

saying we are glad the whole world had the chance to witness what we see every day in our jobs as Senators from Minnesota—Minnesotans doing amazing things.

I yield the floor.

Ms. KLOBUCHAR. Mr. President, I know Minnesotans will look forward to Senator SMITH's actual first speech, but I think it is a tribute to our State that her first appearance on the Senate floor was about all of these Gold Medals in hockey and curling and skiing.

Thank you.

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 Terry A. Doughty, of Louisiana, to be United States District Judge for the Western District of Louisiana.

Mitch McConnell, Chuck Grassley, Thom Tillis, Tom Cotton, David Perdue, John Kennedy, Pat Roberts, Johnny Isakson, Mike Crapo, Roger F. Wicker, Mike Rounds, Steve Daines, Richard Burr, John Boozman, Lindsey Graham, Bill Cassidy, John Barrasso.

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 Terry A. Doughty, of Louisiana, to be United States District Judge for the Western District of Louisiana, 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 Arizona (Mr. FLAKE), the Senator from Arizona (Mr. MCCAIN), and the Senator from South Dakota (Mr. ROUNDS).

Mr. DURBIN. I announce that the Senator from Maryland (Mr. CARDIN) is necessarily absent.

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

The yeas and nays resulted—yeas 94, nays 2, as follows:

[Rollcall Vote No. 45 Ex.]

YEAS—94

Alexander	Casey	Duckworth
Baldwin	Cassidy	Durbin
Barrasso	Cochran	Enzi
Bennet	Collins	Ernst
Blumenthal	Coons	Feinstein
Blunt	Corker	Fischer
Booker	Cornyn	Gardner
Boozman	Cortez Masto	Gillibrand
Brown	Cotton	Graham
Burr	Crapo	Grassley
Cantwell	Cruz	Harris
Capito	Daines	Hassan
Carper	Donnelly	Hatch

Heinrich	Menendez	Shaheen
Heitkamp	Moran	Shelby
Heller	Murkowski	Smith
Hoeven	Murphy	Stabenow
Inhofe	Murray	Sullivan
Isakson	Nelson	Tester
Johnson	Paul	Thune
Jones	Perdue	Tillis
Kaine	Peters	Toomey
Kennedy	Portman	Udall
King	Reed	Van Hollen
Klobuchar	Risch	Warner
Lankford	Roberts	Warren
Leahy	Rubio	Whitehouse
Lee	Sanders	Wicker
Manchin	Sasse	Wyden
Markey	Schatz	Young
McCaskill	Schumer	
McConnell	Scott	

NAYS—2

Hirono

Merkley

NOT VOTING—4

Cardin
Flake

McCain
Rounds

The PRESIDING OFFICER. On this vote, the yeas are 94, the nays are 2.

The motion is agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Terry A. Doughty, of Louisiana, to be United States District Judge for the Western District of Louisiana.

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.

ECONOMIC GROWTH, REGULATORY RELIEF, AND CONSUMER PROTECTION ACT—MOTION TO PROCEED

Mr. MCCONNELL. Mr. President, I move to proceed to Calendar No. 287, S. 2155.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 287, S. 2155, a bill to promote economic growth, provide tailored regulatory relief, and enhance consumer protections, and for other purposes.

CLOTURE MOTION

Mr. MCCONNELL. I send a cloture motion to the desk on the motion.

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

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 the motion to proceed to Calendar No. 287, S. 2155, a bill to promote economic growth, provide tailored regulatory relief, and enhance consumer protections, and for other purposes.

Mitch McConnell, Ben Sasse, John Cornyn, Pat Roberts, Jerry Moran, John

Kennedy, David Perdue, Tim Scott, Thom Tillis, Dean Heller, Mike Crapo, James E. Risch, Roger F. Wicker, James M. Inhofe, Tom Cotton, Richard Burr, Lindsey Graham.

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

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

The PRESIDING OFFICER (Mr. CASSIDY). The Senator from Massachusetts.

NO UNCONSTITUTIONAL STRIKE AGAINST NORTH KOREA ACT

Mr. MARKEY. Mr. President, I come to the floor to share my deep concern over what appears to be the Trump administration's intention to go to war with North Korea.

