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Senate

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:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 14, 2017.

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

Burmese military. According to the Burmese Constitution, the Army is essentially autonomous, and it has control on the ground of the Rohingya situation.

Unfounded criticism of Suu Kyi exaggerates her ability to command the military, 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-on briefing 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 hold another in 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 American 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 they want to, and individuals can have access to more opportunities to buy a new home, to start a new business, or to send their kids to college. To put it simply: Our efforts are about more jobs, more opportunity, and more money in the pockets of the middle class.

Without tax reform, American families will be forced to continue living under an unfair Tax Code with rates that are too high, American jobs will continue to be shipped overseas, and small businesses will be increasingly uncompetitive 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 today.

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 through 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 what 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—taking people's property—and, apparently, it is not being paid for by Mexico. In fact, I listened to FOX News this morning—I am 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

also promised that Mexico would pay for it. Where is Mexico? It has said 12 times that it is not paying for it. That is not the promise he made.

Finally, on the wall, it sends a terrible symbol to the world about the United States—about who we are, what kind of country we are. Since the 1880s, a beautiful statue in the harbor of the city in which I live has been the symbol of America to the world—that great torch that symbolizes what a noble land we are. Can you imagine, if in future decades, that symbol were to be replaced with a big, foreboding wall? That is not who America is, was, or, hopefully, will be.

As I mentioned, we are for sensible border security, and there are many more effective ways of securing the border than by building a wall. A wall can be scaled over. I am sure that those who love the wall have heard of ladders. A wall can be tunneled under. I am sure that those who support the wall have heard of shovels. It is a medieval solution for a modern problem—a ''Game of Thrones'' idea for a world that is a lot closer to ''Star Wars.'' The thing is that we have new, modern solutions that use our best technology. We discussed some of them at the White House last night.

Drones. These drones can spot the difference between a deer and a human being crossing the border. We have great sensory equipment, and our military has specialized in this kind of stuff. A lot of it is made in Syracuse, NY, I am proud to say. We can rebuild roads along the border. Talk to the people in the Border Patrol, and they will say that a lot of places do not have roads so that, if they see someone crossing the border, they cannot get to them. Of course, there is the bipartisan McCaul-Thompson bill in the House—MCCAUL, a Republican, and THOMPSON, a Democrat—that has broad, bipartisan support and that sets certain standards. Every one of these ideas would provide better, more effective border security than would a medieval wall.

There is still much to be done. We have to put meat on the bones of the agreement, and the details will matter, but it was a very, very positive step for the President to commit to DACA protections without insisting on the inclusion of or even a debate about the border wall.

EQUIFAX DATA BREACH

Mr. SCHUMER. Mr. President, on the Equifax data breach, what has transpired over the past several months is one of the most egregious examples of corporate malfeasance since Enron. Equifax has exposed the most sensitive personal information of over half of the citizens of the United States—names, addresses, Social Security numbers, driver's licenses, and, in some cases, even their credit histories. Clearly, there were inadequate data security standards at Equifax, which is deeply troubling on a number of levels.

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. Stunningly and epically, Equifax failed to perform one of its two essential duties 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 information was potentially compromised without their knowledge, and they had no ability to protect themselves. Meanwhile, hackers could attempt to take out loans in their names and potentially use the information for identity fraud or they could perpetrate a number of fraudulent schemes with the sensitive information that these horrible hackers had obtained.

Once the breach was eventually announced, consumers found themselves being forced to provide sensitive information to Equifax in order to verify whether they were impacted by the breach. In order to sign up for the company's credit monitoring services, customers 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 outrageous.

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 knowledge 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 bottom, the dirty bottom. The Senate must hold 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 future. I would like to see them in the next week.

First, Equifax must commit proactively to reach out to all impacted individuals and notify them that their personal, identifiable information 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 naturally don't trust them, then Equifax should reimburse that individual for the costs of the alternative credit monitoring 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 provisions from any agreement or terms of use for products, services, or disclosures 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 disposal.

Fifth, Equifax must agree to testify before the Senate, the FTC, and the SEC, cooperate with any investigation, and comply with any fines, penalties, or new standards that are recommended 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 anything close to what the corporate leaders of Equifax did that led to this data breach and the awful response to it, that average citizen would be fired immediately. To give Equifax a week to implement these things is overly generous to people who did horrible stuff and then, after it happened, did nothing—virtually nothing—that showed they had remorse.

It is only right that the CEO and board step down if they can't reach this modicum of corporate decency by next week.

TAX REFORM

Mr. SCHUMER. Finally, Mr. President—a lot to say this morning—a word on taxes. Last night at the White House, President Trump said he didn't want his tax plan to benefit the very wealthy. That is a good thing. We Democrats agree. Forty-five of the forty-eight of us signed a letter that no tax breaks should go to the top 1 percent. They are doing great. God bless them. I am glad they are doing well. They don't need a tax break. Middle-class people do.

But the devil, when the President says that, is always in the details, and we haven't seen any details. We haven't seen anything resembling a

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 over 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. Let's make all of these other guys pay. We need the money. They are rich. God bless them.

So when President Trump says the estate tax is a burden on the family farmer, I honestly don't know what he is talking about. There may be a few. They may make a lot of noise. God bless them. That is their right as Americans. There are very, very few. That is not what the facts say.

Let me show my colleagues the next chart. Of 2.7 million taxable estates, just 50 are farms and small businesses that would benefit from the repeal of the estate tax—2.7 million; 50.

There was an amazing moment last night at the meeting we held at the White House when the estate tax came up, and a few of the President's advisers said: Oh, no one pays the estate tax. There have even been news reports that Gary Cohn has told Members of Congress that ''only morons pay the estate tax.'' What they mean, of course, is that rich people—people rich enough to be levied estate taxes—can find ways around paying them; they can afford all of those lawyers and estate planners.

Well, first, they are wrong. Repealing the estate tax would add $269 billion to the deficit over 10 years—$269 billion. So there are a lot of people paying the estate tax. Maybe they are morons, as Gary Cohn once called them, maybe they are not, but there is a lot of money out there that comes in from these very wealthy with the estate tax.

Second, Mr. Cohn and the others who say this bring up an important point. The right thing to do is not repeal the estate tax but close the loopholes. If you have an estate worth that much, you should be paying the estate tax, not finding clever ways to avoid your tax obligation. Again, if you are rich, if you have a big estate, God bless you. That is the American way. But pay your fair share. Pay your fair share.

Democrats want to participate in reforming our Tax Code. There are lots of good things we can agree on—closing loopholes like this one, cutting taxes for the middle class, helping small businesses, bringing offshore deferred income back into the United States.

We have laid out three principles: no reconciliation—that means do it together, not how they did healthcare, which didn't end up with a great result; second, no tax cuts for the top 1 percent, who are doing just fine, God bless them; third, fiscal responsibility—we should not increase the deficit as we cut taxes, particularly now that we are going to have to spend hundreds of billions of dollars to help the beleaguered States of Texas and Florida.

Some Republicans have characterized those three principles as lines in the sand that show that Democrats aren't serious about tax reform. So 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.

By 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 Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Pending:

McCain/Reed modified amendment No. 1003, in the nature of a substitute.

McConnell (for MCCAIN) amendment No. 545 (to amendment No. 1003), of a perfecting nature.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I want to thank my friend from New York. I thank him for the cooperation we have gotten in the consideration of this important legislation.

I would just ask the Democratic leader, is it reasonable to assume that we could finish this up today or set a time for it on Monday?

Mr. SCHUMER. Absolutely.

Mr. MCCAIN. Good. I hope we can do that.

I again thank the leader from New York, who has been very cooperative to me and to the Senator from Rhode Island as we have moved forward with this legislation. I thank him.

TRAINING ACCIDENT AT CAMP PENDLETON

Mr. President, I wish to begin by offering my thoughts and prayers to the marines who were injured yesterday when their amphibious assault vehicle caught fire during a training exercise at Camp Pendleton in California. With 15 marines hospitalized and 5 in critical condition, I join all of my colleagues in hoping for a full and speedy recovery for each of these brave young servicemembers.

Last night, unfortunately, the majority leader was required to file cloture on the National Defense Authorization Act for 2018. We have gotten a lot done in the short time this legislation has been on the floor. I know I speak for many of my colleagues when I say that it is my hope that we will be able to do more.

I thank my friend from Rhode Island. I thank Members who have been very helpful and cooperative in this effort, as we have considered a 27-to-0 vote through the committee. It passed unanimously. We have engaged in spirited, thoughtful debate, and we have ultimately adopted 277 amendments from both Republicans and Democrats.

I sound like a broken record, but this is the way the Senate should conduct business. The authorizing committee reports out legislation that has been examined with hearings and debate and amendments, and it appears on the floor, and we have additional debates and amendments, and people can vote yes or no, but they are informed.

It is a violation of our oath of office when we are told that one-fifth of the gross national product—i.e. healthcare—is going to be decided by a ''skinny repeal'' that none of us had seen until an hour or two before. That is not the way the Senate should do business.

We are not perfect. We are going to have to invoke cloture on this bill. We are not going to have some debate and votes on some very important—at least four—issues. But while we have been on this bill, we have adopted 277 amendments. We had hours and hours of hearings. We had a week of putting this bill

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—and should be—than the 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 move 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 guardedly 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 for these tragedies, but the one 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 we want, but at the end of the day, the constitutional responsibility to raise moneys 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 who wear 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 prepared for this NDAA, 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 time, working 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 amendments that are not 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 don't forget this is ultimately about the men and women who serve us overseas.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator 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 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 election is only 400-some days away, which is why you see 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 the bipartisan Klobuchar-Graham 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 who is 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 the words of Bruce Fein, a former Reagan official, ''Passing the Klobuchar-Graham amendment 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 we can start the process of putting 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 perpetrators in 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 who are trying to break into 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—music bands. I love military bands. 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 a fair 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 RUBIO 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 get the right 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 that information now, and we 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. Our amendment would simply establish that alarm system.

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 a bargain when 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 that 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.

Finally, we need better auditing of our elections. That means voter-verified 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 JIM 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 month in the Wall Street Journal, 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' policymaking powers, and proactive in dealing with the most pressing vulnerabilities.''

As I noted, Bruce Fein, a Reagan Department of 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 the most basic underpinnings 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. Whoa. 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 one locality or if they get into one State, do you think that doesn't undermine the integrity of our whole democracy in our country? Of course it does.

Local election officials who are passionate about keeping the Federal Government out of State elections support our amendment because it strikes the balance that our Federal system demands when it comes to the administration of elections.

As I said, despite 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 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.

I ask you, why is this not included? We don't have an answer. Actually, there is no good answer, except for a bunch of procedural gobbledygook, which, of course, if it had gone through the regular order and had been allowed a hearing—which it was not—then we would have had a hearing. We were blocked from having a hearing. Now, as is my right, I am bringing this before this body.

The integrity of our election system is the cornerstone of our democracy. The freedom to choose our leaders and know with full confidence those leaders were chosen in free and fair elections—that is something Americans have fought and died for since our country was founded.

Obstructing efforts to improve election security is an insult to everyone who has fought for freedom and those who work every day to protect our democracy. Members standing in the way of this bipartisan amendment to protect our election infrastructure are literally committing democracy malpractice.

Our attitude must be to roll up our sleeves to get this done. The American people deserve nothing less.

I see my friend Senator MCCAIN is on the floor. Again, I appreciate his support and his and Senator REED's work, not only on this bill but their work to try to include this amendment in the package.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank the Senator from Minnesota. She has been an advocate on this issue for a number of years. Obviously, as she stated with some articulation, we are talking about the fundamental of democracy, and the threat to it has probably never been greater.

She also understands there is an issue of germaneness and committees of responsibility and all that, but I want to tell the Senator from Minnesota that I appreciate her advocacy. This issue is not going away. I look forward to continuing to work with her because this is really—it may be in some ways one of the greatest threats to democracy we have faced, and I know she has been an advocate on this issue for a number of years. I thank her.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I ask unanimous consent that Senators PORTMAN and WARNER be added as cosponsors to the Reed amendment No. 939, relating to a strategy for countering malign Russian influence.

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

Mr. REED. Mr. President, I would like to turn to discuss my amendment to counter malign Russian influence.

Amendment No. 939, sponsored by Senators MCCAIN, 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 Russia's influence 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 direct actions across the whole of government, including the following areas: security measures, 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 interagency 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 respond to 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 corrupt and illicit Russian financial networks in the United States and abroad that have facilitated and Russia's malign influence; and finally, on energy security, the strategy would include steps to promote the energy security of our European allies and partners, reducing Russia's ability to use 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 articulate 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 ultimately this is fundamentally an issue of 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 ordered an intelligence 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, combining old-fashion Russian propaganda techniques with cyber espionage against U.S. political organizations and mass disclosure of government and private data:; ''Russian intelligence obtained and maintained access to elements 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 evidence comes 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 bot 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 divisive issues such as gun rights, immigration, LBGT 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 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, deception and denials; 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 they're doing it much 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 continents, 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 Oval Office 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, 8 months in, and despite the assessments of his 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 11, 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 for sure.''

Let's stop and think about that for a minute. ''No one really knows for sure''? That this 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 directed 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 impact.''

On June 8, when our colleague Senator HEINRICH 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 State Rex Tillerson 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 across the whole of government 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 in our democracy, we in Congress have been willing and able to take a stand to put pressure on Russia and push back against Russian malign influence.

As you are all aware, we took an overwhelming bipartisan vote of 98–2 this summer and passed long-overdue Russian 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 Democratic 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.

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 duty—to provide America's soldiers, 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 overbudget, behind-timeline defense programs with a blank check of their own. To 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 and passed 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 retaliation, and by facilitating 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 counterterror strategy, and to reaffirm America's support for our European friends by putting Russia on notice for its aggression in Ukraine and Crimea.

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 reassert 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 have these very debates.

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.

The legislative clerk proceeded to 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, 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 redtape 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 a vote 66 to 32. It was an important, 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 neurological diseases like Alzheimer's and Parkinson's; closer than ever to developing a universal flu vaccine. That vote recognized that now is the time to be 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 redtape 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 53 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 the grant. It is not only redtape, 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 have to meet to sell the Department of Defense goods and services, like weapon systems and equipment.

The third provision, section 892, changes the ground rules for how to handle the technical data generated by this research—information related 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 unappealing 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 taxpayer dollars. However, we must be more strategic about how to approach this. I look forward to working across the aisle on ways to beef up 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 redtape; 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 an applicant fails this test, 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 doesn't duplicate any existing research. These rules are in place to protect taxpayer dollars, and they work.

This year's Defense authorization attempts to add redtape to the program in the name of protecting it but in reality ends it. Simply put, these provisions would strangle the Department of Defense medical research program in suffocating redtape. Don't take my word for it. The Coalition for National Security Research, representing a broad-based coalition of research universities and institutes, said:

> [These sections] could jeopardize funding for research activities that have broader relevance to U.S. military, including the health and wellbeing of military 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 language would, in essence, eliminate military family and military retiree relevant medical research, inhibit military medical training programs, and impact future health care cost avoidance. 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, 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 for a minute 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. . . . In general—

And this is highlighted—

> the committee found 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 upside down or 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 redtape?

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 are committed to 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 PRESIDING OFFICER. 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 these 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 would be 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.

Why do 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—thanks to sequestration—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 on 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 BCA have hurt our military readiness and have 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 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 fatal accidents in the military—10 from the USS *McCain* and 17 more. We now have many more accidents due to the lack of readiness, training, and maintenance than we do in combat. So what do we do? Do we stop cutting the military? No, we add $11.7 billion for medical research.

I am for medical research. I know of no one who opposes medical research, but do we take it out of defense? This is the directed spending on medical research at the Department of Defense.

You may see that in 1992 it was a small amount of money for breast cancer research. Like other government programs, it has grown and grown and grown. If you will take a look at the pink side here, you will see that what also has grown is those programs that have no relevance to the military. I want to say it one more time. No, I will say it again and again and again. If the Senator from Illinois wants this money spent for medical research, then, take it out of the right place. Don't be Willie Sutton. Take it from where it belongs, instead of taking it from the men and women in the military who are undermanned, undertrained, underequipped, and in harm's way.

So you have a choice here, my dear friends. Yes, who could be against medical research? Nobody who I know. But who could be in favor of taking money from the men and women and their training, equipment, and readiness, when every single service chief has testified before the Armed Services Committee that we are putting the lives of men and women serving in the military at greater risk? So we are going to see these billions of dollars taken out of defending the Nation and the arms, the training, and the equipment that the men and women in the military need.

Now, if the Senator from Illinois wants to fund those that are militarily relevant, I would be glad to go along with that, but see what has grown and grown and grown from 1992, when it was $25 million. Now it is billions of dollars. Let's see. Funding has increased by 4,000 percent from $25 million in 1992 to over $1 billion last year.

Spending on medical research—nearly 50 percent of which has nothing to do with the military—has grown 4,000 percent since 1992. So let's not say that we are shorting the men and women in the military when that spending has increased by 4,000 percent.

Again, I would like every one of my colleagues to listen to the leaders of our military and to the men and women who are serving. They don't have enough training. They don't have enough equipment. They are not ready, 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 funding or 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 should spend tax dollars that are 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 go 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 build up the size of our Army and Marine Corps. It will not be used to buy equipment so that our airmen don't have to steal spare parts of airplanes in the boneyard to keep the oldest, smallest, and least ready Air Force in our history in the air.

So I say to my friend and colleague from Illinois, it is not that he is wrong to support medical research. We all support medical research. It is that he has proposed the wrong amendment to support medical research. Instead of proposing to take away hundreds of millions of dollars from our military servicemembers, he should be proposing a way to begin the long overdue process of shifting nonmilitary medical research spending out of the Department of Defense and into the appropriate civilian departments and agencies of our government.

I want to emphasize again that this debate is not about the value of this medical research or whether Congress should support it. I, of all people, know the miracle of modern medicine and am grateful for all who support it, and I am sure every Senator understands the value of medical research to Americans suffering from these diseases and to the family and friends who care for them and to all those who know the pain and grief of losing a loved one. But I will repeat again that this research does not belong in the Department of Defense. 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 militarily relevant medical research that helps protect servicemen 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 and influence of the lobbyists who lobby for this kind of money, knowing full well that this is the easiest place to get the money.

I just 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.

Go ahead.

The PRESIDING OFFICER. The majority whip.

Mr. CORNYN. Mr. President, I ask unanimous consent that the Senator from Illinois be recognized for up to 2 minutes and then, following that, that I be recognized, and then, following that, Senator 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 caps automatically 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: ''Rather than attack America's spending 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 mandatory 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 represent any defense policy; instead, they 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 everchanging 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 say that we now 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 1991, when we drove Saddam Hussein out of Kuwait. Now it has 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, the world has 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 see us retreating from our commitment to fund, equip, and train our military, it is a provocation. They see an opportunity, whether it is Vladimir Putin in Crimea, Ukraine, or China in the South China Sea, or Kim Jong Un in North Korea, they see our retreat, in terms of our financial commitment to support and train our military, as a provocation and an invitation for them to fill the void.

I am reminded of a sobering quote from the former Director of National Intelligence during a hearing last year. Former Director James Clapper said: ''In my time in the intelligence business''—and he served for 50 years in the intelligence business—''I don't recall a time when we have been confronted with a more diverse array of threats.''

In 50 years, he didn't recall us being confronted with a more diverse array of threats. On top of these threats, never before has our country been at war for such an extended period of time, and never before have we done so much with an All-Volunteer military force strained by repeated deployments while defense spending was cut nearly 15 percent over the last 8 years under the previous administration.

So here is what I say. Let's pass the national defense authorization bill, which authorizes $700 billion for our Nation's defense. Let's give our troops the pay raise they deserve. Let's address our readiness problems by authorizing increases in the overall number of soldiers and marines. When doing that, let's also do away with the sequester on defense spending. Reductions to defense spending should be targeted—think scalpel, not meat cleaver—and our focus on cutting should be where the bulk of our spending is: outside of the military on mandatory spending, growing at a rate in excess of 5 percent a year, out of control and threatening the solvency of these important safety net programs.

Colleagues, while we take the fight to ISIS, while we seek to deter aggression in the Pacific and support our emergency responders here at home, including the military, we can't postpone our problems. Our challenges can't be postponed and are not disappearing.

