and shall be available subject to the same terms and conditions as amounts in such account. The authority to transfer amounts under this paragraph is in addition to any other authority of the Secretary to transfer amounts by law.

(3) LIMITATIONS.—Amounts in the Fund may be transferred under this subsection in a fiscal year only to agencies and organizations 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; which was ordered to lie on the table; as follows:

At the appropriate place in title XXVIII, insert the following:

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At the end of subtitile G of title XII, add the following:

SEC. ... LIMITATION ON REFUELING OF AIRCRAFT OF SAUDI ARABIA FOR OPERATIONS IN YEMEN. 

(a) IN GENERAL.—None of the funds authorized to be appropriated by this Act may be obligated or expended for the refueling of aircraft owned by the Government of Saudi Arabia for operations in Yemen until 14 days after the date on which the Secretary of State, in coordination with the Administrator of the United States Agency for International Development, submits to the appropriate committees of Congress and the Comptroller General of the United States a certification described in subsection (b), together with a detailed justification for the certification.

(b) CERTIFICATION DESCRIBED.—A certification described in this subsection is a certification as follows:

(1) That the Government of Saudi Arabia is complying fully with its obligations in Yemen under each of the following:

(A) Customary international law rule 55.

(B) Articles 14 and 18 of the Additional Protocol (II) to the Geneva Conventions of August 12, 1949.

(2) That the Government of Saudi Arabia is facilitating the delivery and installation of cranes to the port of Hodeidah that will expedite the delivery of humanitarian assistance.

(c) COMPTROLLER GENERAL REPORT.—Not later than 60 days after the submittal of the certification described in subsection (b), the Comptroller General shall submit to the appropriate committees of Congress a report assessing whether the conclusions in the certification are fully supported, and the justification for the certification pursuant to subsection (a) is sufficiently detailed, and identifying whether any shortcomings, limitations, or other reportable matters exist that affect the quality of the certification.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ‘‘appropriate committees of Congress’’ means:

(1) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

SA 1082. Mr. STRANGE (for himself, Mr. PETERS, Mr. BERNSTEIN, and Ms. BOST) submitted an amendment intended to be proposed to amendment SA 1003 proposed by Mr. MCCAIN (for himself and Mr. REED) to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Energy, 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; which was ordered to lie on the table; as follows:

At the end of section 821, add the following:

(c) GOVERNMENT ACCOUNTABILITY OFFICE REPORT ON FRIVOLOUS BID PROTEST STANDARD.—Not later than 180 days after the date on which the bill is enacted into law, the Comptroller General of the United States shall submit to Congress a report explaining how the Government Accountability Office interpreted subsection (a) of section 230(a)(2) of title 10, United States Code, as added by subsection (a), and, if warranted, providing recommendations on how to amend section 230(a)(2) to make sure all relevant qualitative and quantitative factors are taken into account.

SA 1084. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 1003 proposed by Mr. MCCAIN (for himself and Mr. REED) to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 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; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ... ELIMINATION OF BREACH SEQUESTRATION. 

Section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ‘‘Within’’ and inserting ‘‘Subject to subsection (d), within’’;

(B) in paragraph (2), by striking ‘‘Each’’ and inserting ‘‘Subject to subsection (d), each’’;

(C) in paragraph (4), in the matter preceding subtitle ‘‘If’’ in inserting ‘‘Subject to subsection (d), if’’;

(D) in paragraph (5), by striking ‘‘If’’ and inserting ‘‘Subject to subsection (d), if’’;

(E) in paragraph (6), by striking ‘‘If’’ and inserting ‘‘Subject to subsection (d), if’’;

and (2) by adding at the end the following:

(d) EXEMPTION OF REVISED SECURITY CATEGORY FROM SEQUESTRATION.—

‘‘(1) IN GENERAL.—For fiscal year 2018, and each fiscal year thereafter, if there is a breach within the revised security category—

‘‘(A) there shall not be a sequestration within the revised security category; and

‘‘(B) there shall be a sequestration within the revised nonsecurity category in the amount necessary to eliminate the breach within the revised security category.

‘‘(2) ELIMINATION OF BREACH.—Any sequestration of the revised nonsecurity category under this subsection shall be implemented in accordance with subsection (a), as if the amount of the breach were a breach within the revised nonsecurity category.’’.

SA 1085. Mr. CORSKIER submitted an amendment intended to be proposed to amendment SA 1003 proposed by Mr. MCCAIN (for himself and Mr. REED) to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 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; which was ordered to lie on the table; as follows:

In the funding table in section 4101, in the item relating to Littoral Combat Ship, increase the amount in the Senate Authorized column by $600,000,000.