North Korea may have bent over backward to appear conciliatory during the recently concluded Winter Olympics in South Korea, but the Kim Jong Un regime has not stopped its dangerous activities—far from it. North Korea is a serious and ever-worsening threat to its people, to our allies and partners in the region, and to the United States, but the responsible course of action is to use all tools of American statecraft to reduce those threats.

We have an obligation to American families, servicemembers, and our allies to say, unequivocally, that we did everything in our power to curb North Korea's dangerous behavior without resorting to armed conflict. Instead, I fear that the Trump administration is beating the drums of war.

While the North Korean regime was all smiles during the Olympics, its malign behavior continued. Engineers race to perfect a nuclear-tipped intercontinental ballistic missile. North Korean laborers around the world—modern-day indentured servants—sent paychecks home to the regime, helping fund its illicit military programs. Illegal ship-to-ship transfers of refined petroleum products continued. North Korea's army of cyber warriors grew ever more capable. North Korean military officers reportedly continued to assist and empower Bashar al-Assad's chemical weapons program in Syria, and the Kim regime's thugs made no efforts to scale back rampant human rights abuses.

Many smiled as the North Korean regime won a gold medal in propaganda at the Olympics. All the while, it got ever closer to its ultimate goal of perfecting a nuclear weapon that could reach the United States of America. We missed an opportunity to engage in talks with North Korea, and we did that at our own peril.

While we must continue to ratchet up pressure on North Korea, other elements of President Trump's approach threaten to make an already bad situation even worse.

First, we are all too familiar with the President's reckless rhetoric. Promising "fire and fury" does not minimize tensions. Threatening to "totally destroy" North Korea only increases the

chance of deadly miscalculation. Boasting about the size of a nuclear button only makes the United States less safe. How does Donald Trump think Kim Jong Un would react if he believed his rule were under immediate threat? Would Kim restrain himself?

Second, contradictory statements from the Trump administration cause confusion that dampens the prospect of a peaceful solution. Is the Trump administration open to talks with North Korea? We certainly should be. If we are, what are the preconditions, and should we even have any? We hear different thoughts on different days. President Trump routinely undercuts his Secretary of State, Rex Tillerson, and with it, our diplomatic high ground. Confusing our allies in South Korea and Japan, whose assistance in helping resolve the North Korean crisis is indispensable, only serves to embolden Kim Jong Un, who seeks to drive a wedge between the United States and our allies. We saw this during the Olympics, and we cannot allow that effort to ever take hold.

Third, the Trump administration's recently released budget request for fiscal year 2019 would drastically cut State Department funding. Yet there is no explanation as to why the President believes that it is prudent to cut diplomatic resources, especially in the middle of a crisis. The State Department is already alarmingly understaffed to handle the significant and increasingly more potent threats from North Korea.

Just this week, we found out that the Special Representative for North Korea Policy, Ambassador Joseph Yun—the lead American negotiator with North Korea—is stepping down tomorrow. He is one of the key players in any strategy with Pyongyang. But wait—there is more. We still don't have a U.S. Ambassador to South Korea more than a year into the Trump administration. We still don't have a confirmed Assistant Secretary for East Asian and Pacific Affairs. We still don't have a special envoy for North Korean human rights issues. We still don't have a sanctions coordinator. It seems the only thing this administration has to show for its concern about North Korea is Donald Trump's Twitter account.

I sent a letter to Secretary Tillerson asking him to explain how the State Department is sufficiently staffed to execute a wide-ranging strategy of diplomatic engagement and pressure, but as I wait for his response, the talk of conflict persists and the drum beat of war grows louder.

Sadly, we have heard this before. In less than 3 weeks, we will mark the 15th anniversary of the U.S. invasion of Iraq. To be clear, the current situation we face with North Korea is not the same as the one we faced in the runup to the Iraq war in 2003, but, as Mark Twain once said, while history does not repeat itself, it does tend to rhyme. We should recognize the similarities and learn the appropriate lessons regarding the use of military force.

Unlike Iraq, North Korea has nearly completed development of long-range missiles, which will be capable of creating nuclear mushroom clouds in our cities. We all agree that we need to act to ensure that this never happens, but nowhere is there a convincing argument for military strikes. There might be a military option for the North Korean nuclear threat, but there is no military solution.