As I said a moment ago, our adversaries are watching closely and modernizing while at home our readiness wavers. Sequestration causes our aircraft to age, our soldiers to tire, and our national security to deteriorate. Trouble is not going to wait on us getting our act together. Whether our military is ready or not, here it comes.

Mr. President, I 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 cooperated 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 ever 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 we 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 sustain our servicemembers 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 the Afghan 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 and Columbia class submarines, including over $1 billion above the President's request for Virginia funding and full funding for the Columbia class program following a successful amendment I led to secure our undersea superiority and grow 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.

This defense measure provides, as well, $10.6 billion for 94 Joint Strike Fighters across the Air Force, Navy, and Marine Corps, adding 24 above the budget request submitted by the President. Those 24 are necessary, and they are important now.

It includes $1 billion for 48 Army Black Hawks, $1.3 billion for six Marine Corps CH–53Ks—two more than requested—and $354 million for the Air Force Combat Rescue Helicopter Program.

Today our Active and Reserve components are deployed together in Afghanistan, and the National Guard brings unique capabilities to the fight. I am very proud of the Connecticut National Guard. I am proud to be a supporter, to work to protect and secure their vital mission as they work for us.

This year's NDAA authorizes $7 million in military construction for a new base entry complex, bringing the 103rd Airlift Wing into compliance with the Department of Defense's antiterrorism and force protection requirements to support their C–130 mission.

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 world's 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. Base closings 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 convoluted base closure 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 Connecticut Air National Guard to be 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 of our base at 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 New London, was unnecessarily put in 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 this asset. It is home to 16 submarines as well as to a submarine training school.

BRAC is long on unrealized returns and short on increased readiness. In 2005, BRAC was anticipated to cost $21 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 readiness.

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 the justification for doing so and where and how it should be set in motion. I am concerned this amendment employs a force structure baseline that has not been adequately assessed by the Department of Defense. That force structure baseline is the lifeblood 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 aside the impact closures will have on 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 measure 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 ability to even make requests for individual military construction projects at specific bases. It follows that deciding the fate of entire military bases should also be a power we keep from ourselves.

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 currents and forces of special interests. 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 shortly.

Thank you.

I yield the floor.

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

Mr. SULLIVAN. Madam President, this week, we are debating the National Defense Authorization Act of 2018. It is very important, and Members of both sides have contributed to this very important legislation we pass every year. It funds our military and authorizes its spending and training. It is really one of the most important things we do in the Senate.

As have many others, I thank the members of the Armed Services Committee. I have the privilege of serving on that committee. I thank Chairman MCCAIN and Ranking Member REED for the hard work they and all of the members of the committee have put into this and for how seriously we take this responsibility.

You have heard the discussions. This bill is needed now more than ever. We are seeing accidents, in terms of training, that are killing the lives of young men and women who are serving in the military, and a lot of it is due to readiness. In fact, in the past 8 years, the U.S. military has seen its budget decline by almost 25 percent. It is a huge decrease—just pick up the paper and see what is going on in the world—when we know that the national security threats to the United States have dramatically increased. We have decreasing budgets and increasing national security challenges, and this NDAA begins the much needed process of changing that.

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 activity and capability. As the Presiding Officer knows, that has now literally become a threat to every city in the United States, not just to frontline States like mine, which is the great State of Alaska, or Hawaii, as they are closer to Asia than is any other place in the United States. This threat is now on the doorstep of every American city.

For years, a lot of the ''experts'' and intel officials were saying: Hey, don't worry about this. They are trying, but this threat is a long way off into the future.

Some of us were skeptical of those estimates, and now we know those estimates were wrong. It is no longer a matter of ''if'' but ''when'' the North Korean regime will have the capability of launching a nuclear intercontinental ballistic missile that will be aimed at the United States of America.

Recently, there was 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. officials have concluded in a confidential assessment, that dramatically shrinks the timeline for when Pyongyang could strike North American cities with atomic weapons.

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 Il, 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 120 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 much more enhanced 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 in its history, 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's 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 we introduced several 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 our ground-based missile interceptors—up to 28 more interceptors—and require 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 missile interceptors 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 on Guam. We have Aegis systems 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 for 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 cosponsors—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 we were trying to do as 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 was proud when 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 is now 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 for all Americans 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 is the most strategic place in the world because of its location on the top of the world. Whoever owns Alaska literally controls the world.

Fortunately, the United States owns Alaska. So we are, because of that strategic location, the cornerstone of our Nation's missile defense. If there were a missile launched from North Korea or Iran or anywhere else in the world, the trajectory would take it over Alaska. It would be tracked by radars in Alaska. It would be shot down by missiles based in Alaska. The 49th Missile Defense Battalion located at Fort Greely, AK, is a National Guard unit. They have a fantastic motto: 300 protecting the 300 million—young men and women serving in the Guard on duty 24/7, protecting the entire country—300 of them protecting the entire United States. That is a worthy mission that we are glad is done so well by the members of the Alaska National Guard.

So this bill does a lot. The NDAA this year, which we are debating on the floor now, finally takes seriously this important mission of missile defense. As I have noted, it does a lot to advance it.

We have a couple of additional amendments that we are working on and hopefully are going to get passed out of the managers' package that would make even more advances to missile defense. We are going to continue to work those, and, hopefully, we will continue to have the bipartisan support that we did when this bill was marked up.

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.

TRIBUTE TO MICAH MCKINNIS

Madam President, Micah McKinnis began working for me 2 years ago as my military legislative 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 playing an important 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 pararescue 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. 1051, to protect transgender servicemembers 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 servicemembers and for agreeing to support it here on the floor today.

The amendment, which I was so proud to 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 this Congress does not break faith with these brave servicemembers 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. Kicking out thousands of servicemembers 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 these highly skilled servicemembers.

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 once 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

commendations since the ban on transgender service was lifted, should be kicked out of our military. Don't tell me a young recruit like U.S. Marine Aaron Wixson, who left college to enlist in the field artillery and worked diligently with his chain of command during his gender transition to meet every requirement asked of him, should be kicked out of the military. Do not tell me that Navy LCDR Blake Dremann, who identified as transgender while serving in Afghanistan and has deployed 11 times and won the Navy's highest logistics award and now shapes our military policy at the Pentagon—don't tell me he should be kicked out of the military. Any individual serving in our military today who meets the standards should be allowed to serve, period.

I urge my colleagues to join me, the Republican Senator from Maine, and Senator JOHN MCCAIN, on our bipartisan amendment to allow transgender men and women to stay in the military and continue to serve our country and keep us safe.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Ms. WARREN. Madam President, I rise today to urge my colleagues to support my bipartisan amendment with Senator LEE calling for a ''think first'' assessment of recent Russian violations of the Intermediate-Range Nuclear Forces Treaty and the response of the United States.

The INF Treaty has been the bedrock of European security for nearly three decades, and Congress must ask a few reasonable questions before we fund a missile research and development program that our military leaders have not asked for, that our allies do not want, that would undermine the spirit and intent of our longstanding treaty commitment, and that would make the world a more dangerous place.

No one is more concerned about Russia's recent aggression than I am. From their annexation of Crimea to their meddling in our election and the elections of our allies, Russia's behavior must be met with a firm and unequivocal response.

Last month, I traveled to the Baltics to see firsthand the threat Russia poses to NATO allies and to meet with senior U.S. Army officials and local political leaders. On that trip, one thing was abundantly clear: We need to be tough in the face of Russian provocation, but we also need to be smart. That is what our amendment is about today. It isn't about playing politics; it is about smart, strategic, informed toughness that advances the interests of the United States of America.

The INF treaty, negotiated and signed by President Reagan nearly 30 years ago, erased an entire class of nuclear weapons from the European continent. It eliminated ground-launched missiles with a range of 500 to 5,500 kilometers—roughly up to twice the distance between Moscow and Paris. This is also the same class of missile that Russia deployed earlier this year, in violation of the treaty.

Russia's treaty violations have been widely reported. There is no question that bringing Russia back into compliance with the treaty must be a top priority. Russian compliance is in the best interest of the United States, it is in the best interest of our European and Asia Pacific allies, and it is ultimately in the best interest of the Russian Federation. But this is a tough job. Our military leaders have told us they see no indication that Russia plans to resume honoring its treaty obligations anytime soon.

In the short term, we must ensure that Russia does not gain a military advantage from its violation and that Russia—Russia—takes the blame on the world stage for breaking this treaty. We cannot accomplish these goals by signaling to the world that we have lost faith in the very treaty we seek to preserve. But that is exactly what section 1635 of the NDAA would do. This section calls for the ''establishment of a research and development program for a dual-capable, road-mobile, ground-launched missile system with a maximum range of 5,500 kilometers''—or, in plain language, the development of a new nuclear missile that we have publicly sworn never to test or deploy.

The proposed R&D program is in itself not a violation of the INF treaty, which only bans testing and deployment, but there is no denying that such a missile program is a violation of the spirit and intent of our treaty commitment, and that is exactly how our allies and adversaries alike will see it.

The reality of this proposal is crystal clear: Either we are authorizing millions of taxpayer dollars to be wasted on research and development of a missile we never intend to build or test, or we are pushing the door wide open to an upcoming violation of the INF Treaty.

In opening that door, we would be signaling not only to the Russians but also to our treaty partners around the world that the United States is preparing to walk away from a nuclear treaty commitment. In sending that signal, we are basically giving Russia the excuse it is looking for to shed remaining international constraints, to justify an acceleration of its intermediate-range nuclear program, and to spark a new contest of nuclear escalation. Such a move can quickly increase the number of nuclear weapons deployed throughout the world and send the globe into a second cold war reality—a reality where we live with the constant threat that one preemptive move, one miscalculation could wipe away everything we hold dear.

Supporters claim that a new missile is needed not only to compete with Russia but also to counter a more assertive China, which is not bound by the agreement. But I have seen no evidence to support these arguments. If anything, a tit-for-tat response is more likely to embolden Putin to up the ante by deploying some more missiles and perhaps withdrawing from the INF Treaty altogether.

The Vice Chairman of the Joint Chiefs of Staff, Gen. Paul Selva, has already told us that a new intermediate-range missile is not necessary to hold targets in China at risk.

To ensure that our response to Russian treaty violations is based in international strategy rather than just in knee-jerk responses, Senator LEE and I are offering a commonsense amendment requiring that before we spend a dime of taxpayer money on the proposed missile program, the Secretary of Defense and Secretary of State should work together to address a few critical questions.

First, what is the status, capability, and threat posed to our allies by Russia's new ground-launched cruise missile?

Secretary Mattis has stated that Russia's treaty violation would not provide Russia with a ''significant military advantage.'' Is this still the Secretary's assessment? General Selva has said: ''Given the location of the specific missile and the deployment, [the Russians] don't gain any advantage in Europe.'' Is this still the general's assessment? We should not blindly commit taxpayer money and undermine our treaty commitment without understanding the threat.

Second, does our military believe that a new ground-launched, intermediate-range missile that is not compliant with our treaty obligations is our most effective response to Russia?

The Pentagon did not request funding for a new intermediate-range missile. According to a report by the Pentagon just last year, there are multiple options on the table to pressure Russia back into treaty compliance, including enhancements to the European Reassurance Initiative and additional active defenses. That is in addition to the other available tools of national power that could strengthen, rather than weaken, the INF Treaty.

The Pentagon advocated for just such a multipronged approach, writing that ''Russia's return to compliance with its obligations under the INF treaty remains the preferable outcome, which argues against unilateral U.S. withdrawal or abrogation of the INF treaty at this time.''

With the Pentagon reviewing options, Congress's proposed playground approach of ''if you build a ground-based missile, I will build one too'' is not the strategic response of generals and statesmen. In fact, the administration has said that this new program would ''unhelpfully'' tie them ''to a specific type of missile system . . . which would limit potential military response options'' at a time when DOD, State, and Treasury are ''developing an integrated diplomatic, military, and economic response strategy to maximize pressure on Russia.'' We must let our military leaders and our diplomats

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 escalation in Europe, millions of citizens took to the streets in protest, and in the 21st century, that call for nuclear disarmament of the European continent has only grown. As General Selva recently acknowledged, we don't even know whether any of our European allies would permit the deployment of a nuclear-capable ground-launched missile on their territory.

During the Cold War, Russian deployments of land-based cruise missiles 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 it—three must-ask questions deserving of must-have answers: 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, heading down the path of destroying the INF Treaty is grossly irresponsible.

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 our efforts to build a safe and peaceful world in a nuclear age; to build a world where schoolchildren spend their days learning to read and write, not practicing duck-and-cover drills; 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 steadily lead toward sustained peace and security. This amendment continues in that spirit.

I thank Senator LEE for his leadership on this bipartisan effort. When we announced this amendment, he said that the amendment ''would set the precedent that the [United States] 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.

On the 30th anniversary of the treaty, we must give no cause to doubt that the United States stands by its word, that it is 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 join us in allowing the Secretaries of Defense and State to do their jobs, to weigh the options, and to recommend a course of action. I ask them to join us in allowing information and strategy to guide our policy. I ask them to join us in supporting this amendment to the NDAA.

Madam President, I yield the floor.

Mr. TILLIS. Madam President, I would like to express my support for the ongoing deliberative process to address the very valid concerns raised with sections 881 and 886 of the fiscal year 2018 National Defense Authorization Act. Earlier today, I filed an amendment that seeks to clarify the committee's intent with respect to open source requirements and intellectual property rights and protections for U.S. technology vendors who collaborate with the Department of Defense. I want to be clear that this language does not represent the ultimate fix, but rather a step in the right direction as we embark on a longer policy discussion in conference.

I want to thank the chairman, my colleagues on the Senate Armed Services Committee, and my counterparts on the House Armed Services Committee for their commitment to continue this conversation in conference. It is essential that we provide both the Department and industry the proper tools, protections, and incentives necessary to continue these mutually beneficial partnerships on the commercial off-the-shelf and the custom-developed software side. I am confident we can reach consensus and send the President language that clearly articulates a fair and sustainable model for existing and future contracts.

Madam President, as chairman of the Senate Armed Services Subcommittee on Personnel, I would like to make a statement for the record about an item of special interest related to the Department of Defense's use of its intellectual property rights in certain drug products within the committee report on the National Defense Authorization Act for fiscal year 2018.

The committee report contains language that directs the Defense Department to exercise its rights under the Bayh-Dole Act ''to authorize third parties to use inventions that benefited from DOD funding whenever the price of a drug, vaccine, or other medical technology is higher in the United States'' as compared to prices in foreign countries.

This language is of concern to me for several reasons. The DOD and other Federal agencies face significant obstacles such as low procurement quantities, high regulatory risk, and complex Federal contracting regulations when working to attract the top vaccine and drug developers as partners in medical countermeasure development to protect the warfighter and America's citizens. Diluting intellectual property protections as a means of price control will not only fail to meet its objective, but it could significantly hamper the government's efforts to develop these critical medical capabilities. The report language could lead to decreased investments in medical countermeasures development and a drop-off in industry partnerships with DOD that can ultimately result in few new drugs, vaccines, and diagnostics.

Bayh-Dole has created a fragile ecosystem of collaboration among Federal agencies, public research institutions, and private industry, resulting in the commercialization of inventions for use by the American people, especially in the area of medical countermeasures often developed specifically for our servicemembers and veterans. The idea of regulating the price of a commercialized invention was never contemplated by Congress when passing the Bayh-Dole Act.

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 issues unrelated to NDAA. Therefore, it is my hope that we can move to finish the bill sooner rather than later and vote to invoke cloture this afternoon.

The Senate will vote on a critical HUD nomination after lunch, and it is my hope that we can move the cloture vote on NDAA 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. 2810.

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 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.

Mitch McConnell, John Kennedy, Lamar Alexander, Johnny Isakson, Mike Rounds, Tom Cotton, Roy Blunt, John Barrasso, Patrick J. Toomey, Cory Gardner, John Hoeven, Rob Portman, Bill Cassidy, John Cornyn, Orrin G. Hatch, Lisa Murkowski, Thom Tillis.

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. MCCAIN. 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 NDAA 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 involvement, 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 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 Members on 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 also be well 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.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER (Mr. SASSE). Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Pamela Hughes Patenaude, of New Hampshire, to be Deputy Secretary of Housing and Urban Development.

The PRESIDING OFFICER. There will now be 40 minutes of debate, equally divided between the two sides in the usual form.

The Senator from Oregon.

HEALTHCARE

Mr. MERKLEY. Mr. President, the most important words in our Constitution are the first three words: ''We the People.'' That is the mission statement for the United States of America. It is written in big, bold, beautiful letters so that even from across the room, if you can't read the details, you know what our Nation is all about. As President Lincoln summarized, a Nation ''of the people, by the people, for the people.''

What we have seen this year is quite an assault on this vision of government of, by, and for the people. It came in the form of President Trump's plan to rip healthcare from millions of Americans in order to deliver billions of dollars to the very richest among us—plan after plan, version after version, wiping out healthcare for 24 million, wiping out healthcare for 23 million, wiping out healthcare for 32 million, and so on and so forth, always over 20 million, and always delivering this enormous gift of hundreds of billions of dollars to the richest Americans.

You look at this from a little bit of distance, and it is just incredible to imagine that this could have occurred—that any member, a single member of our Nation would possibly

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. It wasn't just 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 secure insurance.

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 here 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.

Well, I 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 the 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 we 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 on-exchange, and we have off-exchange. 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 insurance plan at work 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 level for those States that 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 36 town halls 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 an 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 recognize 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 so many 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 lead to greater 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. The peace of mind 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 when you are sick or injured? That is the goal.

Let's have that conversation, America, and 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, he has the power to initiate an offensive nuclear war, even if there is no attack on the United States or its allies. This is simply unconstitutional,

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 clear 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 war, 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 does not change 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 is 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 nuclear war, not any American President, including Donald Trump. As long as that power exists, it must be put in check.

We need to have this debate in the United States of America. We don't need an accidental 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 this body that votes 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 steadfast leadership to 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 in the Bush administration.

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.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. BROWN. 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. 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 President 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 people 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, unavailable 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 repair—rentals 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 about the 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 effects on our communities, including 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 their agencies 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 would mean to a whole 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 they allowed 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, use this data, on 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 servicemembers 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. These patriotic men and women move around 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 from Ray Patterson 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 consumer 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 servicemembers 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 servicemembers 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 amendment would create a standard simple and free process for servicemembers to protect their credit histories.

There is so much more in this bill that will matter to servicemembers. 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 PRESIDING OFFICER (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 PRESIDING OFFICER. 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 PRESIDING OFFICER. (Mr. CASSIDY). 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	Feinstein	Murkowski
Baldwin	Fischer	Murphy
Barrasso	Flake	Murray
Bennet	Franken	Paul
Blunt	Gardner	Perdue
Boozman	Graham	Peters
Burr	Grassley	Portman
Cantwell	Hassan	Reed
Capito	Hatch	Risch
Cardin	Heitkamp	Roberts
Carper	Heller	Rounds
Casey	Hoeven	Sasse
Cassidy	Inhofe	Scott
Cochran	Isakson	Shaheen
Collins	Johnson	Shelby
Coons	Kaine	Stabenow
Corker	Kennedy	Strange
Cornyn	King	Sullivan
Cortez Masto	Klobuchar	Tester
Cotton	Lankford	Thune
Crapo	Leahy	Tillis
Cruz	Lee	Toomey
Daines	Manchin	Van Hollen
Donnelly	McCain	Warner
Durbin	McCaskill	Wicker
Enzi	McConnell	Young
Ernst	Moran	

NAYS—17

Blumenthal	Heinrich	Schumer
Booker	Hirono	Udall
Brown	Markey	Warren
Duckworth	Merkley	Whitehouse
Gillibrand	Sanders	Wyden
Harris	Schatz	

NOT VOTING—3

Menendez	Nelson	Rubio

The nomination was confirmed.

The PRESIDING OFFICER. 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 PRESIDING OFFICER. 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 XXII, 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 PRESIDING OFFICER. Is there objection?

Ms. BALDWIN. Mr. President, reserving the right to object, I ask unanimous consent to make brief remarks and engage in a colloquy with the chairman and ranking member.

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

Ms. BALDWIN. Mr. President, I have filed Baldwin amendment No. 329. This deals with the subject matter of ''Buy American'' 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 discussions on this subject matter during these negotiations.