SA 1086. Mr. STRANGE (for himself, Mr. PETERS, Ms. STabenow, and Ms. BOS) submitted an amendment intended to be proposed to amendment SA 1003 proposed by Mr. MCCAIN (for himself and Mr. REED) to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 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; which was ordered to lie on the table; as follows:

In the funding table in section 4101, in the item relating to Littoral Combat Ship, increase the amount in the Senate Authorized column by $600,000,000.
At the end of title XVI, add the following:

**Subtitle F—Cyber Scholarship Opportunities**

SEC. 1661. SHORT TITLE.

This subtitle may be cited as the “Cyber Scholarship Opportunities Act of 2017.”

SEC. 1662. COMMUNITY COLLEGE CYBER PILOT PROGRAM AND ASSESSMENT.

(a) PILOT PROGRAM.—Not later than 1 year after the date of enactment of this subtitle, as part of the Federal Cybersecurity-for-Servicemen program established under section 302 of the Cybersecurity Enhancement Act of 2014 (15 U.S.C. 7442), the Director of the National Science Foundation, in coordination with the Director of the Office of Personnel Management, shall develop and implement a pilot program not more than 10, but at least 5, community colleges to provide scholarships to eligible students who—

(1) are pursuing associate degrees or specializations in cybersecurity; and

(2)(A) have bachelor’s degrees; or

(B) are veterans of the armed forces.

(b) ASSESSMENT.—Not later than 1 year after the date of enactment of this subtitle, as part of the Federal Cybersecurity-for-Servicemen program established under section 302 of the Cybersecurity Enhancement Act of 2014 (15 U.S.C. 7442), the Director of the National Science Foundation, in coordination with the Director of the Office of Personnel Management, shall assess the potential benefits and feasibility of providing scholarships through community colleges to eligible students who are pursuing associate degrees, but do not have bachelor’s degrees.

SEC. 1663. FEDERAL CYBER SECURITY-FOR-TEACHER SCHOLARSHIP PROGRAM UPDATES.

(a) IN GENERAL.—Section 302 of the Cybersecurity Enhancement Act of 2014 (15 U.S.C. 7442) is amended—

(1) by striking subsection (b)(3) and inserting the following:

“(3) prioritize the employment placement of at least 50 percent of scholarship recipients in an executive appointment (as defined in section 105 of title 5, United States Code); and

(2) by amending subsection (d) to read as follows:

“(d) POST-AWARD EMPLOYMENT OBLIGATIONS.—Each scholarship recipient, as a condition of receiving a scholarship under the program, shall enter into an agreement under which the recipient agrees to work for a period equal to the length of the scholarship, following receipt of the student’s degree, in the cybersecurity mission of—

(1) an executive agency (as defined in section 105 of title 5, United States Code);

(2) Congress, including any agency, entity, office, or commission established in the legislative branch;

(3) an interstate agency;

(4) a State, local, or tribal government; or

(5) a State, local, or tribal government-affiliated non-profit organization considered to be critical infrastructure (as defined in section 101(e) of the USA Patriot Act (42 U.S.C. 15601(e))).

(3) in subsection (f)—

(A) by amending paragraph (3) to read as follows:

“(3) (A) placement rates; and

(B) where students are placed, including job titles and descriptions;

(4) the student salary ranges for students not released from obligations under section 302 of the Cybersecurity Enhancement Act of 2014 (15 U.S.C. 7442); and

(G) how long after graduation they are placed;

(E) how long they stay in the positions they enter upon graduation;

(F) how many students are released from obligations; and

(G) what, if any, remedial training is required.

(2) REPORTS.—The Director of the National Science Foundation, in coordination with the Office of Personnel Management, shall submit, at least once every 3 years, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report, including the results of the evaluation under paragraph (1) and any recent statistics regarding the size, composition, and educational requirements of the Federal cyber workforce.

(3) RESOURCES.—The Director of the National Science Foundation, in coordination with the Office of Personnel Management, shall provide consolidated and user-friendly online resources for prospective scholarship recipients, including, to the extent practicable—

(A) searchable, up-to-date, and accurate information about participating institutions of higher education and job opportunities related to the field of cybersecurity; and

(B) a modernized description of cybersecurity careers.”.