According to July 2017 polls, 76 percent of Americans are worried that the United States will become engaged in a major war in the next 4 years, and 86 percent of Americans believe the military should only be used as a last resort. We should listen to the American people.

Congress must demand that the Trump administration exhaust all diplomatic and economic options in North Korea short of war. I am not the only one who thinks another Korean war would be horrific. Warnings about the consequences of conflict are coming from all corners, including from the senior-most national security and defense officials.

Secretary of Defense Jim Mattis said that conflict on the North Korean Peninsula would be “catastrophic.”

Former Secretary of Defense Bill Perry said that a U.S. strike “could turn into a disastrous military operation” and that “a war in the Korean Peninsula that extends to Japan and that goes nuclear would be 10 times worse than the first Korean War.”

Victor Cha, who was to be nominated as U.S. Ambassador to South Korea before being removed from contention, stated that “the answer is not, as some Trump administration officials have suggested, a preventive military strike.”

Reports suggest that John Bolton, whom President Trump may be considering to replace H.R. McMaster as National Security Advisor, apparently “supports preventive war through a massive strike, if sanctions fail.” He said that the United States would have to “simultaneously destroy all known North Korean ballistic missile sites, submarine bases, and artillery, mortar, and missile installations along the North's border with South Korea.”

That doesn't include the sites we don't know about. In October, the Department of Defense stated that the “only way to locate and destroy with complete certainty all components of North Korea's nuclear weapons program is through a ground invasion.”

Reports from a war game last week indicated that approximately 10,000 Americans could be wounded in combat in just the first few days of a new Korean war. Apparently GEN Mark Milley, the Chief of Staff of the U.S. Army, stated that the “brutality” of conflict on the Korean Peninsula would “be beyond the experience of any living soldier.”

Even before these comments, 74 percent of Americans were concerned about a “full-scale war with North Korea.”

So we must ask some fundamental questions. On what criteria will the administration judge that all non-military options have been exhausted? Who will be the arbiter of that decision? Will the administration fulfill its constitutional obligation and come to Congress to ask for support? How will the Members of Congress respond to such a request?

It is because of these questions that I am here today. It is why I introduced the No Unconstitutional Strike Against North Korea Act. This bill would prevent the Department of Defense and other Federal agencies from spending any money to carry out an attack, conventional or nuclear, on North Korea without congressional approval, because we must only use the U.S. military—the most powerful fighting force in the world—if it is absolutely necessary.

At the same time, I recognize that we must do more to stem the North Korea threat. That includes addressing actions by China, the primary enabler of three successful generations of North Korean dictators. We should seek China's partnership in this process, but we must not fear offending the Chinese Communist Party, nor fear China's reaction.

In the interest of our security and the interests of a peaceful resolution, we must, No. 1, cut off the flow of crude oil from China to North Korea—if we do not do this, then we are not going as far as we need to on a package of sanctions; No. 2, give the Kim regime a warning that we expect them to stop selling the slave labor of its people and, in fact, receiving the revenues from that slave labor in order to prop up their regime and to fund a ballistic missile and nuclear program; No. 3, eliminate North Korea's illicit drug trade; No. 4, halt the procurement of key rocket fuel chemicals; and No. 5, restrict its use of the internet to evade sanctions through theft of cryptocurrencies and the committing of other cyber crimes.

We must continue the pressure on North Korea, but it must be combined with simultaneous and direct engagement with North Korea. We have yet to use all of the sanctions that should be imposed upon the North Korean regime. We have a responsibility to ensure that we exhaust all sanctions, and that includes doing everything we can to shut down the flow of crude oil into North Korea, which props up the regime, props up the ballistic missile program, and props up their nuclear weapons program.

Talks with North Korea about these issues are not synonymous with concessions. Talks backed by targeted pressure and stronger alliances are the path pursued by countries that are strong, confident, and wise, while the drumbeat of war, on the other hand, is the sound of fear and insecurity.

We are talking today about sanctions on imported steel and aluminum that come into the United States of America, but we are looking at that as a

trade issue. If we want to do something about trade that truly endangers our country, we should be looking at the trade between North Korea and China. We should be looking at the crude oil that continues to flow into North Korea. We should not be talking about a military option until we have exhausted our diplomatic and our economic opportunities to bring North Korea to the table.