The PRESIDING OFFICER. 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 now 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 bringing it 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 PRESIDING OFFICER. 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 votes.

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.

John McCain, Mitch McConnell, John Thune, Thom Tillis, Pat Roberts, Mike Crapo, Richard Burr, Michael B. Enzi, Orrin G. Hatch, Ted Cruz, John Cornyn, Dan Sullivan, Roy Blunt, Cory Gardner, Tim Scott, Shelley Moore Capito, David Perdue.

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 ''yea''.

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:

[Rollcall Vote No. 197 Leg.]

YEAS—84

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

NAYS—9

Booker	Lee	Paul
Durbin	Markey	Sanders
Gillibrand	Merkley	Wyden

NOT VOTING—7

Burr	Menendez	Toomey
Isakson	Nelson	
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 geopolitical 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.

These are needlessly 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 Southeast 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.

Last Friday, I visited Naval Station Norfolk and had an opportunity to meet with some of our Nation's best—the sailors and officers of the U.S. Navy. As we stood on the pier, we watched the USS *Abraham Lincoln* aircraft carrier depart and head out into the Atlantic and join other U.S. Navy ships responding to the damage caused by Hurricane Irma.

Fighting and winning wars is the primary mission of our military, but the American people depend on it for so much more. The destruction and the devastation caused by Hurricane Harvey and Hurricane Irma have brought this point home.

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, Secretary 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, targeted 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 Department of 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 facilities. 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 maintenance backlog, but 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 warfighters and an additional $35 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 challenges we might face tomorrow. 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 on in past years to improve how 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 for the Department of Defense 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 $65 million for researching 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 described this provision as a ''knee-jerk reaction.'' I would like to remind my colleagues that Russia's violation of the INF Treaty reportedly began in 2008. That was almost a decade ago. 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 on this issue. The solution to this problem is not to require further studies. 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 specifically identified using 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. Waiting for more studies 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 55 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. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

HEALTHCARE

Mr. CASSIDY. Mr. President, the Presiding Officer has been presiding on many occasions when I have risen to speak about the need to repeal and replace ObamaCare, and although we did not succeed in our last effort in the beginning of August, I, personally, along with Senators GRAHAM, JOHNSON and HELLER, am making one more try, and folks ask why.

The simple answer I can give is, there is a fellow back home by the name of Moon Griffon. He is a conservative talk show host who speaks with passion about the Affordable Care Act. Why does he speak with passion? Moon Griffon is very open. He has a special needs child, and he has to buy insurance. His premium per year is over $40,000—$40,000, with a $5,000 deductible and an additional deductible for his pharmaceutical costs. He has to pay $50,000 a year for insurance, deductible, and pharmaceutical deductible. The mortgage payment for a $500,000 home is what he puts up because he has to buy insurance. He has a child with special needs.

Now, there are many Moon Griffons across our Nation. Someone said, kind of as a wag, but I think there is a ring of truth to it, that ObamaCare, the individual exchange, only works if you don't because if you do work and you don't qualify for a subsidy, then you cannot afford it.

By the way, I think there is bipartisan agreement on this. Senator BERNIE SANDERS is now putting forward what we would call BernieCare, a single-payer proposal. He would not be putting that forward if he thought the

status quo is working. He is putting it forward because he realizes it is not. He has 16 cosponsors, if you will. Cosponsors are a testament to the fact that the status quo is not working. Well, I can tell you, since Medicare is going bankrupt in 17 years, the seniors who are on it will have their benefits threatened by adding another 150 million more Americans to the program. Those who have employer-sponsored insurance, I don't think they will want to give up their employer-sponsored insurance and trust in BernieCare.

So our last hope, we think, is relieving folks from the burdens of the Affordable Care Act in a way that preserves President Trump's goals of caring for all, taking care of those with preexisting conditions, covering all, lowering premiums, and eliminating mandates.

We have the basis of an approach. This past week, the HELP Committee has been having hearings, as well as the Finance Committee. Both Democratic and Republican Governors, insurance commissioners, stakeholders of other sorts, Medicaid directors, and all, whether Democratic or Republican, Governor or Medicaid director or insurance Commissioner, have said that if we give the States the flexibility to come up with their own solutions, they will find solutions that work better for their State than the Affordable Care Act—and it makes total sense. Clearly, Alaska is different than Rhode Island. Louisiana is different than Missouri. If we can come up with solutions specific for each State, as opposed to a one-size-fits-all that comes out of Washington, DC, these Governors, Medicaid directors, and insurance commissioners of both parties think we can do a better job.

We have a model of this. The Children's Health Insurance Program, also known as the CHIP program, has been very successful. It works on a block grant that comes down to States. States pull down the dollars. They can roll over money for 2 years, and they provide a policy for the children in their State. There are certain criteria and safeguards regarding what that policy must look like.

In fact, Senator RON WYDEN, last night, finished up his remarks praising the CHIP program, that it was reauthorized and what a victory for the health of children because this is a program that will work. There is a little irony there, as Senator WYDEN had just finished criticizing the Graham-Cassidy-Heller amendment, which is patterned after the CHIP program. The irony, of course, is that he says our amendment will not work, and then he goes on to praise the program through which the money will flow and after which it is patterned.

What we do through the program is take the dollars going to States currently through the Affordable Care Act, and we pool them together and deliver them to States in a block grant, very similar and, indeed, through 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 Mississippi should receive so much less than a lower income American 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 Massachusetts gets 58 percent more 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 goes 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 Senators vote to trust the people in their State over a Washington bureaucrat.

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, represented by a Democratic Senator; Missouri does, represented by the Presiding Officer now but also by a Democratic Senator; and others that are represented by Democratic Senators, but the lower income Americans in those States actually have resources they currently do not have. Indeed, I implore those Senators not to vote a party line but rather to vote for those lower income Americans in their States so they can have the resources needed for their better health.

I will conclude by saying one more time: We have one more chance. On the Democratic and Republican sides, we recognize that the Affordable Care Act is unsustainable. On the Republican side, we want to give power back to the patients, back to the States, fulfilling the wish of those Democratic and Republican Governors, insurance commissioners, and Medicaid directors to give them the flexibility to do what they wish to do.

The Democratic vision, BernieCare, if you will, of which he has 16 cosponsors, is to consolidate every decision in Washington, DC. As for me, I will vote with the States, I will vote with the people, and I will vote with the wisdom of the average American as opposed to the benign ''we know better than you'' attitude of Washington, DC.

Thank you.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, is this a partisan approach to healthcare? I don't think so, if Missouri does better. There is a Democrat representing Missouri. There is a Republican representing Missouri. Here is the good news. We got the Republican on board. We appreciate the Republican.

Let me tell you how this works.

I like Massachusetts, I like Maryland, I like New York, I like California, but I don't like them that much to give them a bunch of money that the rest of us will not get.

If you live in Massachusetts, you don't get twice the Social Security 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 approach, 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.

So 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 get more money? Well, under this 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, Missouri, South Carolina, or 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 for 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 to it. The people we empower, 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. My premiums 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. 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 what this is all about.

Our friends on the other side deserve a great compliment. You know where you are going on healthcare. You have a plan to get there. I just don't agree with your plan, and I don't agree with where you are taking the country. But I will say this for you: You have a plan. I will say this to my Democratic colleagues: When it comes to your ideas, you fight like tigers.

I remember voting on ObamaCare on Christmas Eve, for God's sake, and we would have been here on Christmas Day if that is what it would have taken for Harry Reid to have passed ObamaCare.

Now, on our side, have we done everything we can to repeal ObamaCare? They did everything they could to pass it.

President Trump is now behind this bill.

Thank you, Mr. President. I appreciate it very much. Without your voice, we cannot succeed. With your voice, we will be successful, but it is going to take more than a letter. Get on the phone. Start calling people. Obama did.

Senator MCCONNELL was very good today at lunch, saying that this is a good idea and that we need to get behind it.

A CBO score is necessary. I am sure there are a lot of good people at the CBO, but if I had one place to go before I died, it would be at the CBO because you live a long time. We need to get the CBO to score things in a timely fashion.

To my friends at the CBO, this is a block grant. We are going to spend $1.2 trillion in the next decade—not more, not less. I didn't do that well in math, but I can figure out how much we are going to spend. I don't mean to be super critical, but we have not had scores on the Portman language or on the Cruz language in 8 weeks.

Let me tell my Republican friends, if you are upset about our not successfully repealing and replacing ObamaCare after 7 years, count me in. We tried, and we were one vote short. We have 17 days left. What would the 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 administration, 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. It is going to collapse. 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, that this system is going 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. There are guardrails 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 same.

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 Navy, a gun 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—$549 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 people into 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 the 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 begins to 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 patient. What a novel idea.

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 try to buy insurance somewhere, and we would give 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 is going to own it all from 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 know that they have somebody 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 you are busy with hurricanes and 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; BernieCare, which is 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 and make sure that 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 reelected, but other people will copy what he does. If 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 was a doctor in a low-income, nonprofit 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.

Rick Santorum. 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 dime of extra spending has occurred 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 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 today—to 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 didn't get elected to lay low. If we don't now 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, 20 percent can 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 reform.

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 great guy. Mike, thank you for working with us to make this as flexible as possible.

Senator LEE has really driven this very hard in order to give as much flexibility to the State level as possible.

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 and on.

I know JOHN MCCAIN likes the concept 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 people 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 Officer in the Senate. I have worked on a lot of things. I have had a lot of fun, a lot of disappointments. I don't think I have worked on anything more important than this. It has been fun. It has been frustrating.

I believe this is our last, best chance to get healthcare on a sustainable footing and to stop the march toward single-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 committed 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 their State does so well. There 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 believer 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 understand 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 decisions, 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 the march toward single-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 you said today, but all hands on deck. Our friends on the other side moved Heaven and Earth to pass ObamaCare. I am going to do everything I can to repeal ObamaCare and replace it with something that is not good for Republicans but is good for Americans, because many Democratic States, including Illinois, do far better under this approach than under ObamaCare, and all of us will do better than BernieCare. If we don't stop this now, single-payer healthcare is the fate of the Nation.

To all who have been involved, thank you very much. We can do this. We have the time. Do we have the will?

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Mr. President, I wish to speak for a few minutes about an amendment I have offered to the National Defense Authorization Act. The name of this amendment is the Due Process Guarantee Act.

Alexander Hamilton, writing in Federalist No. 84, called arbitrary imprisonment one of the ''favorite and most formidable instruments of tyrants.'' The Constitution includes safeguards against this form of tyranny, including the right of habeas corpus and the guarantee that American citizens will not be deprived of life, liberty, or property by the government without due process of law. Our commitment to these rights is tested from time to time. It is most tested in times of crisis. We have not always passed these tests.

During the Second World War, President Franklin D. Roosevelt unilaterally authorized the internment of over 100,000 Japanese Americans for fear they would spy against the United States. The government presented no evidence that these Americans posed any threat to their country because the government had no evidence. Most of the detainees were themselves native-born citizens of the United States of America. Many had never even visited Japan during their entire lives. That episode in our Nation's history is sadly personal to the State I represent. The U.S. Government unjustly detained thousands of Japanese Americans in Utah at the Topaz War Relocation Center.

Japanese-American internment is the most dramatic and shameful instance of detention in our Nation's history, but it is far from the only instance. In 1950, in a climate of intense fear about Communist infiltration of government, Congress enacted the McCarran Internal Security Act over the veto of President Harry Truman. That law contained an emergency provision allowing the President to detain any person he felt might spy on the United States.

More recently than that, in the post-9/11 era, there has been renewed pressure to diminish our constitutional protections in the name of security. Lawmakers from both parties have authorized the detention of Americans suspected of terrorism without charge, without trial, and without meeting the evidentiary standard required for every other crime—potentially for life. In the National Defense Authorization Act for Fiscal Year 2012, Congress authorized the indefinite military detention of suspected terrorists, including American citizens arrested on American soil.

These episodes—Japanese-American internment, the McCarran Internal Security Act, and the NDAA for 2012—are teachable moments, if you will. In all three cases, the United States faced 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. Fear and secrecy won 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 the face of threats, thus sending a strong message to the totalitarian forces arrayed against us. For instance, in 1971 Congress passed the Non-Detention Act, stating that ''[n]o 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, by correcting the mistake—the very same mistake—it made in the NDAA for Fiscal Year 2012 and protecting Americans from indefinite detention by government.

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 forbid the government from justifying such detentions using general authorizations 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 with regard to Americans if they are detained within the United States.

The Due Process Guarantee Act is based on a simple premise: If the government wants to take the extraordinary step of apprehending Americans on U.S. soil without charge or trial, it has to get extraordinary permission and should, at a bare minimum, require

an express act of Congress authorizing such extraordinary action. And if my colleagues want to grant the government this power over their constituents, they should authorize it themselves; they shouldn't hide behind vague authorizations so the voting public doesn't know what they are doing.

This begs the question whether we would ever want to do this—whether we should ever do it. It is difficult for many of us to imagine any circumstance in which anyone would want to authorize such extraordinary action, but that is exactly the point—the point contemplated by the suspension clause in the U.S. Constitution. If something like that is going to be done, Congress needs to do it and needs to do it expressly and identify exactly what the threat, the war, the insurrection is that is being addressed.

I am offering this amendment because of my faith in our law enforcement officers and judges. And I have great faith in those people who fill those roles in our country, who have successfully apprehended and prosecuted many homegrown terrorists. Their example to us proves that our security is not dependent on a supercharged government and a weakened constitution.

Moreover, we must remember that our security and our privacy are not necessarily at odds with each other. Indeed, our privacy is part of our security. It is part of what makes us secure. We can secure the homeland without using the formidable instruments of tyrants.

It is with this objective in mind that I propose to my colleagues and request the support of my colleagues for the Due Process Guarantee Act, which should be adopted so as to make sure we are both free and safe, while remaining secure.

Thank you, Mr. President.

I 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. MCCONNELL. 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. MCCONNELL. Mr. President, I ask unanimous consent, notwithstanding rule XXII, that at 5:30 p.m. on Monday, September 18, the McCain amendment No. 545 be withdrawn, the Senate adopt the McCain substitute amendment No. 1003, as modified, and the Senate vote on the motion to invoke cloture on H.R. 2810; further, that if cloture is invoked, all postcloture time be considered expired and the Senate vote on passage of the bill, as amended.

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

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; Jessie K. Liu, 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; Bart 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 Middle District of Tennessee for the term of four years; Russell M. Coleman, 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 Northern District of Oklahoma for the term of four years; and Daniel J. Kaniewski, 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.

There being no further debate, the question is, Will the Senate advise and consent to the Deegan, Krickbaum, Dunavant, Franklin, Liu, Moore, Davis, Alme, Cochran, Coleman, Kuester, Shores, and Kaniewski nominations en bloc?

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 may 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 our 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 energy and 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 Wellstone-Domenici 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: 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 cosponsor 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 WWI, 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. President, I was necessarily absent for today's vote on Calendar No. 109, confirmation of the nomination of Pamela Hughes Patenaude to be Deputy Secretary of Housing and Urban Development. I would have voted yea.●

(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 belligerent 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. Where we are today is an outgrowth 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 Democratic alike, to end 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 he lacks the 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 amongst our allies and partners, 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.

When the United States leads with our values and interests at the fore, others follow, but when we abdicate 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 principled 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 Korean intentions. Indeed, for all the talk about how irrational and unpredictable North Korea is, they have pursued these weapons—and 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 renege on their commitments?

I recognize the history of numerous efforts to engage with North Korea 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.

So while the Agreed Framework was far from perfect, it does suggest there are pathways by which a diplomatic surge can succeed in constraining and binding North Korea and in creating a more stable security environment in the region.

I want to be very clear—I have no illusions about North Korea or about the low chances of success for even the best strategy for dealing with this regime.

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.

So, what would a policy geared for success with North Korea look like?

First, we must immediately begin a sustained diplomatic effort with the goal of first constraining and then ultimately eliminating Pyongyang's nuclear and missile programs. Working with China is critical to these efforts.

We can't expect China to solve North Korea for us. However, that does not mean that there is no space to make common cause with Beijing to contain North Korean's nuclear and missile programs and thereby reduce tensions in East Asia, which would benefit our mutual national security interests.

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 necessary measures that can force 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 on 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 Alone'' 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 in the region—and any successful approach must start by strengthening our alliances and partnerships with Japan and Korea.

The scope and range of partnership with our allies—starting with Japan and Korea—is both dynamic and 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 Asian nations. These actions turned the region into one of the greatest 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 strategic alliances combine not just military but also diplomatic and economic elements.

The election of Moon Jae-in as President of South Korea and our partnership with Prime Minister Abe in Japan have created new opportunities to reconsider and recalibrate our approach and encourage us to align and coordinate 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 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-provocation planning, 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 is ample 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 debate 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 robustly and to the maximum extent feasible, and should immediately impose additional economic sanctions on Pyongyang.

Secondary 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 VAN HOLLEN, 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 been curtailed 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 get their attention 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.

What 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's aggression 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-serving volunteer, and renowned 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 Al for over five decades of volunteering to teach firearms safety to rising generations of future hunters. In 2001, The National Rifle Association recognized Al with their highly esteemed public service award.

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

RECOGNIZING PJM INTERCONNECTION

● Mr. TOOMEY. Mr. President, today I recognize the 90th anniversary of PJM Interconnection, which is the Nation's largest competitive wholesale electricity market.

Headquartered in Valley Forge, PA, PJM performs the critical function of supplying electricity to more than 65 million customers in 13 Midwestern, Mid-Atlantic, and Southern States and the District of Columbia.

PJM began in 1927 when three electric utilities joined together to connect their systems and form Pennsylvania-New Jersey Interconnection, the world's first continuing power pool. Additional utilities joined the coalition over the following decades, and in 1956, it became known as Pennsylvania, New Jersey, Maryland—PJM—Interconnection, the name used today. Around the same time, PJM expanded its use of new technology by installing its first online computer to control electric generation and later to monitor grid operations in real time, which led to improved reliability and better customer service.

PJM is also celebrating its 20th anniversary as an independent system operator, ISO. In 1997, the Federal Energy Regulatory Commission, FERC, approved PJM as the Nation's first fully functioning ISO, which operates but does not own electric transmission systems. Five years later, PJM became the first regional transmission organization in the country when FERC encouraged the formation of these entities to increase access to competitive wholesale energy markets. Over the past two decades, PJM has continued its focus on innovation and customer service by expanding utility membership, developing generating capacity, and diversifying its energy portfolio to include coal, natural gas, and nuclear.

In addition, PJM is recognized by its peers as a leader in the competitive wholesale electricity sector. The firm continues to focus on improving energy storage, grid technology, and demand response. PJM first provided wholesale electricity in 1927, and I am confident that PJM will continue its commitment to affordability, reliability, and customer service for the foreseeable future.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

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 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.

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.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSON, from the Committee on Homeland Security and Governmental Affairs, with amendments:

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.

*Robert P. Storch, of the District of Columbia, to be Inspector General of the National Security Agency.

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 Langhorne 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 J. 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.)

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. 1805. A bill to require the Secretary of Agriculture to establish a program to recognize farms that have been in continuous operation for 100 years; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. MURRAY (for herself, Mr. CASEY, Ms. HIRONO, Mr. FRANKEN, Mr. SCHUMER, Mr. LEAHY, Mrs. FEINSTEIN, Mr. WYDEN, Mr. DURBIN, Mr. MENENDEZ, Ms. KLOBUCHAR, Mr. MERKLEY, Mrs. GILLIBRAND, Mr. BLUMENTHAL, Ms. BALDWIN, Mr. MURPHY, Mr. HEINRICH, Ms. WARREN, Mr. MARKEY, Mr.