At the appropriate place, insert the following:

“Mr. KAINE (for himself, Mr. MERKLEY, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 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; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. 1664. CYBERSECURITY TEACHING.**

Subtitle G of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n–1(i)) is amended—

(1) by amending paragraph (5) to read as follows:

“(5) the term ‘mathematics and science teacher’ means a science, technology, engineering, mathematics, or computer science, instruction teacher at the elementary school or secondary school level’’; and
(2) by amending paragraph (7) to read as follows:

"(7) the term ‘science, technology, engineering, or mathematics professional’ means an individual who holds a baccalaureate, master’s, or doctoral degree in science, technology, engineering, mathematics, or computer science, including cybersecurity, and is working in or has worked in a career in such field or a related area; and"

SA 1090. Mr. CORTEZ MASTO submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy. To provide the military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title V, add the following:

SEC. 4. MODIFICATION OF DEAN JOHN A. KNAUSS MARINE POLICY FELLOWSHIP.

(a) In General.—Section 208(b) (33 U.S.C. 1127(b)) is amended by striking "may" and inserting "shall".

(b) PLACEMENTS IN CONGRESS.—Such section is further amended—

(1) in the first sentence, by striking "The Secretary" and inserting the following:

"(1) In General.—The Secretary";

and

(2) in paragraph 11, by striking "and the second sentence, by striking "A fellowship" and inserting the following:

"(2) PLACEMENT PRIORITIES.—

(A) In General.—In each year in which the Secretary awards a fellowship under this subsection, when considering the placement of fellows, the Secretary shall prioritize placement of fellows in the following:

(i) Positions in offices of, or with Members on, committees of Congress that have jurisdiction over the National Oceanic and Atmospheric Administration;

(ii) Positions in offices of Members of Congress that have a demonstrated interest in oceans, coasts, and related resources;

(B) EQUITABLE DISTRIBUTION.—In placing fellows in offices described in subparagraph (A), the Secretary shall ensure that placements are equitably distributed among the political parties.

(3) DURATION.—A fellowship.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the first calendar year beginning after the date of the enactment of this Act.

(d) SENSE OF CONGRESS RELATING TO FELLOWS.—In the sense of Congress that in recognition of the competitive nature of the fellowship under section 208(b) of the National Sea Grant College Program Act (33 U.S.C. 1127(b)), and of the exceptional qualifications of fellowship awardees, the Secretary of Commerce, acting through the Under Secretary of Commerce for Oceans and Atmosphere, should encourage participating Federal agencies to consider opportunities for fellowship awardees at the conclusion of their fellowships for workforce positions appropriate for their education and experience.

SEC. 5. MODIFICATION OF ELEMENTS OF NATIONAL SEA GRANT COLLEGE PROGRAM.

(a) In general.—Section 204(b) (33 U.S.C. 1123(b)) is amended, in the matter preceding paragraph (1), by inserting "for research, education, extension, training, technology, and service programs" after "financial assistance".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to the first calendar year beginning after the date of the enactment of this Act.

SEC. 6. DIRECT HIRE AUTHORITY; DEAN JOHN A. KNAUSS MARINE POLICY FELLOWSHIP.

(a) In general.—Section 204(c)(4)(E) (33 U.S.C. 1123(c)(4)(E)) is amended to read as follows:

"(E) accept donations of money and, notwithstanding section 1342 of title 31, United States Code, of voluntary and uncompensated services;".

(b) PRIORITIES.—The Secretary of Commerce, acting through the Under Secretary of Commerce for Oceans and Atmosphere, shall establish priorities for the use of donations accepted under section 204(c)(4)(E) of the National Sea Grant College Program Act (33 U.S.C. 1123(c)(4)(E)), and shall consider among those priorities the possibility of expanding the Dean John A. Knauss Marine Policy Fellowship. of additional fellows in relevant legislative offices under section 208(b) of that Act (33 U.S.C. 1127(b)), in accordance with the recommendations under such section as provided in subparagraph (C) of report. —Not later than 180 days after the date of the enactment of this Act, the Director of the National Sea Grant College Program shall, in consultation with the National Sea Grant Advisory Board and the Sea Grant Association, shall—

(1) develop recommendations for the optimal use of any donations accepted under section 204(c)(4)(E) of the National Sea Grant College Program Act (33 U.S.C. 1123(c)(4)(E)); and

(2) submit to Congress a report on the recommendations developed under paragraph (1).

(d) CONSTRUCTION.—Nothing in this section shall be construed to limit or otherwise affect any other amounts available for marine policy fellowships under section 208(b) of the National Sea Grant College Program Act (33 U.S.C. 1127(b)), including amounts—

(1) accepted under section 204(c)(4)(F) of that Act (33 U.S.C. 1123(c)(4)(F)); and

(2) appropriated pursuant to the authorization of appropriations under section 212 of that Act (33 U.S.C. 1131).

SEC. 7. DESIGNATION OF NEW NATIONAL SEA GRANT COLLEGES AND SEA GRANT INSTITUTES.

