

Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Donald C. Coggins, Jr., of South Carolina, to be United States District Judge for the District of South Carolina.

Mitch McConnell, John Hoeven, Thom Tillis, Tom Cotton, Cory Gardner, Jerry Moran, John Barrasso, Luther Strange, Mike Crapo, John Cornyn, Richard Burr, Mike Rounds, Orrin G. Hatch, David Perdue, Marco Rubio, John Thune, John Boozman.

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 the nomination of Donald C. Coggins, Jr., of South Carolina, to be United States District Judge for the District of South Carolina, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. BOOKER), the Senator from Minnesota (Mr. FRANKEN), and the Senator from New Jersey (Mr. MENENDEZ) are necessarily absent.

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

The yeas and nays resulted—yeas 96, nays 1, as follows:

[Rollcall Vote No. 278 Ex.]

#### YEAS—96

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

#### NAYS—1

Hirono

#### NOT VOTING—3

Booker      Franken      Menendez

The PRESIDING OFFICER. On this vote, the yeas are 96, the nays are 1.

The motion is agreed to.

#### EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Donald C.

Coggins, Jr., of South Carolina, to be United States District Judge for the District of South Carolina.

#### CLOTURE MOTION

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

The senior assistant 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 the nomination of Dabney Langhorne Friedrich, of California, to be United States District Judge for the District of Columbia.

Mitch McConnell, John Hoeven, Thom Tillis, Tom Cotton, Cory Gardner, Jerry Moran, John Barrasso, Luther Strange, Mike Crapo, John Cornyn, Richard Burr, Mike Rounds, Orrin G. Hatch, David Perdue, Marco Rubio, John Thune, John Boozman.

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 the nomination of Dabney Langhorne Friedrich, of California, to be United States District Judge for the District of Columbia, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. BOOKER), the Senator from Minnesota (Mr. FRANKEN), and the Senator from New Jersey (Mr. MENENDEZ) are necessarily absent.

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

The yeas and nays resulted—yeas 93, nays 4, as follows:

[Rollcall Vote No. 279 Ex.]

#### YEAS—93

Alexander	Feinstein	Murphy
Baldwin	Fischer	Murray
Barrasso	Flake	Nelson
Bennet	Gardner	Paul
Blumenthal	Graham	Perdue
Blunt	Grassley	Peters
Boozman	Harris	Portman
Brown	Hassan	Reed
Burr	Hatch	Risch
Cantwell	Heinrich	Roberts
Capito	Heitkamp	Rounds
Cardin	Heller	Rubio
Carper	Hoeven	Sanders
Casey	Inhofe	Sasse
Cassidy	Isakson	Schatz
Cochran	Johnson	Schumer
Collins	Kaine	Scott
Coons	King	Shaheen
Corker	Klobuchar	Shelby
Cornyn	Lankford	Stabenow
Cortez Masto	Leahy	Strange
Cotton	Lee	Sullivan
Crapo	Manchin	Tester
Cruz	Markey	Thune
Daines	McCain	Tillis
Donnelly	McCaskey	Toomey
Duckworth	McConnell	Udall
Durbin	Merkley	
Enzi	Moran	
Ernst	Murkowski	

Van Hollen  
Warner

Whitehouse  
Wicker

Wyden  
Young

#### NAYS—4

Gillibrand  
Hirono

Kennedy  
Warren

#### NOT VOTING—3

Booker

Franken

Menendez

The PRESIDING OFFICER. On this vote, the yeas are 93, the nays are 4.  
The motion is agreed to.

#### EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of Dabney Langhorne Friedrich, of California, to be United States District Judge for the District of Columbia.

The PRESIDING OFFICER. The Senator from Connecticut.

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

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

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to legislative session.

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2018—CONFERENCE REPORT

The PRESIDING OFFICER. The Chair lays before the Senate the conference report to accompany H.R. 2810, which will be stated by title.

The bill clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate 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, having met, have agreed that the House recede from its disagreement to the amendment of the Senate and agreed to the same with an amendment, and the Senate agree to the same, signed by a majority of the conferees on the part of both Houses.

Thereupon, the Senate proceeded to consider the conference report.

(The conference report is printed in the House proceedings of the RECORD of November 9, 2017.)

Mr. MCCAIN. Mr. President, today the Senate will vote on the conference report for the National Defense Authorization Act for Fiscal Year 2018. This legislation is the culmination of months of bipartisan work. I want to thank my friend, the Senator from Rhode Island, as well as our colleagues in the House of Representatives, MAC THORNBERRY and ADAM SMITH, and the

dozens of members who served on the conference committee for their hard work and collaboration during this process. Together, we worked hard to negotiate the differences between the House and Senate versions of this bill, and the result is a piece of legislation that should make all Senators—and all Americans—proud.

The fundamental purpose of the National Defense Authorization Act is to provide our Armed Forces with the resources, training, and equipment they need to keep us safe. We should consider this our highest duty and our greatest honor, to keep faith with the brave Americans who serve and sacrifice on our behalf.