BOOKER, Mr. VAN HOLLEN, Ms. DUCKWORTH, Ms. HASSAN, Ms. HARRIS, Mr. REED, Mr. UDALL, and Mr. BROWN):

S. 1806. A bill to amend the Child Care and Development Block Grant Act of 1990 and the Head Start Act to promote child care and early learning, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MARKEY (for himself, Mr. SCHATZ, and Mr. WHITEHOUSE):

S. 1807. A bill to direct the Secretary of Health and Human Services to develop a national strategic action plan and program to assist health professionals in preparing for and responding to the public health effects of climate change, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. BALDWIN (for herself, Mr. PORTMAN, Mr. CASEY, Ms. COLLINS, Mr. JOHNSON, Mr. DURBIN, Mr. REED, Mrs. SHAHEEN, and Mrs. FEINSTEIN):

S. 1808. A bill to extend temporarily the Federal Perkins Loan program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. CORTEZ MASTO (for herself and Mr. BURR):

S. 1809. A bill to direct the Secretary of Transportation to establish the Strengthening Mobility and Revolutionizing Transportation (SMART) Challenge Grant Program to promote technological innovation in our Nation's cities; to the Committee on Commerce, Science, and Transportation.

By Mr. WYDEN:

S. 1810. A bill to amend the Fair Credit Reporting Act to provide access to free credit freezes for all consumers; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. KLOBUCHAR (for herself, Mr. LEAHY, Mr. FRANKEN, Mr. BLUMENTHAL, Mr. BOOKER, Mr. DURBIN, Ms. HIRONO, Mr. MARKEY, Mrs. GILLIBRAND, and Ms. BALDWIN):

S. 1811. A bill to promote merger enforcement and protect competition through adjusting premerger filing fees, increasing antitrust enforcement resources, and improving the information provided to antitrust enforcers; to the Committee on the Judiciary.

By Ms. KLOBUCHAR (for herself, Mrs. GILLIBRAND, Mr. BLUMENTHAL, and Mr. MARKEY):

S. 1812. A bill to amend the Clayton Act to modify the standard for an unlawful acquisition, and for other purposes; to the Committee on the Judiciary.

By Ms. BALDWIN:

S. 1813. A bill to amend title 10, United States Code, to provide credit toward computation of years of service for nonregular service retired pay for completion of remotely delivered military education or training; to the Committee on Armed Services.

By Mr. KAINE (for himself, Mrs. CAPITO, Mrs. SHAHEEN, Mr. WYDEN, Mr. CASEY, Mr. WHITEHOUSE, and Mr. WARNER):

S. 1814. 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.

By Mr. MARKEY (for himself, Mr. BLUMENTHAL, Mr. WHITEHOUSE, Mr. FRANKEN, and Mr. SANDERS):

S. 1815. A bill to require data brokers to establish procedures to ensure the accuracy of collected personal information, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. WARREN (for herself, Mr. SCHATZ, Mr. MENENDEZ, Mr. VAN HOLLEN, Mrs. GILLIBRAND, Mr. BLUMENTHAL, Mr. MARKEY, Mr. SANDERS, Mr. WYDEN, Mr. DURBIN, Mr. MERKLEY, and Mr. FRANKEN):

S. 1816. A bill to amend the Fair Credit Reporting Act to enhance fraud alert procedures and provide free access to credit freezes, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. STABENOW (for herself, Ms. COLLINS, Mr. SCHUMER, and Mrs. GILLIBRAND):

S. 1817. A bill to amend the Internal Revenue Code of 1986 to expand tax-free distributions from individual retirement accounts for charitable purposes; to the Committee on Finance.

By Mr. ENZI:

S. 1818. A bill to provide health care options for small businesses; to the Committee on Finance.

By Ms. WARREN (for herself, Mr. LEAHY, Mr. WYDEN, Mr. DURBIN, Mr. MENENDEZ, Mr. SANDERS, Mr. BROWN, Mr. WHITEHOUSE, Mrs. SHAHEEN, Mrs. GILLIBRAND, Mr. FRANKEN, Mr. BLUMENTHAL, Mr. SCHATZ, Ms. BALDWIN, Mr. MURPHY, Ms. HIRONO, Mr. MARKEY, Ms. HASSAN, Mr. BOOKER, Mr. MERKLEY, and Ms. HARRIS):

S. 1819. A bill to amend the Fair Credit Reporting Act to prohibit the use of consumer credit checks against prospective and current employees for the purposes of making adverse employment decisions; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. GILLIBRAND (for herself, Mr. MCCAIN, Ms. COLLINS, and Mr. REED):

S. 1820. A bill to provide for the retention and service of transgender members of the Armed Forces; to the Committee on Armed Services.

By Mrs. GILLIBRAND (for herself and Mr. GRAHAM):

S. 1821. A bill to establish the National Commission on the Cybersecurity of United States Election Systems, and for other purposes; to the Committee on Rules and Administration.

By Ms. KLOBUCHAR (for herself, Ms. BALDWIN, Ms. DUCKWORTH, Mrs. FEINSTEIN, Ms. HEITKAMP, and Mr. MANCHIN):

S. 1822. A bill to amend the Internal Revenue Code of 1986 to permit amounts paid for programs to obtain a recognized postsecondary credential or a license to be treated as qualified higher education expenses for purposes of a 529 account; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. HEITKAMP:

S. Res. 255. A resolution congratulating the National Federation of Federal Employees on the celebration of the 100th anniversary of its founding and recognizing the vital contributions of its members to the United States; to the Committee on Homeland Security and Governmental Affairs.

By Mr. SCHUMER (for Mr. MENENDEZ (for himself, Mr. CORNYN, Mr. BLUMENTHAL, Ms. CORTEZ MASTO, Mr. DURBIN, Mr. FRANKEN, Mr. REED, Mr. KAINE, Mr. BENNET, Mrs. FEINSTEIN, Mr. HELLER, Mr. NELSON, Mrs. SHAHEEN, Mr. HEINRICH, Mr. WARNER, Mr. UDALL, and Mr. RUBIO)):

S. Res. 256. A resolution 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; considered and agreed to.

By Mr. BROWN (for himself and Mr. PORTMAN):

S. Res. 257. A resolution designating September 16, 2017, as ''Isaac M. Wise Temple Day''; considered and agreed to.

By Mr. CARDIN (for himself, Ms. COLLINS, Mr. BROWN, Mr. BLUMENTHAL, Mr. MARKEY, Mr. PORTMAN, Mr. KING, Ms. WARREN, Mr. MENENDEZ, and Ms. KLOBUCHAR):

S. Res. 258. A resolution designating the week beginning September 10, 2017, as ''National Direct Support Professionals Recognition Week''; considered and agreed to.

By Mr. CORNYN (for himself, Mr. BOOKER, Mr. BROWN, Mr. PAUL, Mr. PORTMAN, Mr. REED, Ms. STABENOW, Mr. WHITEHOUSE, Mr. WICKER, and Mr. PETERS):

S. Res. 259. A resolution expressing support for the designation of the week of September 11 through September 15, 2017, as ''National Family Service Learning Week''; considered and agreed to.

ADDITIONAL COSPONSORS

S. 194

At the request of Mr. WHITEHOUSE, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 194, a bill to amend the Public Health Service Act to establish a public health insurance option, and for other purposes.

S. 292

At the request of Mr. REED, the names of the Senator from Iowa (Mrs. ERNST), the Senator from Florida (Mr. NELSON) and the Senator from Ohio (Mr. PORTMAN) were added as cosponsors of S. 292, a bill to maximize discovery, and accelerate development and availability, of promising childhood cancer treatments, and for other purposes.

S. 322

At the request of Mr. PETERS, the names of the Senator from Massachusetts (Mr. MARKEY) and the Senator from Connecticut (Mr. MURPHY) were added as cosponsors of S. 322, a bill to protect victims of domestic violence, sexual assault, stalking, and dating violence from emotional and psychological trauma caused by acts of violence or threats of violence against their pets.

S. 360

At the request of Ms. KLOBUCHAR, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 360, a bill to amend the Help America Vote Act of 2002 to require States to provide for same day registration.

S. 431

At the request of Mr. THUNE, the name of the Senator from Indiana (Mr. DONNELLY) was added as a cosponsor of S. 431, a bill to amend title XVIII of the Social Security Act to expand the use of telehealth for individuals with stroke.

S. 464

At the request of Mr. MARKEY, the names of the Senator from Minnesota

(Ms. KLOBUCHAR) and the Senator from Massachusetts (Ms. WARREN) 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. 479

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. 479, a bill to amend title XVIII of the Social Security Act to waive coinsurance under Medicare for colorectal cancer screening tests, regardless of whether therapeutic intervention is required during the screening.

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.

S. 808

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. 1050

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. 1117

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. 1146

At the request of Mrs. SHAHEEN, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 1146, a bill to enhance the ability of the Office of the National Ombudsman to assist small businesses in meeting regulatory requirements and develop outreach initiatives to promote awareness of the services the Office of the National Ombudsman provides, and for other purposes.

S. 1270

At the request of Ms. HIRONO, the name of the Senator from New Hampshire (Ms. HASSAN) was added as a cosponsor of S. 1270, a bill to direct the Director of the Office of Science and Technology Policy to carry out programs and activities to ensure that Federal science agencies and institutions of higher education receiving Federal research and development funding are fully engaging their entire talent pool, and for other purposes.

S. 1361

At the request of Mr. CRAPO, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1361, a bill to amend title XVIII of the Social Security Act to allow physician assistants, nurse practitioners, and clinical nurse specialists to supervise cardiac, intensive cardiac, and pulmonary rehabilitation programs.

S. 1591

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 Election 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.

AMENDMENT NO. 558

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. MARKEY, 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.

AMENDMENT NO. 670

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. 803

At the request of Mr. CARDIN, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of amendment No. 803 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. 819

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. CORNYN) 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. 900

At the request of Mr. CARDIN, the name of the Senator from Maryland (Mr. VAN HOLLEN) was added as a cosponsor of amendment No. 900 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. 909

At the request of Mr. DURBIN, the names of the Senator from New Hampshire (Ms. HASSAN) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors 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. 938

At the request of Mrs. ERNST, the name of the Senator from Arizona (Mr. FLAKE) was added as a cosponsor of amendment No. 938 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. 939

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.

AMENDMENT NO. 942

At the request of Mr. ISAKSON, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of amendment No. 942 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. SCHUMER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of amendment No. 967 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. 999

At the request of Mr. CASEY, the name of the Senator from New Hampshire (Mrs. SHAHEEN) 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. 1004

At the request of Mr. BENNET, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of amendment No. 1004 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

(Mrs. GILLIBRAND) was added as a cosponsor 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 name of the Senator from Texas (Mr. CORNYN) was 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. MENENDEZ) 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. KAINE (for himself, Mrs. CAPITO, Mrs. SHAHEEN, Mr. WYDEN, Mr. CASEY, Mr. WHITEHOUSE, and Mr. WARNER):

S. 1814. 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. KAINE. 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 uninformed of the range of careers available to them. For our Country's continued success, it is essential that our young people have exposure to the vast 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. Additionally, middle school 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 students 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 from the 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 opportunities to explore potential career choices and pathways early on in their academic careers. Their futures depend on it.

SUBMITTED RESOLUTIONS

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

Ms. HEITKAMP 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, 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 and an improved quality 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. MENENDEZ (for himself, Mr. CORNYN, Mr. BLUMENTHAL, Ms. CORTEZ MASTO, Mr. DURBIN, Mr. FRANKEN, Mr. REED, Mr. KAINE, Mr. BENNET, Mrs. FEINSTEIN, Mr. HELLER, Mr. NELSON, Mrs. SHAHEEN, Mr. HEINRICH, Mr. WARNER, Mr. UDALL, and Mr. RUBIO)) 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, plus an additional 3,500,000 living in the Commonwealth of Puerto Rico, making Hispanic Americans almost 18 percent of the total population of the United States and the largest racial or ethnic minority group in the United States;

Whereas, in 2016, there were close to 1,000,000 or more Latino residents in the Commonwealth of Puerto Rico and in each of the States of Arizona, California, Colorado, Florida, Georgia, Illinois, Nevada, New Jersey, New Mexico, New York, North Carolina, Pennsylvania, Texas, and Washington;

Whereas, between July 1, 2015, and July 1, 2016, Latinos grew the United States population by approximately 1,131,766 individuals, accounting for ½ 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 ⅓ 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 a record 12,700,000 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 2032;

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 2030, adding a potential 18 million new Latino voters by 2032;

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

Whereas there are more than 4,700,000 Hispanic-owned firms 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 the total civilian labor force of 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 rate of 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 and middle school teachers, 92,344 Latino chief executives of businesses, 63,448 Latino lawyers, 62,599 Latino physicians and surgeons, and 11,109 Latino psychologists, who contribute to the United States through their professions;

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 284,000 Latinos have served in post-September 11, 2001, overseas contingency operations, including more than 8,500 Latinos serving as of September 2017 in operations in Iraq and Afghanistan;

Whereas, as of September 2015, 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 1,200,200 living Hispanic veterans of the Armed Forces, including 136,000 Latinas;

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 commitment 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) recognizes the celebration of Hispanic Heritage Month from 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.

SENATE RESOLUTION 257—DESIGNATING SEPTEMBER 16, 2017, AS ''ISAAC M. WISE TEMPLE DAY''

Mr. BROWN (for himself and Mr. PORTMAN) submitted the following resolution; which was considered and agreed to:

S. RES. 257

Whereas 2017 marks the 175th anniversary of the incorporation of the congregation of the Isaac M. Wise Temple in Cincinnati, Ohio;

Whereas 2017 marks the 150th anniversary of the establishment of the current site for the Isaac M. Wise Temple, also known as the ''Plum Street Temple'';

Whereas Rabbi Isaac M. Wise led that congregation for nearly a half century, establishing the congregation as the cradle of American Reform Judaism and helping to make Cincinnati a center of Jewish life in the United States;

Whereas Rabbi Isaac M. Wise founded the Union of American Hebrew Congregations (now known as the ''Union for Reform Judaism'') in 1873 and the Central Conference of Reform Rabbis in 1889 to help lead the United States Jewish Reform movement;

Whereas Rabbi Isaac M. Wise founded the Hebrew Union College in Cincinnati in 1875, now the oldest rabbinical school in continuous existence in the United States; and

Whereas the Isaac M. Wise Plum Street Temple is listed on the National Register of Historic Places for the significant role that the Temple played in the history of Reform Judaism and for the unique Moorish architectural style of the Temple: Now, therefore, be it

Resolved, That the Senate—

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

(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.

SENATE RESOLUTION 258—DESIGNATING THE WEEK BEGINNING SEPTEMBER 10, 2017, AS ''NATIONAL DIRECT SUPPORT PROFESSIONALS RECOGNITION WEEK''

Mr. CARDIN (for himself, Ms. COLLINS, Mr. BROWN, Mr. BLUMENTHAL, Mr. MARKEY, Mr. PORTMAN, Mr. KING, Ms. WARREN, Mr. MENENDEZ, and Ms. KLOBUCHAR) submitted the following resolution; which was considered and agreed to:

S. RES. 258

Whereas direct support professionals, including direct care workers, personal assistants, personal attendants, in-home support workers, and paraprofessionals, are key to providing publicly funded, long-term support and services for millions of individuals with disabilities;

Whereas direct support professionals provide essential support to help keep individuals with disabilities connected to their families, friends, and communities so as to avoid more costly institutional care;

Whereas direct support professionals support individuals with disabilities by helping those individuals make person-centered choices that lead to meaningful, productive lives;

Whereas direct support professionals must build close, respectful, and trusted relationships with individuals with disabilities;

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 who are receiving health care services for severe chronic health conditions and individuals with functional limitations;

Whereas many direct 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 support, safety, and health of individuals with disabilities;

Whereas the Supreme Court of the United States, in Olmstead v. L.C. by Zimring, 527 U.S. 581 (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 persons 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 integral to the provision of long-term support and services for individuals with disabilities;

(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 KLOBUCHAR 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 many people take 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 work to 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''

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; which was considered and agreed to:

S. RES. 259

Whereas family service learning is a method under which children and families learn and solve problems together in a multigenerational approach with active participation in thoughtfully organized service that—

(1) is conducted in, and meets the needs of, their communities;

(2) is focused on children and families solving community issues together;

(3) requires the application of college and career readiness skills by children and relevant workforce training skills by adults; and

(4) is coordinated between the community and an elementary school, a secondary school, an institution of higher education, or a family community service program;

Whereas family service learning—

(1) is multi-generational learning that involves parents, children, caregivers, and extended family members in shared learning experiences in physical and digital environments;

(2) is integrated into and enhances the academic achievement of children or the educational components of a family service program in which families may be enrolled; and

(3) promotes skills (such as investigation, planning, and preparation), action, reflection, the demonstration of results, and sustainability;

Whereas family service learning has been shown to have positive 2-generational effects and encourages families to invest in their communities to improve economic and societal well-being;

Whereas, through family service learning, children and families have the opportunity to solve community issues and learn together, thereby enabling the development of life and career skills, such as flexibility and adaptability, initiative and self-direction, social and cross-cultural skills, productivity and accountability, and leadership and responsibility;

Whereas family service learning activities provide opportunities for families to improve essential skills, such as organization, research, planning, reading 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'' to raise public awareness about the importance of family service learning, family literacy, community service, and 2-generational learning 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) calls upon 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 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.

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. 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 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 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 1062. Mr. VAN HOLLEN (for himself and Mr. TOOMEY) 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 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, supra; which was ordered to lie on the table.

SA 1064. Mr. WYDEN 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 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. BURR 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. 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, 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. 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, supra; which was ordered to lie on the table.

SA 1081. Mr. YOUNG (for himself, Mr. MURPHY, 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. WICKER, Mr. THUNE, Mr. NELSON, and 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. Ms. CORTEZ MASTO 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. MCCONNELL (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 (3) and all that follows through the end of section 855 and insert the following:

(3) by adding at the end the following new paragraph:

''(2) When applying the preference for the acquisition of commercial items and nondevelopmental 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 subsection (a) of section 2375 of title 10, United States Code, from laws such contracts and subcontracts would

otherwise be exempt from under section 1906(d) of title 41, United States Code; and

(2) revise the Department of Defense Supplement to the Federal Acquisition Regulation to provide an exemption from each law subject to such determination unless the Secretary determines there is a specific reason not to provide the exemption.

(b) ELIMINATION 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) ELIMINATION 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, the Secretary of Defense shall revise the Department of Defense Supplement to the Federal Acquisition Regulation to eliminate all requirements for a prime contractor to include a specific contract clause in a subcontract for 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 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:

On page 342, line 16, insert after ''may'' the following: '', with the concurrence of the Secretary of State,''.

On page 342, beginning on line 18, strike '', with the concurrence of the Secretary of State,''.

On page 343, line 20, strike ''in consultation with'' and insert ''with the concurrence of''.

On page 343, line 25, strike ''in consultation with'' and insert ''with the concurrence of''.

On page 344, beginning on line 1, strike ''the congressional defense committees'' and insert ''the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives''.

On page 603, line 21, insert after ''may'' the following: '', with the concurrence of the Secretary of State,''.

On page 606, line 21, strike ''the congressional defense committees'' and insert ''the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate and the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives''.

On page 632, line 14, strike ''the congressional defense committees'' and insert ''the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate and the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives''.

On page 643, beginning on line 6, strike ''the Committees on Armed Services of the Senate and the House of Representatives'' and insert ''the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives''.

On page 698, line 20, insert after ''malicious cyber activities'' the following: '', including those''.

On page 729, beginning on line 7, strike ''the congressional defense committees'' and insert ''the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate and the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives''.

SA 1059. 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, 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:

SEC. _____. CARRIAGE OF CERTAIN PROGRAMMING.

(a) DEFINITIONS.—In this section—

(1) the term ''local commercial television station'' has the meaning given the term in section 614(h) of the Communications Act of 1934 (47 U.S.C. 534(h));

(2) the term ''multichannel video programming distributor'' has the meaning given the term in section 602 of the Communications Act of 1934 (47 U.S.C. 522);

(3) the term ''qualified noncommercial educational television station'' has the meaning given the term in section 615(l) of the Communications Act of 1934 (47 U.S.C. 535(l));

(4) the term ''retransmission consent'' means the authority granted to a multichannel video programming distributor under section 325(b) of the Communications Act of 1934 (47 U.S.C. 325(b)) to retransmit the signal of a television broadcast station; and

(5) the term ''television broadcast station'' has the meaning given the term in section 76.66(a) of title 47, Code of Federal Regulations.