(a) In general.—Section 207(b) (33 U.S.C. 1126(b)) is amended—

(1) in the subsection heading, by striking "EXISTING DESIGNERS" and inserting "ADDITIONAL DESIGNATIONS"; and

(2) by striking "Any institution" and inserting the following:

"(1) NOTIFICATION TO CONGRESS OF DESIGNATION.—

(A) IN GENERAL.—Not less than 30 days before designating an institution, an association or alliance of two or more such institutions, as a sea grant college or sea grant institute under subsection (a), the Secretary shall notify Congress in writing of the proposed designation. The notification shall include an evaluation and justification for the designation.

(B) EFFECT OF JOINT RESOLUTION OF DISAPPROVAL.—The Secretary may not designate an institution, or an association or alliance of two or more such institutions, as a sea grant college or sea grant institute under subsection (a) if, before the end of the 30-day period described in subparagraph (A), a joint resolution disapproving the designation is enacted.

(C) EXISTING DESIGNERS.—Any institution.

SEC. 8. DIRECT HIRE AUTHORITY; DEAN JOHN A. KNAUSS MARINE POLICY FELLOWSHIP.
Federal agency for which the candidate meets Office of Personnel Management qualification standards.

(b) DEAN JOHN A. KNAUSS MARINE POLICY FELLOWSHIP—Subsection (a) applies with respect to a former recipient of a Dean John A. Knauss Marine Policy Fellowship under section 208(b) of the National Sea Grant College Program Act (33 U.S.C. 1127(b)) who—

(1) earned a graduate or post-graduate degree in a field related to ocean, coastal, and Great Lakes resources or policy from an accredited institution of higher education; and

(2) successfully fulfilled the requirements of the fellowship within the executive or legislative branch of the United States Government.

(c) LIMITATION.—The direct hire authority under this section shall be exercised with respect to a specific qualified candidate not later than 2 years after the date that the candidate completed the fellowship described in subsection (b).

SEC. 9. AUTHORIZATION OF APPROPRIATIONS FOR NATIONAL SEA GRANT COLLEGE PROGRAM.

(a) In General.—Section 212(a) (33 U.S.C. 1131(a)) is amended—

(1) by amending paragraph (1) to read as follows:

"(1) In general.—There are authorized to be appropriated to the Secretary to carry out this title—"

(A) $75,600,000 for fiscal year 2017;

(B) $80,300,000 for fiscal year 2018;

(C) $83,350,000 for fiscal year 2019;

(D) $87,520,000 for fiscal year 2020;

(E) $91,900,000 for fiscal year 2021; and

(F) $95,500,000 for fiscal year 2022; ";

and

(2) by amending paragraph (2) to read as follows:

"(2) Priority activities for fiscal years 2017 through 2022.—In addition to the amounts authorized to be appropriated under paragraph (1), there are authorized to be appropriated $6,000,000 for each of fiscal years 2017 through 2022 for competitive grants for the following:

(A) University research on the biology, prevention, and control of aquatic nonnative species.

(B) University research on oyster diseases, oyster restoration, and oyster-related human health risks.

(C) University research on the biology, prevention, and forecasting of harmful algal blooms.

(D) University research, education, training, and extension services and activities focused on coastal resilience and United States working waterfronts and other regional or national priority issues identified in the strategic plan under section 204(c)(1).

(E) University research and extension on sustainable aquaculture techniques and technologies.

(F) Fishery research and extension activities conducted by sea grant colleges or sea grant institutes to enhance, and not supplant, program funding.";

(b) Modification of Limitations on Amounts for Administration.—Paragraph (1) of section 212(b) (33 U.S.C. 1131(b)) is amended to read as follows:

"(1) Administration.—"

"(A) In general.—There may not be used for administration of programs authorized under this title in a fiscal year more than 5.5 percent of the lesser of—"

(i) the amount authorized to be appropriated under this title for the fiscal year; or

(ii) the amount appropriated under this title for the fiscal year;"

"(B) Critical staff requirements.—"

"(i) In general.—The Director shall use the amount authorized in chapter VI of chapter 33 of title 5, United States Code, and under section 210 of this title, to meet any critical staffing requirement while carrying out the activities authorized under this title.

"(ii) Exception from cap.—For purposes of subparagraph (A), any costs incurred as a result of authority as described in clause (i) shall not be considered an amount used for administration of programs under this title in a fiscal year.