To do that, the NDAA authorizes funding, advances policies, and requires reforms that will support our men and women in uniform, but before I discuss the many laudable aspects of this legislation, let me lament for a moment the developments that have unfolded in recent days and delayed this important legislation.

This delay concerns a provision in the defense bill to get our military emergency approval to use new lifesaving medicines on the battlefield. This provision was included in the original Senate version of this legislation that has been publicly available for several months, and it was included in this conference report with strong bipartisan and bicameral support. For years, the Department of Defense has struggled in vain to gain approval by the Food and Drug Administration for certain vital medical products, such as freeze-dried plasma, for use by our troops on the battlefield. Because the FDA failed to act time and again, the Senate Armed Services Committee did, and we received strong support from our House colleagues.

It is outrageous that the National Defense Authorization Act has been held hostage by the desire to pass a separate piece of legislation to address this issue differently than this conference report. That separate legislation was the product of a compromise between the DOD and the FDA, to which neither the Senator from Rhode Island nor I was a party. Our preferred solution remains our original one.

Yesterday, the Senator from Rhode Island and I received a letter from the FDA Commissioner, Dr. Scott Gottlieb, expressing his personal commitment to approve the use of freeze-dried plasma for battlefield use by our troops. He has also pledged to establish a new process for expedited consideration of the DOD's future emergency medical requests. This did not happen by accident. It happened because we acted and because we exposed the unacceptable ways in which the FDA has been failing our men and women in uniform for far too long.

Dr. Gottlieb was only confirmed as FDA Commissioner in May, and we intend to hold him fully accountable for making good on his commitment, including through continued oversight by

the Senate Armed Services Committee. However, if we are not satisfied that this new DOD-FDA compromise has fixed the problem, the Senate Armed Services Committee will take action through the NDAA next year. I know that the chairman and ranking member of the House Armed Services Committee have expressed that same commitment. We owe nothing less to our men and women in uniform, who deserve our help in saving lives on the battlefield.

Ultimately, that is the goal of every provision of the National Defense Authorization Act—to protect our brave servicemembers, here at home and around the world. The NDAA authorizes funding to rebuild our military and allow the Defense Department to embark on an ambitious program of modernization that is desperately needed and long overdue. The NDAA authorizes the acquisition of ships, aircraft, and equipment above and beyond the administration's request. It provides funding for an increase in end strength across all services, laying the groundwork for a total force, ready and capable of rising to the challenges of a world where threats are on the rise.

The NDAA builds on the reforms this Congress has passed in recent years, continuing efforts to reorganize the Department of Defense, spur innovation in defense technology, and improve acquisition and business operations to strengthen accountability and streamline the process of getting our warfighters what they need to succeed. It prioritizes accountability from the Department and demands the best use of every taxpayer dollar.

This legislation also authorizes funding for our missile defense systems to protect against rising threats. It makes important efforts to correct the dangerous lack of an effective strategy and policy for the information domain, including cyber, space, and electronic warfare.

The NDAA authorizes a 2.4 percent pay raise for our troops, which is the largest in many years, and it includes several provisions to improve quality of life for our men and women in uniform. In particular, the legislation continues committee's efforts to protect our servicemembers from sexual assault and sexual harassment. There is more work to be done, and the committee will continue to conduct oversight and hold hearings to address these important issues.

In total, the National Defense Authorization Act supports a defense budget of \$700 billion for fiscal year 2018. This exceeds the administration's request by \$26 billion. It also exceeds the defense spending caps in the Budget Control Act by \$85 billion.

Earlier this week, 356 Members of the House of Representatives voted in favor of this spending level. This afternoon, an overwhelming majority of this body will do the same. Let this serve as a reminder of the troubling state of our military today and an ac-

knowledge that the Budget Control Act-level of defense spending is insufficient and unacceptable.

My friends, for too long, our Nation has asked our men and women in uniform to do too much with far too little. Our military's job is hard enough, but we are making it harder through continuing resolutions, unpredictable funding, and arbitrary spending caps that were put into law 6 years ago—before the rise of ISIS, before the current crisis with North Korea, before Russia's return to aggression on the world stage, and before so many other dangerous developments.

We have been warned that we cannot go on like this. Earlier this year, the Chairman of the Joint Chiefs of Staff, Gen. Joseph Dunford, warned us, "In just a few years if we don't change the trajectory, we will lose our qualitative and our quantitative competitive advantage, [and] the consequences will be profound." Secretary of Defense Jim Mattis also warned us, saying, "We are no longer managing risk; we are now gambling."

We are gambling with risk, and we are gambling with lives. Today more of our men and women in uniform are being killed in totally avoidable training accidents and routine operations than by our enemies in combat.

My friends, it doesn't have to be this way. The NDAA shows us what we could do with an adequate level of defense spending, what we could provide for our men and women in uniform, but this legislation is only part of the solution. As of yet, we still have no path to actually appropriate the money that we are about to authorize. That requires a bipartisan agreement to adjust the spending caps in the Budget Control Act.