(b) CARRIAGE OF CERTAIN CONTENT.—Notwithstanding any other provision of law, a multichannel video programming distributor may not be directly or indirectly required, including as a condition of obtaining retransmission consent, to—

(1) carry the primary or secondary video stream of any local commercial television station, qualified noncommercial educational television station, or television broadcast station if that stream broadcasts video programming that is owned, controlled, or financed (in whole or in part) by the Government of the Russian Federation; or

(2) lease, or otherwise make available, channel capacity to any person for the provision of video programming that is owned, controlled, or financed (in whole or in part) by the Government of the Russian Federation.

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, 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 title X, add the following:

Subtitle H—Bilateral Access to Foreign Data

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 to—

(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—

(1) in chapter 119—

(A) in section 2511(2) by adding at the end the following:

''(j) It shall not be unlawful under this chapter for a provider of electronic communication service to the public or remote computing service to intercept or disclose the contents of a wire or electronic communication in response 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 2520(d), by amending paragraph (3) to read as follows:

''(3) a good faith determination that section 2511(3), 2511(2)(i), or 2511(2)(j) of this title permitted the conduct complained of;'';

(2) in chapter 121—

(A) in section 2702—

(i) in subsection (b)—

(I) in paragraph (8), by striking the period at the end and inserting ''; or''; 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) in subsection (c)—

(I) in paragraph (5), by striking ''or'' at the end;

(II) in paragraph (6), by striking the period at the end and inserting ''; or''; and

(III) 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 2707(e), by amending paragraph (3) to read as follows:

''(3) a good faith determination that section 2511(3), section 2702(b)(9), or section 2702(c)(7) of this title permitted the conduct complained of;''; and

(3) in chapter 206—

(A) in section 3121(a), by inserting before the period at the end the following: ''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

(B) in section 3124—

(i) by amending 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 any provider of a wire or electronic communication service, its officers, employees, agents, or other specified persons for providing information, facilities, or assistance in accordance with a court order under this chapter, request pursuant to section 3125 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

(ii) by amending subsection (e) to read as follows:

''(e) DEFENSE.—A good faith reliance on a court order under this chapter, a request pursuant to section 3125 of this title, a legislative authorization, a statutory authorization, or a good faith determination that the conduct complained of was permitted by an order from a foreign government that is subject to executive agreement that the Attorney General has determined and certified to Congress satisfies section 2523, is a complete defense against any civil or criminal action brought under this chapter or any other law.''.

SEC. 1094. EXECUTIVE AGREEMENTS ON ACCESS TO DATA BY FOREIGN GOVERNMENTS.

(a) IN GENERAL.—Chapter 119 of title 18, United States Code, is amended by adding at the end the following:

''§ 2523. Executive agreements on access to data by foreign governments

''(a) DEFINITIONS.—In this section—

''(1) the term 'lawfully admitted for permanent residence' has the meaning given the term 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 or national of the United States, 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 law of the foreign government, including the implementation of that law, affords robust substantive and procedural protections for privacy 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, as demonstrated 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 the requirements set forth in chapters I and II of that Convention;

''(ii) demonstrates respect for the rule of law and principles of non-discrimination;

''(iii) adheres to applicable international human rights obligations and commitments or demonstrates respect for international universal human rights, including—

''(I) protection from arbitrary and unlawful interference with privacy;

''(II) fair trial rights;

''(III) freedom of expression, association, and peaceful assembly;

''(IV) prohibitions on arbitrary arrest and detention; and

''(V) prohibitions against torture and cruel, inhuman, or degrading treatment or punishment;

''(iv) has clear legal mandates and procedures governing those entities of the foreign government that are authorized to seek data under the executive agreement, including procedures through which those authorities collect, retain, use, and share data, and effective oversight of these activities;

''(v) has sufficient mechanisms to provide accountability and appropriate transparency regarding the collection and use of electronic data by the foreign government; and

''(vi) demonstrates a commitment to promote and protect the global free flow of information and the open, distributed, and interconnected nature of the Internet;

''(2) the foreign government has adopted appropriate procedures to minimize the acquisition, retention, and dissemination of information concerning United States persons subject to the agreement; and

''(3) the agreement requires that, with respect to any order that is subject to the agreement—

''(A) the foreign government may not intentionally target a United States person or a person located in the United States, and shall adopt targeting procedures designed to meet this requirement;

''(B) the foreign government may not target a non-United States person 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;

''(C) the foreign government may not issue an order at the request of or to obtain information to provide to the United States Government or a third-party government, nor shall the foreign government be required to share any information produced with the United States Government or a third-party government;

''(D) an order issued by the foreign government—

''(i) shall be for the purpose of obtaining information relating to the prevention, detection, investigation, or prosecution of serious crime, including terrorism;

''(ii) shall identify a specific person, account, address, or personal device, or any other specific identifier as the object of the order;

''(iii) shall be in compliance with the domestic law of that country, and any obligation for a provider of an electronic communications service or a remote computing service to produce data shall derive solely from that law;

''(iv) shall be based on requirements for a reasonable justification based on articulable and credible facts, particularity, legality, and severity regarding the conduct under investigation;

''(v) shall be subject to review or oversight by a court, judge, magistrate, or other independent authority; and

''(vi) 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, seal, or delete, and not 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 communication may be disseminated pursuant to subparagraph (G) and relates to significant harm, or the threat thereof, to the United States or United States persons, including crimes involving national security such as terrorism, significant violent crime, child exploitation,

transnational organized crime, or significant financial fraud;

''(I) the foreign government shall afford reciprocal rights of data access, to include, where applicable, removing restrictions on communications service providers and thereby allow them to respond when the United States Government orders production of electronic data that foreign law would otherwise prohibit communications-service providers 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 Government; 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 under subsection (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 certifies an executive agreement under subsection (b), the Attorney General shall provide notice of the determination under subsection (b) and a copy of the executive agreement 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 requirements of this section shall enter into force not earlier than the date that is 90 days after the date on which 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 provided under paragraph (1), each congressional committee described in paragraph (1) may—

''(i) hold one or more hearings on the executive agreement; and

''(ii) submit to their respective House of Congress a report recommending whether the executive agreement should be approved or disapproved.

''(B) REQUESTS FOR INFORMATION.—Upon request 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 considered in determining that the foreign government satisfies the requirements of section 2523.

''(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 described in paragraph (2);

''(ii) which does not have a preamble;

''(iii) the title of which is as follows: 'Joint resolution disapproving the executive agreement 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 disapproves the executive agreement governing access by _____ to certain electronic data as submitted by the Attorney General on _____', the blank spaces being appropriately filled in.

''(B) JOINT RESOLUTION ENACTED.—Notwithstanding 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), there is enacted into law a joint resolution disapproving of an executive agreement under this section, the executive agreement shall not enter into force.

''(C) INTRODUCTION.—During the 90-day period described in subparagraph (B), a joint resolution of disapproval may be introduced—

''(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 designee).

''(5) FLOOR CONSIDERATION IN HOUSE OF REPRESENTATIVES.—If a committee of the House of Representatives to which a joint resolution 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 consideration of the joint resolution.

''(6) CONSIDERATION IN THE SENATE.—

''(A) COMMITTEE REFERRAL.—A joint resolution of disapproval introduced in the Senate shall be—

''(i) referred to the Committee on the Judiciary; and

''(ii) referred to the Committee on Foreign Relations.

''(B) REPORTING AND DISCHARGE.—If a committee to which a joint resolution of disapproval was referred has not reported the joint resolution within 60 days after the date of 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.

''(C) PROCEEDING TO CONSIDERATION.—Notwithstanding rule XXII of the Standing Rules of the Senate, it is in order at any time after either the Committee on the Judiciary or the Committee on Foreign Relations, as the case may be, reports a joint resolution of disapproval to the Senate 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 proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion is not 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.

''(D) RULINGS OF THE CHAIR ON PROCEDURE.—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 disapproval shall be decided without debate.

''(E) CONSIDERATION OF VETO MESSAGES.—Debate in the Senate of any veto message with respect to a joint resolution of disapproval, including all debatable motions and appeals in connection with the joint resolution, shall be limited to 10 hours, to be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

''(7) RULES RELATING TO SENATE AND HOUSE OF REPRESENTATIVES.—

''(A) TREATMENT OF SENATE JOINT RESOLUTION IN HOUSE.—In the House of Representatives, the following procedures shall apply to a joint resolution of disapproval received from the Senate (unless the House has already passed a joint resolution relating to the same proposed action):

''(i) The joint resolution shall be referred to the appropriate committees.

''(ii) If a committee to which a joint resolution has been referred has not reported the joint resolution within 7 days after the date of referral, that committee shall be discharged from further consideration of the joint resolution.

''(iii) Beginning on the third legislative day after each committee to which a joint resolution has been referred reports the joint resolution to the House or has been discharged from further consideration thereof, it shall be in order to move to proceed to consider the joint resolution in the House. All points of order against the motion are waived. Such a motion shall not be in order after the House has disposed of a motion to proceed on the joint resolution. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. The motion shall not be debatable. A motion to reconsider the vote by which the motion is disposed of shall not be in order.

''(iv) The joint resolution shall be considered as read. All points of order against the joint resolution and against its consideration are waived. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except 2 hours of debate equally divided and controlled by the sponsor of the joint resolution (or a designee) and an opponent. A motion to reconsider the vote on passage of the joint resolution shall not be in order.

''(B) TREATMENT OF HOUSE JOINT RESOLUTION 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 referred to a committee.

''(II) With respect to that joint resolution—

''(aa) the procedure in the Senate shall be the same as if no joint resolution had been received from the House of Representatives; but

''(bb) the vote on passage shall be on the joint resolution from the House of Representatives.

''(ii) If, following passage of a joint resolution of disapproval in the Senate, the Senate receives an identical joint resolution from the House of Representatives, that joint resolution 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 resolution.

''(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 revenue measure.

''(8) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—This subsection is enacted by Congress—

''(A) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such is deemed a part of the rules of each House, respectively, and supersedes other rules only to the extent that it is inconsistent with such rules; and

''(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, 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) REPORT.—Upon renewing 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 or, in the case of a second or subsequent renewal, since the last renewal; and

''(C) how the agreement has been implemented and what problems or controversies, 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.

''(f) PUBLICATION.—Any determination or certification under subsection (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 content 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.''.

(b) TABLE OF SECTIONS AMENDMENT.—The table of sections for chapter 119 of title 18, United States Code, is amended by inserting after the item relating to section 2522 the following:

''2523. 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 1782 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. 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 G of title X, add the following:

SEC. 1088. SENSE OF CONGRESS REGARDING UNCONDITIONAL REPEAL OF THE BUDGET CONTROL ACT OF 2011.

It is the sense of Congress that—

(1) since 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 a 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 military advantage of the United States, Congress believes that the budget should be based on requirements, rather than arbitrary budget caps;

(5) this Act 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. 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:

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 materiel 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 reflagging of 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 rare earth minerals; and

(G) prohibit the transfer to North Korea of rocket, aviation, or jet fuel.

(2) The Government of North Korea has threatened to carry out nuclear attacks 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 was 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 ''committed to 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.

(5) The Government of North Korea tested its 5th and largest nuclear device on September 9, 2016.

(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 that Government; and

(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; and

(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; or

(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 executive order;

(ii) an applicable United Nations Security Council resolution; or

(iii) section 104 of the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9204).

(5) NORTH KOREAN FINANCIAL INSTITUTION.—The term ''North Korean financial institution'' includes—

(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 5330(d) of title 31, United States Code, that is owned or controlled by the Government of North Korea; and

(D) any financial institution that is a joint venture between any person and the Government of North Korea.

(6) SECRETARY.—Unless otherwise specified, the term ''Secretary'' means the Secretary of the Treasury.

(7) UNITED STATES FINANCIAL INSTITUTION.—The term ''United States financial institution'' means a financial institution that—

(A) is a United States person, regardless of where the person operates; or

(B) operates or does business in the United States, including by conducting wire transfers through correspondent banks in the United States.

(8) UNITED STATES PERSON.—The term ''United States person'' means—

(A) a citizen or resident of the United States or a national of the United States (as defined in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)); and

(B) an entity that is organized under the laws of the United States or any jurisdiction within the United States, including a foreign subsidiary of such an entity.

PART I—FINANCIAL REQUIREMENTS AND SANCTIONS RELATING TO TRANSACTIONS INVOLVING NORTH KOREA

SEC. ___11. SANCTIONS WITH RESPECT TO FINANCIAL INSTITUTIONS PROVIDING SUPPORT TO THE GOVERNMENT OF 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 SUPPORT TO THE GOVERNMENT OF NORTH KOREA.

''(a) REPORT ON NONCOMPLIANT FINANCIAL INSTITUTIONS.—

''(1) IN GENERAL.—Not later than 60 days after the date of the enactment of the Banking Restrictions Involving North Korea (BRINK) 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 the President has identified as having engaged in, during the one-year period preceding the submission of the report, the following conduct:

''(A) Dealing in North Korean covered property.

''(B) Providing correspondent or interbank services to one or more North Korean financial institutions.

''(C) Failing to apply enhanced due diligence to prevent North Korean financial institutions from gaining access to correspondent or interbank services in the United States or provided by United States persons.

''(D) Knowingly operating or participating with or on behalf of an offshore United States dollar clearing system that conducts transactions involving the Government of North Korea or North Korean covered property.

''(E) Conducting or facilitating one or more significant transactions in North Korean covered property involving covered goods (as that term is defined in section 1027.100 of title 31, Code of Federal Regulations, or any successor regulation) or the currency of a country other than the country in which the person is operating at the time of the transaction.

''(2) FORM OF REPORT.—Each report required under paragraph (1) shall be submitted in unclassified form but may contain a classified annex.

''(b) IMPOSITION OF SANCTIONS AND PENALTIES.—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 with respect to that financial institution:

''(1) Prohibit the opening, and prohibit or impose strict conditions on the maintaining, 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 in all property and interests in property of the financial institution if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

''(3) In the case of a United States financial institution—

''(A) if the financial institution has taken reasonable steps to prevent a recurrence of conduct described in that subsection and is cooperating fully with the efforts of the President to enforce the provisions of this Act and the Banking Restrictions Involving North Korea (BRINK) Act of 2017—

''(i) unless the financial institution is described in clause (ii), the imposition of a civil penalty not to exceed $100,000 for each reportable act described in subparagraphs (A) through (E) of subsection (a)(1) that is knowingly conducted; or

''(ii) if the financial institution has not previously been reported for similar conduct under subsection (a), the issuance of a cautionary letter to that financial institution; or

''(B) if the financial institution is not a financial institution described in subparagraph (A), for each reportable act described in subparagraphs (A) through (E) of subsection (a)(1) that is knowingly conducted, the imposition of a civil penalty not to exceed the greater of—

''(i) $250,000; or

''(ii) an amount that is twice the amount of the transaction that is the basis of the reportable act with respect to which the penalty is imposed.

''(c) SUSPENSION FOR LAW ENFORCEMENT PURPOSES.—The President may suspend the submission of the reports described in subsection (a) and the application of sanctions and penalties described in subsection (b) for a one-year period if—

''(1) such reporting and application of sanctions and penalties could compromise an ongoing law enforcement investigation or prosecution; or

''(2) a criminal prosecution is pending, or a criminal or civil fine or penalty has been imposed or conditionally deferred, for the conduct reported pursuant to subsection (a).

''(d) SUSPENSION AND TERMINATION OF SANCTIONS AND PENALTIES.—

''(1) SUSPENSION.—The President may suspend the application of any sanctions or penalties under subsection (b) for a period of not more than one year if the President certifies to the appropriate congressional committees that the Government of North Korea is taking steps toward—

''(A) the verification of its compliance with applicable United Nations Security Council Resolutions; 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').

''(2) RENEWAL OF SUSPENSION.—The President may renew a suspension described in paragraph (1) for additional periods of not more than 180 days if the President certifies to the appropriate congressional committees that the Government of North Korea continues to take steps as described in paragraph (1).

''(3) TERMINATION OF SANCTIONS.—Subject to subsection (f), the President may terminate the application of any sanctions or penalties under subsection (b) 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').

''(e) WAIVER.—Subject to subsection (f), the President may waive the application of sanctions or penalties under subsection (b) with respect to a financial institution if the President determines that the waiver is in the national security interest of the United States.

''(f) CONGRESSIONAL REVIEW OF PROPOSED ACTIONS TO WAIVE OR TERMINATE SANCTIONS.—

''(1) SUBMISSION TO CONGRESS OF PROPOSED ACTION.—

''(A) IN GENERAL.—Notwithstanding any other provision of law, before taking any action described in subparagraph (B), the President shall submit to the appropriate congressional committees and leadership a report that describes the proposed action and the reasons for that action.

''(B) ACTIONS DESCRIBED.—An action described in this subparagraph is—

''(i) an action to suspend, renew a suspension, or terminate under subsection (d) the application of sanctions or penalties under subsection (b); or

''(ii) with respect to sanctions or penalties under subsection (b) imposed by the President with respect to a person, an action to waive under subsection (e) the application of those sanctions or penalties with respect to that person.

''(C) DESCRIPTION OF TYPE OF ACTION.—Each report submitted under subparagraph (A) with respect to an action described in subparagraph (B) shall include a description of whether the action—

''(i) is not intended to significantly alter United States foreign policy with regard to North Korea; or

''(ii) is intended to significantly alter United States foreign policy with regard to North Korea.

''(D) INCLUSION OF ADDITIONAL MATTER.—

''(i) IN GENERAL.—Each 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 shall include a description of—

''(I) the significant alteration to United States foreign policy with regard to North Korea;

''(II) the anticipated effect of the action on the national security interests of the United States; and

''(III) the policy objectives for which the sanctions affected by the action were initially imposed.

''(ii) REQUESTS FROM BANKING AND FINANCIAL SERVICES COMMITTEES.—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.

''(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 Relations of the Senate and 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 under subparagraph (A) of a report required to be submitted under paragraph (1)(A) shall be 60 calendar days if the report is submitted on or after July 10 and on or before September 7 in any calendar year.

''(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) proposing an action described in paragraph (1)(B), 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 PRESIDENTIAL CONSIDERATION 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 12 calendar days after the date of passage of the joint resolution of disapproval.

''(E) LIMITATION ON ACTIONS DURING CONGRESSIONAL RECONSIDERATION 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), and the President vetoes the joint resolution, 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 ENACTMENT 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.

''(3) JOINT RESOLUTIONS OF DISAPPROVAL OR APPROVAL.—

''(A) JOINT RESOLUTIONS OF DISAPPROVAL OR APPROVAL DEFINED.—In this paragraph:

''(i) JOINT RESOLUTION OF APPROVAL.—The term 'joint resolution of approval' means only a joint resolution of either House of Congress—

''(I) the title of which is as follows: 'A joint resolution approving 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 approves of the action relating to the application of sanctions imposed with respect to North Korea proposed by the President in the report submitted to Congress under section 201A(f)(1)(A) of the North Korea Sanctions and Policy Enhancement Act of 2016 on _____ relating to _____.', with the first blank space being filled with the appropriate date and the second blank space being filled with a short description of the proposed action.

''(ii) JOINT RESOLUTION OF DISAPPROVAL.—The term 'joint resolution of disapproval' means only a joint resolution of either House of Congress—

''(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 action relating to the application of sanctions imposed with respect to North Korea proposed by the President in the report submitted to Congress under section 201A(f)(1)(A) of the North Korea Sanctions and Policy Enhancement Act of 2016 on _____ relating to _____.', with the first blank space being filled with the appropriate date and the second blank space being filled with a short description of the proposed action.

''(B) INTRODUCTION.—During the period of 30 calendar days provided for under paragraph (2)(A), including any additional period as applicable under the exception provided in paragraph (2)(B), a joint resolution of approval or joint resolution of disapproval may be introduced—

''(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 designee).

''(C) FLOOR CONSIDERATION IN HOUSE OF REPRESENTATIVES.—

''(i) REPORTING AND DISCHARGE.—If a committee of the House of Representatives to which a joint resolution of approval or joint resolution of disapproval has been referred has not reported the joint resolution within 10 calendar days after the date of referral, that committee shall be discharged from further consideration of the joint resolution.

''(ii) PROCEEDING TO CONSIDERATION.—Beginning on the third legislative day after each committee to which a joint resolution of approval or joint resolution of disapproval has been referred reports the joint resolution to the House or has been discharged from further consideration of the joint resolution, it shall be in order to move to proceed to consider the joint resolution in the House. All points of order against the motion are waived. Such a motion shall not be in order after the House has disposed of a motion to proceed on the joint resolution. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. The motion shall not be debatable. A motion to reconsider the vote by which the motion is disposed of shall not be in order.