(c) Allocation of funds.—

(1) In general.—Section 204(d)(3) (33 U.S.C. 1123(d)(3)) is amended—

(A) In the matter preceding subparagraph (A), by striking "With respect to sea grant colleges and sea grant institutes" and inserting "With respect to sea grant colleges, sea grant institutes, sea grant programs, and sea grant projects;"

(B) in subparagraph (B), in the matter preceding clause (i), by striking "funding among sea grant colleges and sea grant institutes" and inserting "funding among sea grant colleges, sea grant institutes, sea grant programs, and sea grant projects;"

(2) repeal of requirements concerning distribution of excess amounts.—Section 212 (33 U.S.C. 1131) is amended—

(A) by striking subsection (c); and

(B) by redesignating subsections (d) and (e) as subsections (d) and (e), respectively.

SEC. 10. TECHNICAL CORRECTIONS.

The National Sea Grant College Program Act (33 U.S.C. 1121 et seq.) is amended—

(1) in section 204(d)(3) (33 U.S.C. 1123(d)(3)), by moving clause (v) 2 ems to the right; and

(2) in section 209(b)(2) (33 U.S.C. 1128(b)(2)), as amended by section 6, in the third sentence, by striking "The Secretary shall" and inserting the following:

"(3) Availability of resources of Department of Commerce.—The Secretary shall".

AUTHORITY FOR COMMITTEES TO MEET

Mr. MCCONNELL. Mr. President, I have 7 requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority leaders.

The Committee on Agriculture, Nutrition, and Forestry is authorized to meet during the session of the Senate on Thursday, September 14, 2017 at 9:30 a.m., in 216 Hart Senate Office Building, in order to conduct a hearing entitled "Nutrition Programs: Perspectives for the 2018 Farm Bill.

Mr. WICKER. Pursuant to the provisions of Section XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

The Committee on Agriculture, Nutrition, and Forestry is authorized to meet during the session of the Senate on Thursday, September 14, 2017 at 9:30 a.m., in 216 Hart Senate Office Building, in order to conduct a hearing entitled "Nutrition Programs: Perspectives for the 2018 Farm Bill.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

The Committee on Banking, Housing, and Urban Affairs is authorized to meet during the session of the Senate on Thursday, September 14, 2017 at 10 a.m. to conduct a hearing entitled, "Examining the Committee on Foreign Intelligence is authorized to meet during the session of the 115th Congress of the U.S. Senate on Thursday, September 14, 2017, at 10 a.m. in order to conduct a hearing titled "FCC's Lifeline Program: A Case Study of Government Waste and Mismanagement."

COMMITTEE ON INTELLIGENCE

The Senate Select Committee on Intelligence is authorized to meet during the session of the 115th Congress of the U.S. Senate on Thursday, September 14, 2017, from 9:30 a.m., in an offsite secure location to hold a closed Member briefing.

NATIONAL SEA GRANT COLLEGE PROGRAM AMENDMENTS ACT OF 2017

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 26, S. 129.

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

The senior assistant legislative clerk read as follows:

A bill (S. 129) to reauthorize and amend the National Sea Grant College Program Act, and for other purposes.

There being no objection, the bill was read a third time.

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

The amendment (No. 1091) in the nature of a substitute was agreed to.

The amendment (printed in today's RECORD under "Text of Amendments.") was ordered to be engrossed for a third reading and was read the third time.

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

The PRESIDING OFFICER. Is there further debate on the bill?

Hearing none, the bill having been read the third time, the question is, Shall it pass?
The bill (S. 129), as amended, was passed.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the motion to reconsider be considered made and laid upon the table.

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

JOBS FOR OUR HEROES ACT

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 202, S. 1393.

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

The senior assistant legislative clerk read as follows:

A bill (S. 1393) to streamline the process by which active duty military, reservists, and veterans receive commercial driver's licenses.

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

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed and the motion to reconsider be considered made and laid upon the table.

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

The bill (S. 1393) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1393

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Jobs for Our Heroes Act”.

SEC. 2. MEDICAL CERTIFICATE FOR VETERANS OPERATING COMMERCIAL MOTOR VEHICLES

(a) QUALIFIED EXAMINERS.—Section 5403(d)(2) of the FAST Act (49 U.S.C. 31149 note; 129 Stat. 1548) is amended to read as follows:

“(2) QUALIFIED EXAMINER.—The term ‘qualified examiner’ means an individual who—

“(A) is an employee of the Department of Veterans Affairs as an advance practice nurse, doctor of chiropractic, doctor of medicine, doctor of osteopathy, physician assistant, or other medical professional;

“(B) is licensed, certified, or registered in a State to perform physical examinations;

“(C) is familiar with the standards for, and physical requirements of, an operator required to be medically certified under section 31310 of title 49, United States Code; and

“(D) has never, with respect to such section, been found to have acted fraudulently, including by fraudulently awarding a medical certificate.”.