As we join our colleagues in the House in voting to support \$700 billion for defense, let this serve as a guidepost for our leaders in Congress and the White House as they negotiate a budget deal. This is the spending level that an overwhelming majority of both the House and the Senate believes is necessary to meet current threats and to keep faith with our men and women in uniform. After we vote to authorize these vital, additional resources for our military, we must all demand a bipartisan agreement so that we can appropriate those resources.

This will require hard work and tough choices, and it will demand that we have the courage of our convictions, but in the end, this will require much less of us than what we ask of from our men and women in uniform. As they so dutifully sacrifice for us every day, let us do our part and fulfill our duties to them and to the Nation they serve.

Mr. LEAHY Mr. President, the fiscal year 2018 National Defense Authorization Act, while laudable in its goals, does not comport with reality. At roughly \$700 billion, the proposed base funding in this bill is \$85 billion above budget caps that are set in law for Fiscal Year 2018 in the Budget Control

Act, BCA, and \$31 billion above the administration's budget request. If the authorized funding level were to be appropriated, without changing the caps, it would trigger a 12-percent across-the-board sequester of Defense programs to bring spending levels back to the Fiscal Year 2018 levels contained in the Budget Control Act. A sequester of this size would hit us in readiness. It would hamper our day-to-day operations and maintenance. It would hurt our troops. Our military leaders do not support such a sequester.

If we really want to support our military and the men and women in uniform, we must immediately reach a bipartisan budget deal to lift the artificial and unrealistically low budget caps that were set in law in 2011. It is hard to get every Member of this Chamber to agree on anything, but on this, we can agree: Sequester has had a negative impact on our country that will impact a generation. We need to have an honest conversation about what the needs of our country are, both in military and domestic spending, and draft our spending bills accordingly.

I do appreciate the work that Senator McCAIN and Senator REED have put into this massive legislation. While my concerns with the funding levels authorized in this bill prevent me from supporting it, I do believe it reflects a strong commitment to the programs and policies that support our service members and their families. That must always be our goal.

I am pleased that the conferenced bill maintains support for medical research that matter so much to our servicemembers and to all Americans who benefit from the lifesaving results made possible through these programs. I am also grateful for the inclusion of language I authored that would pave the way for piloting a preventative mental health program for our National Guard and Reserve. Like physical health, we know that, with particular training and mental preparation, a person can be more resilient mentally when faced with challenges, and building that readiness is necessary to maintain the all-volunteer force. Progress is already being made with shifting to a preventative model in the Special Forces community. I hope to soon see similar progress in developing models for the members of our Guard and Reserve.

This final bill also includes several amendments I proposed to make sure U.S. efforts, especially in Afghanistan, are consistent with U.S. values. These include a provision aimed at improving the way the Departments of Defense and State provide human rights training to partner forces, and a requirement to establish a plan on how to improve our ability to help foreign governments protect civilians. The final bill also authorizes establishment of a position in the Department of Defense to oversee its implementation of and coordination with the Department of State on the Leahy law for human

rights vetting for Afghan security forces.

In 3 weeks and 1 day, the current resolution funding our government will expire; yet, instead of sitting down with Democrats to work together, just as we did earlier this year to enact the fiscal year 2017 omnibus spending bill, to find a path forward to raise the budget caps and fund our government for the rest of the fiscal year, Republicans are focused on a tax cut bill that will add \$1.5 trillion to the debt. Instead of acting responsibly and in the greatest traditions of the Senate, the majority is marching towards another partisan fight on the floor on a deeply flawed tax bill that will impact every corner of our economy.

Let's get to work for the American people. For months, have been calling for a bipartisan budget deal to lift the caps on both sides for both defense and nondefense programs based on parity. It is time to complete those negotiations. We owe it to the men and women who serve. We owe it to the American people.

Mr. WICKER. Mr. President, I ask unanimous consent that all time be considered yielded back.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The question is on agreeing to the conference report.

The conference report was agreed to.

#### EXECUTIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now resume executive session.

#### EXECUTIVE CALENDAR—Continued

The PRESIDING OFFICER. Under the previous order, all postcloture time on the Coggins and Friedrich nominations is yielded back.

#### VOTE ON COGGINS NOMINATION

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Coggins nomination?

Mr. WICKER. Mr. President, 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 Arizona (Mr. McCAIN).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. BOOKER), the Senator from Minnesota (Mr. FRANKEN), and the Senator from New Jersey (Mr. MENENDEZ) are necessarily absent.

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

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 280 Ex.]

#### YEAS—96

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

#### NOT VOTING—4

Booker	McCain
Franken	Menendez

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.

The majority leader.

#### LEGISLATIVE SESSION

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

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

The motion was agreed to.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I move to proceed to executive session to consider Calendar No. 481, Gregory Katsas.

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 bill clerk read the nomination of Gregory G. Katsas, of Virginia, to be United States Circuit Judge for the District of Columbia Circuit.

#### CLOTURE MOTION

Mr. MCCONNELL. Mr. 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 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