''(iii) CONSIDERATION.—The joint resolution of approval or joint resolution of disapproval shall be considered as read. All points of order against the joint resolution and against its consideration are waived. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except 2 hours of debate equally divided and controlled by the sponsor of the joint resolution (or a designee) and an opponent. A motion to reconsider the vote on passage of the joint resolution shall not be in order.

''(D) CONSIDERATION IN THE SENATE.—

''(i) COMMITTEE REFERRAL.—A joint resolution of approval or joint resolution of disapproval introduced in the Senate shall be—

''(I) 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; and

''(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 intended to significantly alter United States foreign policy with respect to North Korea.

''(ii) REPORTING AND DISCHARGE.—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 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.

''(iii) 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 to the Senate 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 proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion to proceed is not debatable. The motion is not 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.

''(iv) RULINGS OF THE CHAIR ON PROCEDURE.—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.

''(v) CONSIDERATION OF VETO MESSAGES.—Debate in the Senate of any veto message with respect to a joint resolution of approval or joint resolution of disapproval, including all debatable motions and appeals in connection with the joint resolution, shall be limited to 10 hours, to be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

''(E) RULES RELATING TO SENATE AND HOUSE OF REPRESENTATIVES.—

''(i) 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) the vote on passage shall be on the joint resolution of the other House.

''(ii) TREATMENT OF A JOINT RESOLUTION OF OTHER HOUSE.—If one House fails to introduce a joint resolution of approval or joint resolution of disapproval, a joint resolution of approval or joint resolution of disapproval of the other House shall be entitled to expedited procedures in that House under this subsection.

''(iii) TREATMENT OF HOUSE JOINT RESOLUTION IN SENATE.—If, following passage of a joint resolution of approval or joint resolution of disapproval in the Senate, the Senate receives an identical joint resolution from the House of Representatives, that joint resolution shall be placed on the appropriate Senate calendar.

''(iv) APPLICATION TO REVENUE MEASURES.—The provisions of this subparagraph shall not apply in the House of Representatives to a joint resolution of approval or joint resolution of disapproval that is a revenue measure.

''(F) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—This paragraph is enacted by Congress—

''(i) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a joint resolution of approval or joint resolution of disapproval, and supersedes other rules only to the extent that it is inconsistent with such rules; and

''(ii) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

''(g) BRIEFING REQUIRED.—Not later than 180 days after the date of the enactment of the Banking Restrictions Involving North Korea (BRINK) Act of 2017, and every 180 days thereafter, the President shall brief the appropriate congressional committees on the status of efforts by the President to prevent conduct described in subparagraphs (A) through (E) of subsection (a)(1).

''(h) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit any person from, or authorize or require the imposition of sanctions with respect to any person for, conducting or facilitating any transaction for the sale or donation of agricultural commodities, food, medicine, or medical devices.

''(i) DEFINITIONS.—In this section:

''(1) APPROPRIATE CONGRESSIONAL COMMITTEES AND LEADERSHIP.—The term 'appropriate congressional committees and leadership' means—

''(A) the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, and the majority and minority leaders of the Senate; and

''(B) the Committee on Financial Services, the Committee on Foreign Affairs, and the Speaker, the majority leader, and the minority leader of the House of Representatives.

''(2) CORRESPONDENT ACCOUNT; PAYABLE-THROUGH ACCOUNT.—The terms 'correspondent account' and 'payable-through account' have the meanings given those terms in section 5318A of title 31, United States Code.

''(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; NORTH KOREAN FINANCIAL INSTITUTION; UNITED STATES FINANCIAL INSTITUTION.—The terms 'North Korean covered property', 'North Korean financial institution', and 'United States financial institution' have the meanings given those terms in section ____03 of the Banking Restrictions Involving North Korea (BRINK) Act of 2017.''.

(b) CLERICAL AMENDMENT.—The table of contents for the North Korea Sanctions and Policy Enhancement Act of 2016 is amended by striking the item relating to section 201A and inserting the following:

''201A. Sanctions with respect to financial institutions providing support to the Government of North Korea.''.

SEC. ____12. EXPANSION OF LICENSING REQUIREMENTS FOR TRANSACTIONS IN NORTH KOREAN COVERED PROPERTY.

(a) LICENSE REQUIRED.—

(1) IN GENERAL.—Except as provided in paragraph (2), not later than 180 days after the date of the enactment of this Act, the President shall prescribe regulations prohibiting any transaction involving the manufacture, sale, purchase, transfer, import, or export of North Korean covered property by a United States person or conducted in the United States.

(2) EXCEPTION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary may grant licenses and permits for the following purposes:

(i) For any purpose covered by an exemption or waiver under section 208 of the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9228), including humanitarian, diplomatic, consular, law enforcement, and other purposes.

(ii) To import food products into North Korea if such food products are not defined as luxury goods.

(iii) To meet an urgent and compelling humanitarian need.

(iv) For activities to promote human rights in North Korea, the development of private agriculture and markets in North Korea, and the free flow of information to, from, and within North Korea.

(v) To import agricultural products, medicine, or medical devices into North Korea if such products, medicine, or devices are classified as designated ''EAR 99'' under subchapter C of chapter VII of title 15, Code of Federal Regulations, or any successor regulations (commonly known as the ''Export Administration Regulations''), and not controlled under—

(I) the Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.), as continued in effect under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.);

(II) the Arms Export Control Act (22 U.S.C. 2751 et seq.);

(III) part B of title VIII of the Nuclear Proliferation Prevention Act of 1994 (22 U.S.C. 6301 et seq.); or

(IV) the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991 (22 U.S.C. 5601 et seq.).

(B) EXCEPTION.—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. 9214(a)).

(b) PENALTIES.—

(1) IN GENERAL.—A 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; or

(B) evades a requirement to obtain a license or permit under this section or a regulations prescribed pursuant to this section.

(2) FORFEITURE OF PROPERTY.—Any property, real or personal, that is involved in a transaction that is a violation of subsection (a)(1), is involved in an attempt to conduct such a transaction, or constitutes or is derived from proceeds traceable to such a transaction, is subject to forfeiture to the United States.

(c) REPORT REQUIRED.—

(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.

(3) PUBLIC AVAILABILITY.—Not later than 30 days after the submission of a report under paragraph (1), the Secretary of the Treasury and the Secretary of State shall each publish the unclassified part of the report on a publicly available Internet website of the Department of the Treasury and the Department of State, as the case may be.

(d) TERMINATION OF REQUIREMENTS.—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. 9252).

(e) MODIFICATION OF DEFINITION OF SPECIFIED UNLAWFUL ACTIVITY FOR MONEY LAUNDERING PURPOSES.—Section 1956(c)(7)(D) of title 18, United States Code, is amended—

(1) by striking ''or section 104(a) of the North Korea Sanctions Enforcement Act of 2016'' and inserting ''section 104(a) of the North Korea Sanctions and Policy Enhancement Act of 2016''; and

(2) by inserting before the semicolon at the end the following: '', or section ____02(b) of the Banking Restrictions Involving North Korea (BRINK) Act of 2017 (relating to transactions in certain North Korean property)''.

SEC. ___13. AUTHORIZATION OF IMPOSITION OF SANCTIONS WITH RESPECT TO THE PROVISION OF SPECIALIZED FINANCIAL MESSAGING SERVICES TO NORTH KOREAN FINANCIAL INSTITUTIONS AND SANCTIONED PERSONS.

(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 SPECIALIZED FINANCIAL MESSAGING SERVICES TO NORTH KOREAN FINANCIAL INSTITUTIONS AND SANCTIONED PERSONS.

''(a) SENSE OF CONGRESS.—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 $951,000,000 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, any financial institution designated by the United Nations Security Council is inconsistent with applicable United Nations Security Council resolutions.

''(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 and directly 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—

''(I) an applicable Executive order;

''(II) an applicable United Nations Security Council resolution; or

''(III) section 104 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) 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; or

''(C) section 104 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 period of not more than one year if the President certifies to the appropriate congressional committees that the Government of North Korea is taking steps toward—

''(A) the verification of its compliance with applicable United Nations Security Council Resolutions; 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').

''(2) RENEWAL OF SUSPENSION.—The President may renew a suspension described in paragraph (1) for additional periods of not more than 180 days if the President certifies to the appropriate congressional committees that the Government of North Korea continues to take steps as described in paragraph (1).

''(3) 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; 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; and

''(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 FINANCIAL INSTITUTION.—The term 'North Korean financial institution' has the meaning given that term in section ___03 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.''.

SEC. ___14. AUTHORIZATION OF IMPOSITION OF SANCTIONS WITH RESPECT TO GOVERNMENTS THAT FAIL TO COMPLY WITH UNITED NATIONS SECURITY COUNCIL SANCTIONS AGAINST NORTH KOREA.

(a) IN GENERAL.—Section 317 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.)).

''(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. 262r(c))) to use the voice and vote of the United States to oppose the provision of loans, benefits, or other use of the funds of the institution to that government.

''(d) RULE OF CONSTRUCTION.—This section shall not be construed to limit the use of other sanctions authorities available to the President in response to governments of countries failing to carry out the activities set forth in paragraphs (1) through (4) of subsection (a).''.

(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 317 and inserting the following:

''317. Authorization of imposition of sanctions with respect to governments that fail to comply with United Nations Security Council sanctions against North Korea.''.

SEC. ___15. GRANTS TO CONDUCT RESEARCH ON FINANCIAL NETWORKS AND FINANCIAL METHODS OF THE GOVERNMENT OF NORTH KOREA.

(a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The President, acting through the Attorney General, the Secretary of State, the Secretary of the Treasury, or the Director of National Intelligence, may award grants to, and enter into cooperative agreements with, States, units of local government, nongovernmental organizations, and relevant international organizations to further the purposes of this title and provide data to address the issues identified in section ___02.

(2) RESEARCH INITIATIVES.—Grants awarded and cooperative agreements entered into under paragraph (1) shall include grants and agreements for the purpose of conducting research initiatives on the following:

(A) The methods used by the Government of North Korea to deal in, transact in, or conceal the ownership, control, or origin of North Korean covered property.

(B) The relationship between proliferation by the Government of North Korea and the financial industry or financial institutions.

(C) The export by any person to the United States of North Korean covered property.

(D) The involvement of any person in human trafficking involving citizens or nationals of North Korea.

(E) Information relating to transactions described in section ___12(a).

(F) Information relating to activities by governments as described in section 317(a) of the Korean Interdiction and Modernization of Sanctions Act (Public Law 115–44).

(G) Information relating to the identification, blocking, and release of property or proceeds described in section ___17(a).

(H) The effectiveness of law enforcement and diplomatic initiatives of Federal, State, and foreign governments to comply with the provisions of applicable United Nations Security Council resolutions.

(I) The effectiveness of compliance programs within the financial industry to ensure compliance with applicable United Nations Security Council resolutions.

(b) INTERAGENCY COORDINATION.—The President shall ensure that any information collected pursuant to subsection (a) is shared among the agencies involved in investigations described in section 102(b) of the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9212(b)).

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for each of fiscal years 2018 through 2021 such sums as may be necessary to carry out this section.

SEC. ___16. REPORT ON USE BY THE GOVERNMENT OF NORTH KOREA OF BENEFICIAL OWNERSHIP RULES TO ACCESS THE INTERNATIONAL FINANCIAL SYSTEM.

(a) IN GENERAL.—Not later than November 11, 2018, the Director of the Financial Crimes Enforcement Network of the Department of the Treasury shall submit to the appropriate congressional committees and publish in the Federal Register a report setting forth the findings of the Director regarding how the Government of North Korea is using laws regarding beneficial ownership of property to access the international financial system.

(b) ELEMENTS.—The Director shall include in the report required under subsection (a) proposals for such legislative and administrative action as the Director considers appropriate.

SEC. ___17. SENSE OF CONGRESS ON IDENTIFICATION AND BLOCKING OF PROPERTY OF NORTH KOREAN OFFICIALS.

(a) IN GENERAL.—It is the sense of Congress that the President should collaborate with the Stolen Asset Recovery Initiative of the World Bank Group and the United Nations Office on Drugs and Crime to prioritize the identification, blocking, and release for humanitarian purposes of—

(1) any property owned or controlled by a North Korean official; or

(2) any significant proceeds of kleptocracy by the Government of North Korea or a North Korean official.

(b) NORTH KOREAN OFFICIAL DEFINED.—In this section, the term ''North Korean official'' includes—

(1) the individuals described in section 304(a)(2)(B) of the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9243(a)(2)(B)); and

(2) such additional officials as the President may determine to be officials of the Government of North Korea.

SEC. ___18. SENSE OF CONGRESS REGARDING THE KAESONG INDUSTRIAL COMPLEX.

(a) FINDINGS.—Congress finds the following:

(1) On October 14, 2006, the United Nations Security Council adopted Resolution 1718, paragraph 8(d) of which requires member states of the United Nations to ensure that persons under their jurisdiction prevent any funds, financial assets, and economic resources from being used by persons or entities engaged in or proving support for the nuclear, chemical, or biological weapons programs of North Korea or the ballistic missile programs of North Korea.

(2) On April 11, 2011, the President signed Executive Order 13570 (50 U.S.C. 1701 note; relating to prohibiting certain transactions with respect to North Korea), which prohibits the importation into the United States, directly or indirectly, of any goods, services, or technology from North Korea, except as provided in statute or in licenses, regulations, orders, or directives that may be issued pursuant to that Executive Order.

(3) In April 2013, the Under Secretary of the Treasury for Terrorism and Financial Intelligence said, in reference to the Kaesong Industrial Complex, ''Precisely what North Koreans do with earnings from Kaesong, I think, is something that we are concerned about.''.

(4) In February 2016, on announcing the suspension of operations at the Kaesong Industrial Complex, the Unification Ministry of the Republic of Korea stated that the Government of North Korea may have used the proceeds from the Kaesong Industrial Complex to finance its nuclear weapons program.

(5) On November 30, 2016, the United States Security Council approved Resolution 2321, paragraph 32 of which requires member states of the United Nations to prohibit public and private financial support for trade with North Korea from within their territories or by persons subject to their jurisdiction, including the granting of export credits, guarantees, or insurance to persons involved in such trade, except as approved in advance by a committee appointed by the Security Council on a case-by-case basis.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States stands in solidarity with its ally in the Republic of Korea, and has expressed that solidarity with the sacrifice of 36,914 people of the United States and with the continued presence of 29,500 members of the Armed Forces of the United States in the Republic of Korea;

(2) the nuclear weapons program of North Korea poses a grave and imminent threat to the freedom and security of both the United States and the Republic of Korea;

(3) the Kaesong Industrial Complex yielded few, if any, apparent benefits with regard to the reform, liberalization, or disarmament of North Korea;

(4) the unconditional provision of revenue from the Kaesong Industrial Complex to the Government of North Korea undermines the financial pressure necessary to strict and effective enforcement of United Nations Security Council sanctions;

(5) the strict and effective enforcement of United Nations Security Council sanctions is the last plausible option to achieve the complete, verifiable, irreversible, and peaceful nuclear disarmament of North Korea; and

(6) the Kaesong Industrial Complex should not be reopened until the Government of North Korea has completely, verifiably, and irreversibly dismantled 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.

PART II—DIVESTMENT FROM NORTH KOREA

SEC. ___21. AUTHORITY OF STATE AND LOCAL GOVERNMENTS TO DIVEST FROM COMPANIES THAT INVEST IN NORTH KOREA.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States should support the decision of any State or local government, for moral, prudential, or reputational reasons, to divest from, or prohibit the investment of assets of the State or local government in, a person that engages in investment activities involving North Korean covered property if North Korea is subject to economic sanctions imposed by the United States or the United Nations Security Council.

(b) AUTHORITY TO DIVEST.—Notwithstanding any other provision of law, a State or local government may adopt and enforce measures that meet the requirements of subsection (c) to divest the assets of the State or local government from, or prohibit investment of the assets of the State or local government in, any person that the State or local government determines, using credible information available to the public, engages in investment activities involving North Korean covered property of a value of more than $10,000.

(c) REQUIREMENTS.—Any measure taken by a State or local government under subsection (b) shall meet the following requirements:

(1) NOTICE.—The State or local government shall provide written notice to each person with respect to which a measure under this section is to be applied.

(2) TIMING.—The measure applied under this section shall apply to a person not earlier than the date that is 90 days after the date on which written notice under paragraph (1) is provided to the person.

(3) OPPORTUNITY TO DEMONSTRATE COMPLIANCE.—

(A) IN GENERAL.—The State or local government shall provide to each person with respect to which a measure is to be applied under this section an opportunity to demonstrate to the State or local government that the person does not engage in investment activities in North Korean covered property.

(B) NONAPPLICATION.—If a person with respect to which a measure is to be applied under this section demonstrates to the State or local government under subparagraph (A)

that the person does not engage in investment activities in North Korean covered property, the measure shall not apply to that person.

(4) SENSE OF CONGRESS ON AVOIDING ERRONEOUS TARGETING.—It is the sense of Congress that a State or local government should not adopt a measure under subsection (b) with respect to a person unless the State or local government has—

(A) made every effort to avoid erroneously targeting the person; and

(B) verified that the person engages in investment activities in North Korean covered property.

(d) 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.

(e) AUTHORIZATION FOR PRIOR APPLIED MEASURES.—

(1) IN GENERAL.—Notwithstanding any other provision of this section or any other provision of law, a State or local government may enforce a measure (without regard to the requirements of subsection (c), except as provided in paragraph (2)) applied by the State or local government before the date of the enactment of this Act that provides for the divestment of assets of the State or local government from, or prohibits the investment of the assets of the State or local government in, any person that the State or local government determines, using credible information available to the public, engages in investment activities in North Korean covered property that are identified in that measure.

(2) APPLICATION OF NOTICE REQUIREMENTS.—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.

(f) 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) ASSET.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term ''asset'' means public monies, and includes any pension, retirement, annuity, endowment fund, or similar instrument, that is controlled by a State or local government.

(B) EXCEPTION.—The term ''asset'' does not include employee benefit plans covered by title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.).

(2) INVESTMENT.—The term ''investment'' includes—

(A) a commitment or contribution of funds or property;

(B) a loan or other extension of credit; and

(C) the entry into or renewal of a contract for goods or services.

(h) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2) and subsection (e), this section applies to measures applied by a State or local government before, on, or after the date of the enactment of this Act.

(2) NOTICE REQUIREMENTS.—Except as provided in subsection (h), subsections (c) and (d) apply to measures applied by a State or local government on or after the date of the enactment of this Act.

SEC. ___22. SAFE HARBOR FOR CHANGES OF INVESTMENT POLICIES BY ASSET MANAGERS.

(a) IN GENERAL.—Section 13(c)(1) of the Investment Company Act of 1940 (15 U.S.C. 80a–13(c)(1)) is amended—

(1) in subparagraph (A) by striking ''or'' at the end;

(2) in subparagraph (B) by striking the period and inserting ''; or''; and

(3) by adding at the end the following:

''(C) engage in investment activities involving North Korean covered property, as defined in section ___03 of the Banking Restrictions Involving North Korea (BRINK) Act of 2017.''.

(b) SECURITIES AND EXCHANGE COMMISSION REGULATIONS.—Not later than 120 days after the date of the enactment of this Act, the Securities and Exchange Commission shall issue any revisions the Securities and Exchange Commission determines to be necessary to the regulations requiring disclosure by each registered investment company that divests itself of securities in accordance with section 13(c) of the Investment Company Act of 1940 (15 U.S.C. 80a–13(c)), including in accordance with paragraph (1)(C) of that section, as added by subsection (a)(3).

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 plan assets in, any person 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 result of that 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)).

SEC. ___24. RULE OF CONSTRUCTION.

Nothing in this subtitle, an amendment made by this subtitle, or any other provision of law authorizing sanctions with respect to North Korea shall be construed to affect or displace—

(1) the authority of a State or local government to issue and enforce rules governing the safety, soundness, and solvency of a financial institution subject to its jurisdiction; or

(2) the regulation and taxation by the several States of the business of insurance, pursuant to the Act of March 9, 1945 (59 Stat. 34, chapter 20; 15 U.S.C. 1011 et seq.) (commonly known as the ''McCarran-Ferguson Act'').