(b) CONFORMING AMENDMENTS.—Section 5403 of the FAST Act (49 U.S.C. 31149 note; 129 Stat. 1548) is amended—

(1) in subsection (a), by striking “physician-approved veteran operator, the qualified physician and inserting “veteran operator approved by a qualified examiner, the qualified examiner”; and

(2) in subsection (b)(1)—

(A) by striking “physician” and inserting “the examiner”; and

(B) by striking “qualified physician” and inserting “qualified examiner”;

and

(1) by striking “such physicians” and inserting “such examiners”; and

(4) in subsection (d)—

(A) by redesignating paragraphs (1), (2), and (3) as paragraphs (2), (1), and (2), respectively, and by moving the text of paragraph (3), as redesignated, to appear after paragraph (2), as redesignated; and

(B) in paragraph (2)(B), as redesignated—

(i) in the heading, by striking “PHYSICIAN-APPROVED VETERAN OPERATOR” and inserting “VETERAN OPERATOR APPROVED BY A QUALIFIED EXAMINER”; and

(ii) by striking “physician-approved veteran operator and inserting “veteran operator approved by a qualified examiner.”

(c) RULEMAKING.—The amendments made by this section shall be incorporated into any rulemaking proceeding related to section 5403 of the FAST Act (49 U.S.C. 31149 note; 129 Stat. 1548) that is being conducted as of the date of the enactment of this Act.

SEC. 3. COMMERCIAL DRIVER’S LICENSE STANDARDS FOR CURRENT AND FORMER MEMBERS OF THE ARMED FORCES

Section 31305(d) of title 49, United States Code, is amended—

(1) in the heading, by striking “VETERAN OPERATORS” and inserting “OPERATORS WHO ARE Members of the Armed Forces, Reservists, or Veterans”;

(2) in paragraph (2) of the term “paragraph (A) during, at least,” and inserting “paragraph (A)—

“(1) while serving in the armed forces or reserve components; and

“(11) during”;

and

(3) in paragraph (2)(B)—

(A) by inserting “current or” before “former” each place it appears; and

(B) by inserting “one of” before “the reserve components”.

NO HUMAN TRAFFICKING ON OUR ROADS ACT

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 203, S. 1532.

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

The senior assistant legislative clerk read as follows:

A bill (S. 1532) to disqualify from operating a commercial motor vehicle for life an individual who uses a commercial motor vehicle in committing a felony involving human trafficking.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Combating Human Trafficking in Commercial Vehicles Act”.

SEC. 2. HUMAN TRAFFICKING PREVENTION COORDINATOR.

The Secretary of Transportation shall designate an official within the Department of Transportation who shall—

(1) coordinate human trafficking prevention efforts acrossmodal administrations in the Department of Transportation and with other departments and agencies of the Federal Government; and

(2) in coordinating such efforts, take into account the unique challenges of combating human trafficking within different transportation modes.

SEC. 3. EXPANSION OF OUTREACH AND EDUCATION PROGRAM.

Section 31106(c)(1) of title 49, United States Code, is amended by adding at the end the following: “The program authorized under this subsection may support, in addition to funds otherwise available for such purposes, the recognition, prevention, and reporting of human trafficking, while deferring to existing resources, as practicable.”

SEC. 4. EXPANSION OF COMMERCIAL DRIVER’S LICENSE FINANCIAL ASSISTANCE PROGRAM.

Section 31113(a)(3) of title 49, United States Code, is amended—

(1) in subparagraph (D), by striking “or” at the end;

(2) by redesigning subparagraph (E) as subparagraph (F); and

(3) by inserting after subparagraph (D) the following:

“(E) in addition to funds otherwise available for such purposes, the recognition, prevention, and reporting of human trafficking; or”.

COMBATING HUMAN TRAFFICKING IN COMMERCIAL VEHICLES ACT

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 204, S. 1536.

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

The senior assistant legislative clerk read as follows:

A bill (S. 1536) to designate a human trafficking prevention coordinator and to expand the scope of activities authorized under the Federal Motor Carrier Safety Administration’s outreach and education program to include human trafficking prevention activities, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Combating Human Trafficking in Commercial Vehicles Act”.

SEC. 2. LIFETIME DISQUALIFICATION WITHOUT REINSTATEMENT.

Section 31103(d) of title 49, United States Code, is amended—

(1) by striking “or” and inserting “or” at the end;

(2) by striking “The Secretary” and inserting “(1) CONTROLLED SUBSTANCE VIOLATIONS” and insert-
(a) ESTABLISHMENT.—The Secretary shall establish an advisory committee on human trafficking.