Without China's agreement on this, we will reach a debate on this floor talking about war with North Korea, but it will not be a debate that took place with the United States—the Trump administration—having exhausted all of the opportunities that a cutoff of crude oil would have and could have presented to bring North Korea to the table. It worked in 2006, it worked in 1994, and I expect, for the sake of the American people, that the President will try to make that work right now. He has not done that yet. This administration has not done that yet.

It is wrong to be hearing this talk about military possibilities and military options before we have exhausted the cutoff of oil, of slave labor, of drugs, of cryptocurrency. We have to do that first. We owe that to history so we are not judged to have rushed irrationally into a war with North Korea that could quickly spiral out of control.

Let's return to a United States of statecraft, allowing our diplomats to advance our interests using our economic tools, our economic strength, as a way of ensuring that we avoid a frivolous loss of life in our country and other countries because we did not pursue a course that would work.

I thank the Presiding Officer.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

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. 398, 399, 698, and 699.

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

The clerk will report the nominations en bloc.

The senior assistant legislative clerk read the nominations of Gregory Doud, of Kansas, to be Chief Agricultural Negotiator, Office of the United States Trade Representative, with the rank of Ambassador; Jason Kearns, of Colorado, to be a Member of the United States International Trade Commission for the term expiring December 16, 2024; Dennis Shea, of Virginia, to be a Deputy United States Trade Representative (Geneva Office), with the rank of Ambassador; and C.J. Mahoney, of

Kansas, to be a Deputy United States Trade Representative (Investment, Services, Labor, Environment, Africa, China, and the Western Hemisphere), with the rank of Ambassador.

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; that 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. Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the Doud, Kearns, Shea, and Mahoney nominations en bloc?

The nominations were confirmed en bloc.

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 700 through 709 and all nominations on the Secretary's desk; that the nominations be confirmed, the motions to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order; that any statements related to the nominations be printed in the RECORD; and that the President be immediately notified of the Senate's action, all en bloc.

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

The nominations considered and confirmed are as follows:

IN THE AIR FORCE

The following named officers for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Lee H. Harvis

The following named Air National Guard of the United States officers for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., sections 12203 and 12212:

To be brigadier general

Col. Michael L. Ahmann
Col. Peter G. Bailey
Col. Malinda M. Beggs
Col. Eric L. Bratu
Col. Benjamin M. Cason
Col. Mark A. Chidley
Col. Troy T. Daniels
Col. Nicholas A. Gentile, Jr.
Col. Thomas F. Grabowski
Col. Andrew W. Love
Col. Richard R. Neely
Col. Russell L. Ponder
Col. Donna M. Prigmore
Col. Robert D. Reyner
Col. James A. Roberts
Col. Raymond S. Robinson, IV
Col. James P. Ryan
Col. Darrin E. Slaten
Col. Christopher L. Smith

Col. Jeffrey S. Smith
Col. Justin B. Smith
Col. Mark A. Weber
Col. Jeffrey L. Wilkinson
Col. John P. York

The following named Air National Guard of the United States officers for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., sections 12203 and 12212:

To be brigadier general

Col. Christopher R. Alderdice
Col. Robert S. Grant
Col. Paul N. Loisel
Col. Wayne M. McCaughey
Col. David J. Mounkes

IN THE MARINE CORPS

The following named officers for appointment in the United States Marine Corps Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Timothy L. Adams
Col. Mark A. Hashimoto
Col. Karl D. Pierson

IN THE AIR FORCE

The following named officers for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. John J. DeGoes
Brig. Gen. Robert I. Miller
Brig. Gen. Lee E. Payne

IN THE ARMY

The following named Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., sections 12203 and 12211:

To be major general

Brig. Gen. Jeffrey P. Kramer

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. (lh) Gordon D. Peters

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Brian B. Brown

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. John J. Allen

IN THE ARMY

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Todd M. Lazaroski

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN1235 AIR FORCE nominations (25) beginning PAUL OBI AMALIRI, and ending MEOSHIA A. WILSON, which nominations were received by the Senate and appeared in the Congressional Record of November 14, 2017.