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 deadline for submission consisting of the same unit of time may be consolidated into a single report that is submitted pursuant to that deadline.

(b) CONTENTS.—Any reports consolidated under subsection (a) shall contain all information required under this subtitle or the amendment made by this subtitle and any other elements that may be required by existing law.

SEC. ___33. RULE OF CONSTRUCTION.

Nothing in this subtitle or an amendment made by this subtitle shall be construed to limit the authority or obligation of the President—

(1) to apply the sanctions described in—

(A) section 104 of the North Korea Sanctions and Policy Enhancement 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 115–44); or

(2) to exercise any other law enforcement authorities available to the President.

SA 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:

In section 886, beginning in the new section 2320a of title 10, United States Code, as added by subsection (a)(1) of such section 886, strike subsection (c) of such section 2320a and all that follows through the end of subsection (d)(1) of such section 886 and insert the following:

''(c) APPLICABILITY TO EXISTING SOFTWARE.—The Secretary of Defense shall, where appropriate—

''(1) seek to negotiate open source licenses to existing custom-developed computer software with contractors that developed it; and

''(2) release related source code and technical data in a public repository location approved by the Department of Defense.

''(d) DEFINITIONS.—In this section:

''(1) CUSTOM-DEVELOPED 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(j)(2) of the Small Business Act (15 U.S.C. 638(j)(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.

''(2) TECHNICAL DATA.—The term 'technical data' has the meaning given the term in section 2302 of this title.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding after the item relating to section 2320 the following new item:

''2320a. Use of open source software.''.

(b) PRIZE COMPETITION.—The Secretary of Defense shall create a prize for a research and develop program or other activity for identifying, capturing, and storing existing Department of Defense custom-developed computer software and related technical data. The Secretary of Defense shall create

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 2374a of title 10, United States Code.

(c) REVERSE ENGINEERING.—The Secretary of Defense shall task the Defense Advanced Research Program 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) CUSTOM-DEVELOPED 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(j)(2) of the Small Business Act (15 U.S.C. 638(j)(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. _____. 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 forestlands 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 421 and 301, 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 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 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, 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 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 Fuel Savings, increase the amount of the reduction indicated in the Senate Authorized column by $20,000,000.

In the funding table in section 4301, in the item relating to Subtotal 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 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. ___. PERMANENT RESIDENT STATUS FOR LIU XIA.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act (8 U.S.C. 1151), Liu Xia shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act (8 U.S.C. 1154) or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Liu Xia enters the United States before the filing deadline specified in subsection (c), Liu Xia shall be considered to have entered and remained lawfully in the United States and shall be eligible for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) as of the date of the enactment of this Act.

(c) APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for the issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees not later than the later of—

(1) 2 years after the date of the enactment of this Act; or

(2) 2 years after the date on which Liu Xia is released from incarceration or travel restriction imposed by the People's Republic of China.

(d) REDUCTION OF IMMIGRANT VISA NUMBERS.—Upon the granting of an immigrant visa or permanent residence to Liu Xia, the Secretary of State shall instruct the proper officer to reduce by 1, during the current or next following fiscal year—

(1) the total number of immigrant visas that are made available to natives of the country of birth of Liu Xia under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)); or

(2) if applicable, the total number of immigrant visas that are made available to natives of the country of birth of Liu Xia under section 202(e) of such Act (8 U.S.C. 1152(e)).

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, 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. ___. INCLUSION OF FEDERAL SUBSIDIES IN CALCULATION OF FULLY BURDENED COST OF DROP-IN FUELS.

Section 2922h(c)(4) of title 10, United States Code, is amended by inserting '', including any financial contributions from a Federal agency other than the Department of Defense, including the Commodity Credit Corporation under the Department of Agriculture, for the purpose of reducing the total price of the fuel,'' after ''commodity price of the fuel''.

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, 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. _____. LIMITATION ON OBSERVATION FLIGHTS OF THE RUSSIAN FEDERATION OVER THE UNITED STATES UNDER THE OPEN SKIES TREATY.

(a) IN GENERAL.—No amounts authorized to be appropriated by this Act may be used to aid, support, or permit in any manner observation flights of the Russian Federation over the United States under the Open Skies Treaty until the Secretary of Defense certifies to Congress each of the following:

(1) That the Russian Federation has removed all restrictions regarding access to observation flights of the United States and other 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) That 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 over the United States under the Open Skies Treaty unless the Russian Federation has agreed to the employment of advanced sensors, consistent with 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.

(3) OPEN SKIES TREATY.—The term ''Open Skies Treaty'' means the Treaty on Open Skies, done at Helsinki March 24, 1992, and entered into force January 1, 2002.

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, 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. _____. REPORT ON ILLICIT ACTIVITIES OF CERTAIN IRANIAN PERSONS.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and every 60 days thereafter, the Secretary of Defense, in consultation with the Director of National Intelligence, the Secretary of the Treasury, the Secretary of Commerce, and the Secretary of State, shall submit to the appropriate committees of Congress a report that includes the following:

(1) A list of each person listed, or required to be listed, in Attachment 3 to Annex II of the Joint Comprehensive Plan of Action that has, on or after the date of the implementation of the Joint Comprehensive Plan of Action and before the date of the report, knowingly facilitated, participated or assisted in, engaged in, directed, or provided material support for activities described in subsection (b).

(2) A description of the activity described in subsection (b) engaged in by each person on the list required by paragraph (1).

(3) An assessment of the extent to which the activity described in subsection (b) engaged in by each person on the list required by paragraph (1) involves the provision or delivery of financial, material, or technological support to—

(A) the Government of Iran;

(B) Iran's Islamic Revolutionary Guard Corps;

(C) any person with respect to which sanctions have been imposed under any provision of law imposing sanctions with respect to Iran; or

(D) any person that directly, or indirectly through one or more intermediaries, is controlled by, or is under common control with, an entity described in subparagraph (A), (B), or (C).

(b) ACTIVITIES DESCRIBED.—An activity described in this subsection is any of the following:

(1) An act of international terrorism.

(2) The proliferation of nuclear or ballistic missile technology or spare parts.

(3) Illicit arms sales.

(4) Significant activities undermining cybersecurity.

(5) Violations of export controls.

(6) Financial crimes.

(7) Transnational organized crime, including drug and human trafficking.

(c) DETERMINATION AND PUBLIC AVAILABILITY.—To the maximum extent practicable, the list required by subsection (a)(1) shall be made available to the public and posted on a publicly available Internet website of the Department of Defense, the Department of State, the Department of the Treasury, or the Department of Commerce.

(d) DEFINITIONS.—In this section:

(1) ACT OF INTERNATIONAL TERRORISM.—The term ''act of international terrorism'' includes—

(A) an act of torture, extrajudicial killing, aircraft sabotage, or hostage taking, as those terms are defined in section 1605A(h) of title 28, United States Code; and

(B) providing material support or resources, as defined in section 2339A of title 18, United States Code, for an act described in subparagraph (A).

(2) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) the Committee on Armed Services, the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Financial Services, the Committee on Foreign Affairs, and the Select Committee on Intelligence of the House of Representatives.

(3) KNOWINGLY.—The term ''knowingly'' has the meaning given that term in section 14 of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note).

(4) JOINT COMPREHENSIVE PLAN OF ACTION.—The term ''Joint Comprehensive Plan of Action'' means the Joint Comprehensive Plan of Action, agreed to at Vienna on July 14, 2015, by Iran and by the People's Republic of China, France, Germany, the Russian Federation, the United Kingdom, and the United States, with the High Representative of the European Union for Foreign Affairs and Security Policy, and all implementing materials and agreements related to the Joint Comprehensive Plan of Action.

(5) PERSON.—The term ''person'' means an individual or entity.

(6) SIGNIFICANT ACTIVITIES UNDERMINING CYBERSECURITY.—The term ''significant activities undermining cybersecurity'' includes—

(A) significant efforts to—

(i) deny access to or degrade, disrupt, or destroy an information and communications technology system or network; or

(ii) exfiltrate information from such a system or network without authorization;

(B) significant destructive malware attacks;

(C) significant denial or service activities; and

(D) such other significant activities undermining cybersecurity as may be specified in regulations prescribed to implement this section.

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, 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 D of title I, add the following:

SEC. ___. COMBAT CAPABILITY AND MODERNIZATION OF B–2 FLEET.

The Secretary of the Air Force shall ensure that the B–2 fleet remains fully combat capable, that necessary modernization of the fleet continues, and that the aircraft remains in the primary mission aircraft inventory of the Air Force.

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, 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 E of title XVI, add 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 systems integration, operations, and test of 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 support contracts of the Federal Government to support cost growth and minimize the risk of schedule delay.

(D) A baseline for historical and current staffing of the ground-based midcourse defense system program, specifically with respect to personnel of the Federal Government, personnel of federally funded research and development centers, personnel of departments and agencies of the Federal Government, and support contractors.

(E) Projections of 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 of the Director 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 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 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 B of title XVI, add the following:

SEC. 1612. REPEAL OF REQUIREMENT FOR NOTIFICATION ON THE PROVISION OF DEFENSE SENSITIVE SUPPORT.

Section 1055 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 113 note) is hereby repealed.

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, 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:

Strike section 1653 and insert the following:

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 missile defense 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 of funds for National Missile 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 technologies to improve 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 capability, capacity, 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 requirements needed to increase the number of ground-based interceptors to 20 ground-based interceptors each.

(E) A description of the additional infrastructure and components needed to further outfit missile fields at Fort Greely before emplacing additional ground-based interceptors configured with the redesigned kill vehicle, including with respect to ground excavation, silos, utilities, and support equipment.

(F) A cost estimate 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 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 continued inclusion of capability 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 other, more distributed, elements, 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.

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, 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 section 812, beginning in the new section 2339a of title 10, United States Code, as added by subsection (a)(1) of such section 812, strike ''$250,000''and all that follows through the end of subsection (b) of such section 812 and insert the following: ''$250,000. This section shall not apply for purposes of determining the value of the simplified acquisition threshold referred to in subsection 2533a(h) or subsection 2533b(f) of this title.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2339a. Simplified acquisition threshold.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—(1) Section 134 of title 41, United States Code, is amended by striking ''In division B'' and inserting ''Except as provided in section 2339a of title 10, in division B''.

(2) Section 2533a(h) of title 10, United States Code, is amended by striking ''referred to in section 2304(g) of this title'' and

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 2304(g) 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. 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 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 ''covered subcontract''—

(A) 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 commercially available off-the-shelf items.

(3) EXECUTIVE AGENCY.—The term ''executive agency'' has the meaning given the term in section 133 of title 41, 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, according to recent estimates, now purchases more than $500,000,000,000 worth of goods and services from private firms, which employ 26,000,000 workers.

(2) According to 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, dozens of major Federal contractors have repeatedly violated basic Federal labor laws with impunity. From 2007 through 2012, 49 individual Federal contractors triggered 1,776 enforcement actions for violating basic health and safety standards, discriminating against workers, or failing to pay workers what they earned. Despite these repeated infractions, those 49 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, companies holding large Federal contracts accounted for 48 percent of the penalties assessed by the Occupational Safety and Health Administration's list of top 100 violators, and incurred more than $87,000,000 in penalties. In fact, 8 of these companies were found to be directly responsible for the deaths of 42 United States workers. Nevertheless, 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 Department of Labor often produce either a settlement or litigation, both of which can result in a back pay 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 responsible for more than 40 percent of the total amount of unpaid back wages awarded during this period. Despite being compelled to pay more than $82,000,000 in back wages, these 32 violators received $73,100,000,000 of Federal contracts in fiscal year 2012.

(5) The fact that repeat offenders continue to receive lucrative Federal contracts indicates the profound lack of accountability in the present system of Federal contracting. Such a gap necessitates reforms to the relationship between contracting officers 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 enhance productivity and increase the likelihood 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 distractions and complications that arise from contracting with contractors with track records of noncompliance.''

(7) In furtherance of economy and efficiency in contracting, 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 applying 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 period documenting hours, overtime, and wages to prevent wage theft.

(C) To protect workers from discrimination or harassment, the executive order prohibited the use of forced arbitration agreements in employment contracts by companies with large Federal contracts of $1,000,000 or more.

(8) 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.

(9) Contractors and subcontractors that consistently adhere to labor laws are more likely to have workplace practices that enhance productivity and increase the likelihood 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 economy and efficiency in procurement by awarding contracts to contractors that promote safe, healthy, fair, and effective workplaces through compliance with labor laws, and by promoting opportunities for contractors to do the same when awarding subcontracts.

SEC. 899K. REQUIRED PRE-CONTRACT AWARD ACTIONS.

(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, as defined in guidance issued by the Secretary 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 Worker Protection Act (29 U.S.C. 1801 et seq.);

(D) the National Labor Relations Act (29 U.S.C. 151 et seq.);

(E) 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 Contract Act'');

(G) Executive Order 11246 (42 U.S.C. 2000e note; relating to equal employment opportunity);

(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. 2601 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) equivalent State laws, as defined in guidance issued by the Secretary of Labor;

(2) to require each subcontractor for a covered subcontract—

(A) to represent, to the best of the subcontractor's knowledge and belief, whether there has been any administrative merits determination, arbitral award or decision, or civil judgment, as defined in guidance issued by the Department of Labor, rendered against the subcontract in the preceding three years for violations of any of the labor laws and executive orders listed under paragraph (1); and

(B) to update such information every 6 months for the duration of the subcontract; and

(3) to consider the information submitted by a subcontractor pursuant to paragraph (2) in determining whether the subcontractor is a responsible source with 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.

(b) 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 violations of or improve compliance with the labor laws listed in paragraph (1) of such subsection, including any agreements entered into with an enforcement agency.

(2) CONSULTATION.—The executive agency's Labor Compliance Advisor designated pursuant to section 899M, in consultation with relevant enforcement agencies, shall advise the contracting officer whether agreements are in place or are 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 with a satisfactory record of integrity and business ethics. The determination shall be based on the guidelines established by the Department of Labor under subsection (b)(1) of section 899N and the Federal Acquisition Regulatory Council under subsection (a) of such section.

(c) REFERRAL OF INFORMATION TO SUSPENSION AND 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 under 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) referral to 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 section 899K(a)(2) 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 contracts for purposes of determining the appropriateness of actions described under paragraphs (1) and (2).

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 or other relevant 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) providing assistance to contracting officers and other executive agency officials in reviewing the information provided pursuant to subsections (a) and (b) of section 899K and section 899L(a), or other information indicating a violation of a labor law in order to assess the serious, repeated, willful, or pervasive nature of any violation and evaluate steps contractors have taken to correct violations or improve compliance with relevant requirements;

(B) helping agency officials determine the appropriate response to address violations of the requirements 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 appropriate executive 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;

(5) as appropriate, send information to agency suspension and debarment officials in accordance with agency procedures;

(6) consult with the agency's Chief Acquisition Officer and Senior Procurement Executive, and the Department of Labor as necessary, in the development of regulations, policies, and guidance addressing labor law compliance by contractors and subcontractors;

(7) make recommendations to the agency to strengthen agency management of contractor compliance with labor laws;

(8) publicly report, on an annual basis, a summary of agency actions taken to promote greater labor compliance, including the agency's response pursuant to this order to serious, repeated, willful, or pervasive violations of the requirements of the labor laws listed in section 899K(a)(1); and

(9) participate in the interagency meetings regularly convened by the Secretary of Labor pursuant to section 899N(b)(2)(C).

SEC. 899N. MEASURES TO ENSURE GOVERNMENT-WIDE CONSISTENCY.

(a) FEDERAL ACQUISITION REGULATION.—The Federal Acquisition Regulatory Council, in consultation with the Director of the Office of Management and Budget and the Secretary of Labor, shall amend the Federal Acquisition Regulation—

(1) to identify, for the purpose of integrity and business ethics determinations made by contracting officers and contractors (with respect to subcontractors), considerations for determining the significance of serious, repeated, willful, or pervasive violations of the labor laws listed in section 899K(a)(1);

(2) to provide that, subject to the determination of the executive agency, in most cases a single violation of law may not necessarily give rise to a determination of lack of responsibility, depending on the nature of the violation;

(3) ensure appropriate consideration is given to any remedial measures or mitigating factors, including any agreements by contractors or other corrective action taken to address violations; and

(4) ensure that contracting officers and Labor Compliance Advisors send information, as appropriate, to suspension and debarment officials.

(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 agencies 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 implementation 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 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;

(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 of such a requirement, or the aggregate number of violations of such requirements, in relation to the size of the entity.

(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);

(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 steps a prospective contractor will take to ensure compliance with applicable labor laws (as described in section 899K of this Act) with the Secretary, or the head of another executive agency, prior to being considered for a contract;

(B) review data collection requirements and processes, and work with the Director of the Office 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 of Labor Compliance Advisors 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) OFFICE OF MANAGEMENT AND BUDGET.—The Director of the Office of Management and Budget shall—

(1) work with the Administrator of General Services to include in the Federal Awardee Performance and Integrity Information System the information provided by contractors pursuant to sections 899K(a)(1) and 899L(a) and data on the resolution of any issues related to such information; and

(2) designate an appropriate contact for agencies seeking to consult with the Office of Management and Budget on matters arising under this subtitle.

(d) GENERAL SERVICES ADMINISTRATION.—

(1) IN GENERAL.—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.

(2) AGENCY COOPERATION.—The heads of executive agencies with covered contracts shall provide the Administrator of General Services with the data necessary to maintain the Internet website established under paragraph (1).

(e) MINIMIZING COMPLIANCE BURDEN.—In amending the Federal Acquisition Regulation pursuant to subsection (a) and developing guidance pursuant to subsection (b), the Federal Acquisition Regulatory Council and the Secretary of Labor, respectively, shall minimize, to the extent practicable, the burden on contractors and subcontractors of complying with this subtitle, particularly small business concerns (as that term is defined in section 3 of the Small Business Act (15 U.S.C. 632)) and small non-profit organizations.

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, shall provide that, for each pay period, contractors or subcontractors provide each individual 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 under—

(1) the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.);

(2) subchapter IV of chapter 31 of title 40, United States Code (commonly referred to as the ''Davis-Bacon Act'');

(3) chapter 67 of title 41, United States Code (commonly known as the ''Service Contract Act''); or

(4) an applicable State law.

(c) EXCEPTIONS.—

(1) EMPLOYEES EXEMPT FROM OVERTIME REQUIREMENTS.—The document provided under subsection (a) to individuals who are exempt under 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 as exempt from such requirements.

(2) SUBSTANTIALLY SIMILAR 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 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 such 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 acquisition 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 covered under such subsection 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 bids on the contract.

SEC. 899Q. IMPLEMENTING REGULATIONS.

Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulatory Council shall, in addition to carrying out section 899N(a), amend the Federal Acquisition Regulation to carry out the other provisions of this subtitle, including sections 899O and 899P.

SEC. 899R. 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 shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives a report 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 official.

(2) The number of unique contractors that were subject to actions described in paragraph (1).

SEC. 899S. SEVERABILITY.

If any provision of this subtitle or the application of any such provision to any person or circumstance is held to be unconstitutional, the remaining provisions of this subtitle and the application of such provisions to any person or circumstance shall not be affected by such holding.

SEC. 899T. 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 relating to budgetary, 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.

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, 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 E of title I, add the following:

SEC. ___. 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.

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, 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 in title XXVIII, insert the following:

SEC. ___. TECHNICAL CORRECTION TO WITHDRAWAL AND RESERVATION OF PUBLIC LAND AUTHORITY, LIMESTONE HILLS TRAINING AREA, MONTANA.

Section 2931(b) of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113–66; 127 Stat. 1031) is amended by striking ''18,644 acres in Broadwater County, Montana, generally depicted as 'Proposed Land Withdrawal' on the map entitled 'Limestone Hills Training Area Land Withdrawal', dated April 10, 2013'' and inserting ''18,964 acres in Broadwater County, Montana, generally depicted as 'Limestone Hills Training Area Land Withdrawal' on the map entitled 'Limestone Hills Training Area Land Withdrawal', dated May 11, 2017''.

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, Family 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. ___. CREDIT TOWARD COMPUTATION OF YEARS OF SERVICE FOR NONREGULAR SERVICE RETIRED PAY UPON COMPLETION OF REMOTELY DELIVERED MILITARY EDUCATION OR TRAINING.

(a) IN GENERAL.—Section 12732(a)(2) of title 10, United States Code, is amended—

(1) by inserting after subparagraph (E) the following new subparagraph:

''(F) Such points (but not more than 10 points) as the Secretary concerned determines to be appropriate for successful completion of a course of instruction using electronically delivered methodologies to accomplish military education or training, unless the education or training is performed while in a status for which credit is provided under another subparagraph of this paragraph.''; and

(2) by striking ''and (E)'' in the last sentence and inserting ''(E), and (F)''.

(b) MAXIMUM NUMBER OF POINTS PER SERVICE YEAR.—Section 12733(3) of such title is amended by striking ''or (D)'' and inserting ''(D), or (F)''.

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. ____. FINANCIAL AUDIT FUND.

(a) IN GENERAL.—If 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 that have an obtained an unmodified audit opinion on their financial statements for at least one of the two preceding fiscal years. Amounts so transferred shall be available only to permit the agency or organization to which transferred to carry out activities described in paragraph (1).

(d) TRANSFERS TO FUND IN CONNECTION WITH CERTAIN ORGANIZATIONS.—

(1) REDUCTION IN AMOUNT AVAILABLE.—Subject to paragraph (2), if during any fiscal year after fiscal year 2021 the Secretary determines that an agency or organization of the Department has not achieved a qualified opinion on its full financial statements, is being identified as not audit ready, is receiving a disclaimer of opinion on its financial statements, or is receiving an adverse opinion on its financial statements for the calendar year ending during such fiscal year—

(A) the amount available to such agency or organization for the fiscal year in which such determination is made shall be equal to—

(i) the amount otherwise authorized to be appropriated for such agency or organization for the fiscal year; minus

(ii) the lesser of—

(I) an amount equal to 0.5 percent of the amount described in clause (i); or

(II) $100,000,000; and

(B) the Secretary shall deposit in the Fund pursuant to subsection (b)(2) all amounts unavailable to agencies and organizations of the Department in the fiscal year pursuant to determinations made under subparagraph (A).

(2) INAPPLICABILITY TO AMOUNTS FOR MILITARY PERSONNEL.—Any reduction applicable to an agency or organization of the Department under paragraph (1) for a fiscal year shall not apply to amounts, if any, available to such agency or organization for the fiscal year for military personnel.

(3) LIMITATION ON FUNDS TRANSFERRABLE.—The authority to transfer amounts pursuant to this subsection applies only with respect to amounts that are appropriated after the date of the enactment of this Act.

(e) REPORTS ON TRANSFERS.—Not later than 15 days before the transfer of any amount pursuant subsection (c)(2) or (d)(1)(B), the Secretary shall submit to the congressional defense committees a notice on the transfer, including the agency or organization whose funds will provide the source of the transfer, the amount of the transfer, and the specific plans for the use of the amount transferred for the resolution of Notices of Findings and Recommendations concerned, as applicable.

(f) DEFINITIONS.—In this section:

(1) The term ''audit ready'', with respect to an agency or organization of the Department of Defense, means that the agency or organization has in place the critical audit capabilities and associated infrastructure necessary to successfully commence and support a financial audit of its relevant financial statements.

(2) The term ''adverse opinion'', with respect to financial statements, means an opinion by the auditor of the financial statements that the financial statements are misleading and cannot be relied upon.

(3) The term ''disclaimer of opinion'', with respect to financial statements, means that the auditor of the financial statements was not able to complete the audit work, and cannot issue an opinion, on the financial statements.

(4) The term ''qualified opinion'', with respect to financial statements, means an opinion by the auditor of the financial statements that the financial statements are reliable with certain exceptions.

(g) COORDINATING REPEAL.—Section 1008 of the National Defense Authorization Act for Fiscal Year 2002 (10 U.S.C. 113 note) is amended by striking subsection (d).

SA 1081. Mr. YOUNG (for himself, Mr. MURPHY, 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, 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 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 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, 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, 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 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, 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 section 821, add the following:

(c) GOVERNMENT ACCOUNTABILITY OFFICE REPORT ON FRIVOLOUS BID PROTEST STANDARD.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report explaining how the Government Accountability Office interprets and implements subparagraph (A) of section 2340(a)(2) of title 10, United States Code, as added by subsection (a), and, if warranted, providing recommendations on how to amend the frivolous protest standard defined pursuant to such subparagraph 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 DEFENSE 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 subparagraph (A), by striking ''If'' inserting ''Subject to subsection (d), if'';

(D) in paragraph (5), by striking ''If'' and inserting ''Subject to subsection (d), if''; and

(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. 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, 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:

On page 342, line 16, insert after ''may'' the following: '', with the concurrence of the Secretary of State,''.

On page 342, beginning on line 18, strike '', with the concurrence of the Secretary of State,''.

On page 343, line 20, strike ''in consultation with'' and insert ''with the concurrence of''.

On page 343, line 25, strike ''in consultation with'' and insert ''with the concurrence of''.

On page 344, beginning on line 1, strike ''the congressional defense committees'' and insert ''the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives''.

On page 603, line 21, insert after ''may'' the following: '', with the concurrence of the Secretary of State,''.

On page 606, line 21, strike ''the congressional defense committees'' and insert ''the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate and the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives''.

On page 632, line 14, strike ''the congressional defense committees'' and insert ''the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate and the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives''.

On page 643, beginning on line 6, strike ''the Committees on Armed Services of the Senate and the House of Representatives'' and insert ''the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives''.

On page 729, beginning on line 7, strike ''the congressional defense committees'' and insert ''the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate and the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives''.

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, 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.

In line 999 of the funding table in section 4301, in the item relating to Fuel Savings, increase the reduction $600 million.

SA 1087. Mr. BENNET (for himself and Mr. GARDNER) 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. _____. RECOGNITION OF THE NATIONAL MUSEUM OF WORLD WAR II AVIATION.

(a) RECOGNITION.—The National Museum of World War II Aviation in Colorado Springs, Colorado, is recognized as America's National World War II Aviation Museum.

(b) EFFECT OF RECOGNITION.—The National Museum recognized by this section is not a unit of the National Park System, and the recognition of the National Museum shall not be construed to require or permit Federal funds to be expended for any purpose related to the National Museum.

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, 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. _____. 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 forestlands 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 421 and 301, in order to carry out the training required by subsection (a) and provide related equipment.

(c) OFFSET.—In the funding table in section 4101, in the item relating to Fuzes, Procurement of Ammunition, Air Force, decrease the amount in the Senate Authorized column by $10,000,000.

SA 1089. Mr. KAINE (for himself, Mr. WICKER, Mr. THUNE, Mr. NELSON, and Mrs. MURRAY) 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 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 Cyber Scholarship-for-Service 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 at not more than 10, but at least 5, community colleges to provide scholarships to eligible students who—

(1) are pursuing associate degrees or specialized program certifications in the field of 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 Cyber Scholarship-for-Service 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 SCHOLARSHIP-FOR SERVICE 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 80 percent of scholarship recipients in an executive agency (as defined in section 105 of title 5, United States Code); and

''(4) provide awards to improve cybersecurity education at the kindergarten through grade 12 level—

''(A) to increase interest in cybersecurity careers;

''(B) to help students practice correct and safe online behavior and understand the foundational principles of cybersecurity;

''(C) to improve teaching methods for delivering cybersecurity content for kindergarten through grade 12 computer science curricula; and

''(D) to promote teacher recruitment in the field of cybersecurity.'';

(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 that is considered to be critical infrastructure (as defined in section 1016(e) of the USA Patriot Act (42 U.S.C. 5195c(e)).'';

(3) in subsection (f)—

(A) by amending paragraph (3) to read as follows:

''(3) have demonstrated a high level of competency in relevant knowledge, skills, and abilities, as defined by the national cybersecurity awareness and education program under section 401;''; and

(B) by amending paragraph (4) to read as follows:

''(4) be a full-time student in an eligible degree program at a qualified institution of higher education, as determined by the Director of the National Science Foundation, except that in the case of a student who is enrolled in a community college, be a student pursuing a degree on a less than full-time basis, but not less than half-time basis; and''; and

(4) by amending subsection (m) to read as follows:

''(m) PUBLIC INFORMATION.—

''(1) EVALUATION.—The Director of the National Science Foundation, in coordination with the Director of the Office of Personnel Management, shall periodically evaluate and make public, in a manner that protects the personally identifiable information of scholarship recipients, information on the success of recruiting individuals for scholarships under this section and on hiring and retaining those individuals in the public sector cyber workforce, including on—

''(A) placement rates;

''(B) where students are placed, including job titles and descriptions;

''(C) student salary ranges for students not released from obligations under this section;

''(D) 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 Director of 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.''.

(b) SAVINGS PROVISION.—Nothing in this section, or an amendment made by this section, shall affect any agreement, scholarship, loan, or repayment, under section 302 of the Cybersecurity Enhancement Act of 2014 (15 U.S.C. 7442), in effect on the day before the date of enactment of this subtitle.

SEC. 1664. CYBERSECURITY TEACHING.

Section 10(i) 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, including cybersecurity, 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 had a career in such field or a related area; and''.

SA 1090. Ms. 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 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 E of title V, add the following:

SEC. ____. LIEUTENANT HENRY OSSIAN FLIPPER LEADERSHIP SCHOLARSHIPS.

(a) IN GENERAL.—The Secretary of the Army shall designate a number of scholarships under the Army Senior Reserve Officers' Training Corps (SROTC) program that are available to students at minority-serving institutions as ''Lieutenant Henry Ossian Flipper Leadership Scholarships''.

(b) NUMBER DESIGNATED.—The number of scholarships designated pursuant to subsection (a) shall be the number the Secretary determines appropriate to increase the number of Senior Reserve Officers' Training Corps scholarships at minority-serving institutions. In making the determination, the Secretary shall give appropriate consideration to the following:

(1) The number of Senior Reserve Officers' Training Corps scholarships available at all institutions participating on the Senior Reserve Officer's Training Corps program.

(2) The number of such minority-serving institutions that offer the Senior Reserve Officers' Training Corps program to their students.

(c) AMOUNT OF SCHOLARSHIP.—The Secretary may increase any scholarship designated pursuant to subsection (a) to an amount in excess of the amount of the Senior Reserve Officers' Training Corps program scholarship that would otherwise be offered at the minority-serving institution concerned if the Secretary considers that a scholarship of such increased amount is appropriate for the purpose of the scholarship.

(d) MINORITY-SERVING INSTITUTION DEFINED.—In this section, the term ''minority-serving institution'' means an institution of higher education described in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a)).

SA 1091. Mr. MCCONNELL (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; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Sea Grant College Program Amendments Act of 2017''.

SEC. 2. REFERENCES TO THE NATIONAL SEA GRANT COLLEGE PROGRAM ACT.

Except as otherwise expressly provided, wherever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the National Sea Grant College Program Act (33 U.S.C. 1121 et seq.).

SEC. 3. 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 (1), as designated by paragraph (1), in 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 legislative 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 ocean, coastal, or Great Lakes 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 subsection (b) shall apply with respect to the first calendar year beginning after the date of the enactment of this Act.

(d) SENSE OF CONGRESS CONCERNING FEDERAL HIRING OF FORMER FELLOWS.—It is 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. 4. MODIFICATION OF AUTHORITY OF SECRETARY OF COMMERCE TO ACCEPT DONATIONS FOR NATIONAL SEA GRANT COLLEGE PROGRAM.

(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's placement 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 subsection (c) of this section.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director of the National Sea Grant College Program, 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)); or

(2) appropriated pursuant to the authorization of appropriations under section 212 of that Act (33 U.S.C. 1131).

SEC. 5. REDUCTION IN FREQUENCY REQUIRED FOR NATIONAL SEA GRANT ADVISORY BOARD REPORT.

Section 209(b)(2) (33 U.S.C. 1128(b)(2)) is amended—

(1) in the heading, by striking ''BIENNIAL'' and inserting ''PERIODIC'';

(2) by striking the first sentence and inserting the following: ''The Board shall report to Congress at least once every four years on the state of the national sea grant college program and shall notify Congress of any significant changes to the state of the program not later than two years after the submission of such a report.''; and

(3) in the second sentence, by adding before the end period the following: ''and provide a summary of research conducted under the program''.

SEC. 6. MODIFICATION OF ELEMENTS OF NATIONAL SEA GRANT COLLEGE PROGRAM.

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 transfer, and public service'' after ''financial assistance''.

SEC. 7. DESIGNATION OF NEW NATIONAL SEA GRANT COLLEGES AND SEA GRANT INSTITUTES.

Section 207(b) (33 U.S.C. 1126(b)) is amended—

(1) in the subsection heading, by striking ''EXISTING DESIGNEES'' and inserting ''ADDITIONAL DESIGNATIONS''; and

(2) by striking ''Any institution'' and inserting the following:

''(1) NOTIFICATION TO CONGRESS OF DESIGNATIONS.—

''(A) IN GENERAL.—Not less than 30 days before designating 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), 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.

''(2) EXISTING DESIGNEES.—Any institution''.

SEC. 8. DIRECT HIRE AUTHORITY; DEAN JOHN A. KNAUSS MARINE POLICY FELLOWSHIP.

(a) IN GENERAL.—During fiscal year 2017 and any fiscal year thereafter, the head of any Federal agency may appoint, without regard to the provisions of subchapter I of chapter 33 of title 5, United States Code, other than sections 3303 and 3328 of that title, a qualified candidate described in subsection (b) directly to a position with the

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) $79,380,000 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) $96,500,000 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, existing core 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 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 STAFFING REQUIREMENTS.—

''(i) IN GENERAL.—The Director shall use the authority under subchapter 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 an exercise 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 FUNDING.—

(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''; and

(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 (c) and (d), 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)(B) (33 U.S.C. 1123(d)(3)(B)), by moving clause (vi) 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.

Pursuant to rule 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 Investment in the United States.''

COMMITTEE ON FINANCE

The Committee on Finance is authorized to meet during the session of the Senate on Thursday, September 14, 2017, at 10 a.m., in 215 Dirksen Senate Office Building, to conduct a hearing entitled ''Individual Tax Reform.''

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

The Committee on Health, Education, Labor, and Pensions is authorized to meet, during the session of the Senate, in order to conduct a hearing entitled ''Stabilizing Premiums and Helping Individuals in the Individual Insurance Market for 2018: Health Care Stakeholders'' on Thursday, September 14, 2017, at 10 a.m., in room 430 of the Dirksen Senate Office Building.

COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate, on September 14, 2017, at 10 a.m., in SD–226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

The Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of the 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 Senate proceeded to consider the bill.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Wicker substitute amendment at the desk be considered and agreed to, and the bill, as amended, be considered 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 is printed in today's RECORD under ''Text of Amendments.'')

The bill 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 employed by the Department of Veterans Affairs as an advanced 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 31149 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'';

(2) in subsection (b)(1)—

(A) by striking ''the physician'' and inserting ''the examiner''; and

(B) by striking ''qualified physician'' and inserting ''qualified examiner'';

(3) in subsection (c)—

(A) by striking ''qualified physicians'' and inserting ''qualified examiners''; and

(B) by striking ''such physicians'' and inserting ''such examiners''; and

(4) in subsection (d)—

(A) by redesignating paragraphs (1), (2), and (3) as paragraphs (3), (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 (3), as redesignated—

(i) in the paragraph 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 subsection heading, by striking ''VETERAN OPERATORS'' and inserting ''OPERATORS WHO ARE MEMBERS OF THE ARMED FORCES, RESERVISTS, OR VETERANS'';

(2) in paragraph (1)(B), by striking ''subparagraph (A) during, at least,'' and inserting ''subparagraph (A)—

''(i) while serving in the armed forces or reserve components; and

''(ii) during''; and

(3) in paragraph (2)(B)—

(A) by inserting ''current or'' before ''former'' each place the term 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.

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. 1532) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1532

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 ''No Human Trafficking on Our Roads Act''.

SEC. 2. LIFETIME DISQUALIFICATION WITHOUT REINSTATEMENT.

Section 31310(d) of title 49, United States Code, is amended—

(1) in the heading, by striking ''CONTROLLED SUBSTANCE VIOLATIONS'' and inserting ''LIFETIME DISQUALIFICATION WITHOUT REINSTATEMENT'';

(2) by striking ''The Secretary'' and inserting ''(1) CONTROLLED SUBSTANCE VIOLATIONS.—The Secretary''; and

(3) by adding at the end the following:

''(2) HUMAN TRAFFICKING VIOLATIONS.—The Secretary shall disqualify from operating a commercial motor vehicle for life an individual who uses a commercial motor vehicle in committing a felony involving an act or practice described in paragraph (9) of section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(9)).''.

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. 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 across modal 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 31110(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 31313(a)(3) of title 49, United States Code, is amended—

(1) in subparagraph (D), by striking ''or'' at the end;

(2) by redesignating subparagraph (E) as subparagraph (F); and

(3) by inserting after subparagraph (D) the following:

''(E) support, in addition to funds otherwise available for such purposes, the recognition, prevention, and reporting of human trafficking; or''.

SEC. 5. ESTABLISHMENT OF THE DEPARTMENT OF TRANSPORTATION ADVISORY COMMITTEE ON HUMAN TRAFFICKING.

(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 stakeholder members 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 stakeholder members 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 on actions 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 State and local transportation stakeholders to follow in combating human trafficking.

(B) DEVELOPMENT.—The best practices shall be based on multidisciplinary research and promising, evidence-based models and programs.

(C) CONTENT.—The best practices shall be user-friendly, incorporate the most up-to-date technology, 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) INFORMING STATES OF 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—

(1) 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

(2) 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 an act or practice 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 the en bloc consideration of the following Senate resolutions, which were submitted earlier today: S. Res. 256, S. Res. 257, S. Res. 258, and S. Res. 259.

There being no objection, the Senate proceeded 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 en bloc.

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

The resolutions were agreed to.

The preambles 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; 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. 2810, as under the previous order.

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

ADJOURNMENT UNTIL MONDAY, SEPTEMBER 18, 2017, AT 3 P.M.

Mr. MCCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 6:03 p.m., adjourned until Monday, September 18, 2017, at 3 p.m.

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 21, 2022, VICE KENNETH ALBERT 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 G. COPAN, OF COLORADO, TO BE UNDER SECRETARY OF COMMERCE FOR STANDARDS AND TECHNOLOGY, VICE WILLIE E. 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 RIPLEY RAND, RESIGNED.

MICHAEL B. STUART, OF WEST VIRGINIA, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA FOR THE TERM OF FOUR YEARS, VICE R. BOOTH GOODWIN II, RESIGNED.

FEDERAL ELECTION COMMISSION

JAMES E. TRAINOR III, OF TEXAS, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION FOR A TERM EXPIRING APRIL 30, 2023, VICE MATTHEW S. PETERSEN, TERM EXPIRED.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 14, 2017:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PAMELA HUGHES PATENAUDE, OF NEW HAMPSHIRE, TO BE DEPUTY SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

DEPARTMENT OF JUSTICE

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.

JESSIE K. LIU, 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.

BART 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 MIDDLE DISTRICT OF TENNESSEE FOR THE TERM OF FOUR YEARS.

RUSSELL M. COLEMAN, 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 NORTHERN DISTRICT OF OKLAHOMA FOR THE TERM OF FOUR YEARS.

DEPARTMENT OF HOMELAND SECURITY

DANIEL J. KANIEWSKI, OF MINNESOTA, TO BE DEPUTY ADMINISTRATOR FOR NATIONAL PREPAREDNESS, FEDERAL EMERGENCY MANAGEMENT AGENCY, DEPARTMENT OF HOMELAND SECURITY.

WITHDRAWAL

Executive Message transmitted by the President to the Senate on September 14, 2017 withdrawing from further Senate consideration the following nomination:

DANIEL ALAN CRAIG, OF MARYLAND, TO BE DEPUTY ADMINISTRATOR, FEDERAL EMERGENCY MANAGEMENT AGENCY, DEPARTMENT OF HOMELAND SECURITY, VICE JOSEPH L. NIMMICH, WHICH WAS SENT TO THE SENATE ON JULY 25, 2017.