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Committee shall be composed of not more than 15 external stakeholders whose diverse experience and background enable them to provide balanced points of view with regard to carrying out the duties of the Committee.

(2) SELECTION.—The Secretary shall appoint the external stakeholders to the Committee, including representatives from—

(A) trafficking advocacy organizations;

(B) law enforcement; and

(C) trucking, bus, rail, aviation, maritime, and port sectors, including industry and labor.

(3) PERIODS OF APPOINTMENT.—Members shall be appointed for the life of the Committee.

(4) VACANCIES.—A vacancy in the Committee shall be filled in the manner in which the original appointment was made and shall not affect the powers or duties of the Committee.

(5) COMPENSATION.—Committee members shall serve without compensation.

(c) AUTHORITY.—Not later than 9 months after the date of enactment of this Act, the Secretary shall establish and appoint all members of the Committee.

(d) DUTIES.—

(1) RECOMMENDATIONS FOR THE DEPARTMENT OF TRANSPORTATION.—Not later than 18 months after the date of enactment of this Act, the Committee shall make recommendations to the Secretary of Transportation that the Department can take to help combat human trafficking, including the development and implementation of—

(A) successful strategies for identifying and reporting instances of human trafficking; and

(B) recommendations for administrative or legislative changes necessary to use programs, properties, or other resources owned, operated, or funded by the Department to combat human trafficking.

(2) BEST PRACTICES AND RECOMMENDATIONS.—

(A) IN GENERAL.—The Committee shall develop recommended best practices for States and local transportation stakeholders to follow in combatting human trafficking.

(B) DEVELOPMENT.—The best practices shall be based on interdisciplinary research and promising, evidence-based models and programs.

(C) CONTENT.—The best practices shall be user-friendly, incorporate the most up-to-date techniques, and include the following:

(i) Sample training materials.

(ii) Strategies to identify victims.

(iii) Sample protocols and recommendations, including—

(I) strategies to collect, document, and share data across systems and agencies;

(II) strategies to help agencies better understand the types of trafficking involved, the scope of the problem, and the degree of victim interaction with multiple systems; and

(III) strategies to identify effective pathways for State agencies to utilize their position in educating critical stakeholder groups and assisting victims.

(D) FORMING STATES BEST PRACTICES.—The Secretary shall ensure that State Governors and State departments of transportation are notified of the best practices and recommendations.

(e) REPORTS.—Not later than 2 years after the date of enactment of this Act, the Secretary shall—

(i) submit a report on the actions of the Committee described in subsection (d) to—

(A) the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Transportation and Infrastructure of the House of Representatives; and

(ii) make the report under paragraph (1) publicly available both physically and online.

(f) DEFINITIONS.—In this section:

(1) COMMITTEE.—The term “Committee” means the Department of Transportation Advisory Committee on Human Trafficking established under subsection (a).

(2) HUMAN TRAFFICKING.—The term “human trafficking” means the offense described in paragraph (9) or paragraph (10) of section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102).

(3) SECRETARY.—The term “Secretary” means the Secretary of Transportation.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the committee-reported substitute amendment be considered and agreed to, the bill, as amended, be considered read a third time and passed, and the motion to reconsider be considered made and laid upon the table.

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

The committee-reported amendment in the nature of a substitute was agreed to.

The bill (S. 1536), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

RESOLUTIONS SUBMITTED TODAY

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to consider the resolutions en bloc.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, and the motions to reconsider be considered made and laid upon the table.

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

The resolutions were agreed to.

The resolutions, with their preambles, are printed in today’s Record under “Submitted Resolutions.”

ORDERS FOR MONDAY.

SEPTEMBER 18, 2017

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 3 p.m., Monday, September 18, 2017, further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; finally, that following leader remarks, the Senate resume consideration of H.R. 2019, as under the previous order.

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

NOMINATIONS

Executive nominations received by the Senate:

FARM CREDIT ADMINISTRATION

GLEN R. SMITH, OF IOWA, TO BE A MEMBER OF THE FARM CREDIT ADMINISTRATION BOARD, FARM CREDIT ADMINISTRATION. FOR A TERM EXPIRING MAY 23, 2022. VICE KENNETH ALBRIGHT SPEARMAN, TERM EXPIRED.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

BRIAN D. MONTGOMERY, OF TEXAS, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT. VICE CAROL J. GALANTE.

DEPARTMENT OF COMMERCE

WALTER C. COPAN, OF ALABAMA, TO BE UNDER SECRETARY OF COMMERCE FOR STANDARDS AND TECHNOLOGY. VICE WILLIE R. MAY, RESIGNED.

DEPARTMENT OF JUSTICE

MATTHEW G. T. MARTIN, OF NORTH CAROLINA, TO BE UNITED STATES ATTORNEY FOR THE MIDDLE DISTRICT OF NORTH CAROLINA FOR THE TERM OF FOUR YEARS. VICE BLEEFIELD HARDY, RESIGNED.

MICHAEL R. STUART, OF WEST VIRGINIA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF WEST VIRGINIA FOR THE TERM OF FOUR YEARS. VICE R. BOOTH GOODWIN, II, RESIGNED.

FEDERAL ELECTION COMMISSION

JAMES E. TRAINTER III, OF TEXAS, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION FOR A TERM EXPIRING NOVEMBER 30, 2021. VICE MATTHEW S. PITTMAN, TERM EXPIRED.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 14, 2017:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PAMELA R. HUGHES FATEMAUDI, OF NEW HAMPSHIRE, TO BE DEPUTY SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

DEPARTMENT OF JUSTICE

PETER E. DEEDEN, JR., OF IOWA, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF IOWA FOR THE TERM OF FOUR YEARS. VICE MARK SCHWALBACH, TERM EXPIRED.

MICHAEL R. STUART, OF WEST VIRGINIA, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF IOWA FOR THE TERM OF FOUR YEARS. VICE R. BOOTH GOODWIN, II, RESIGNED.

FEDERAL ELECTION COMMISSION

MARC J. KEREKULAM, OF IOWA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF IOWA FOR THE TERM OF FOUR YEARS. VICE R. BOOTH GOODWIN, II, RESIGNED.

LOUIS V. FRANKLIN, SR., OF ALABAMA, TO BE UNITED STATES ATTORNEY FOR THE MIDDLE DISTRICT OF ALABAMA FOR THE TERM OF FOUR YEARS. VICE JESSIE K. LUI, OF VIRGINIA, TO BE UNITED STATES ATTORNEY FOR THE MIDDLE DISTRICT OF ALABAMA FOR THE TERM OF FOUR YEARS.

WALTER G. COPAN, OF COLORADO, TO BE UNDER SECRETARY OF COMMERCE FOR STANDARDS AND TECHNOLOGY. VICE CAROL J. GALANTE, RESIGNED.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

RICHARD W. MOORE, OF ALABAMA, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF ALABAMA FOR THE TERM OF FOUR YEARS. VICE JESSIE K. LUI, OF VIRGINIA, TO BE UNITED STATES ATTORNEY FOR THE MIDDLE DISTRICT OF IOWA FOR THE TERM OF FOUR YEARS.

GLEN R. SMITH, OF IOWA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF IOWA FOR THE TERM OF FOUR YEARS. VICE R. BOOTH GOODWIN, II, RESIGNED.

DEPARTMENT OF COMMERCE

MARK D. DEAN, OF IDAHO, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF IDAHO FOR THE TERM OF FOUR YEARS.

LOUIS V. FRANKLIN, SR., OF ALABAMA, TO BE UNITED STATES ATTORNEY FOR THE MIDDLE DISTRICT OF ALABAMA FOR THE TERM OF FOUR YEARS.

DEPARTMENT OF JUSTICE

RICHARD W. MOORE, OF ALABAMA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF IDAHO FOR THE TERM OF FOUR YEARS.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

JESSIE K. LUI, OF VIRGINIA, TO BE UNITED STATES ATTORNEY FOR THE MIDDLE DISTRICT OF IOWA FOR THE TERM OF FOUR YEARS.

DEPARTMENT OF COMMERCE

RUSSELL M. COLEMAN, OF KENTUCKY, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF KENTUCKY FOR THE TERM OF FOUR YEARS.


WALTER G. COPAN, OF COLORADO, TO BE UNDER SECRETARY OF COMMERCE FOR STANDARDS AND TECHNOLOGY. VICE CAROL J. GALANTE, RESIGNED.

DEPARTMENT OF JUSTICE

FEDERAL ELECTION COMMISSION

UNITED STATES ATTORNEY FOR THE DISTRICT OF KENTUCKY FOR THE TERM OF FOUR YEARS.


UNITED STATES ATTORNEY FOR THE DISTRICT OF KENTUCKY FOR THE TERM OF FOUR YEARS.


UNITED STATES ATTORNEY FOR THE DISTRICT OF KENTUCKY FOR THE TERM OF FOUR YEARS.

WITHDRAWAL

Executive Message transmitted by the President to the Senate on September 14, 2017 withdrawing from further Senate consideration the following nomination: