

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. FLAKE. 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 President, I ask unanimous consent that the order for the quorum call be rescinded.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. FLAKE. Mr. President, I rise today—

(Disturbance in the Visitors' Galleries.)

The PRESIDING OFFICER. There will be order in the Chamber.

The Sergeant at Arms will restore order in the Chamber.

(Disturbance in the Visitors' Galleries.)

The PRESIDING OFFICER. The Sergeant at Arms will restore order in the Chamber.

The Senator from Arizona.

ZTE

Mr. FLAKE. Mr. President, I rise today disturbed by the President's recent decision to consider easing penalties placed on the Chinese telecommunications company ZTE.

Looking at ZTE's history of deception and dishonest business practices, it is deeply troubling to see these penalties cast aside so carelessly in pursuit of what appears to be a type of chaotic diplomatic improvisation that has become standard operating procedure with the administration.

Let me briefly outline ZTE's past actions in order to refresh everyone's memory on how the company came to face such serious punitive measures.

In 2016, the U.S. Department of Commerce concluded an exhaustive investigation, finding that ZTE had knowingly sold products made with American technology to Iran, North Korea, and other countries banned from receiving such technologies. ZTE violated these sanctions and engaged in a deliberate attempt to cover it up.

Once ZTE's deception was uncovered, the Obama administration announced imminent implementation of export restrictions that would deprive ZTE of American technology crucial to the manufacturing of its products.

The threat of sanctions brought ZTE to agree to settle the matter, and one year later, ZTE signed a settlement, which included more than \$1 billion in fines, the creation of audit and compliance requirements to avoid future violations, and a promise to punish those individuals involved in past violations.

Last month, after ZTE was found to have violated the terms of the settlement and to have then sought to deceive the U.S. Government about those violations, the Commerce Department announced a 7-year ban on the export of U.S. components to ZTE.

In essence, ZTE has repeatedly engaged in malign activity by deliberately misleading the government for years, all while attempting to deliver American technologies into the hands of State sponsors of terrorism. The in-

stinct to punish ZTE for this behavior was the right one.

So it was puzzling to hear, as we did this past Sunday, that the President instructed the Commerce Department to find a way to ease that punishment. First the President tweeted that the restrictions needed to be eased because they would cost China too many jobs.

It now appears that this concession is part of a deal that, if reached, would have the Chinese Government agree to remove tariffs on U.S. agricultural products. It must be noted that these are the same tariffs that China levied in retaliation for the steel and aluminum tariffs announced, and now being haphazardly applied, by this administration.

Make no mistake, what we are witnessing here is a nascent trade war—tariffs leading to tariffs leading to ill-advised concessions, haphazard exemptions, and so on and so on. Meanwhile, businesses suffer from increased uncertainty, our national security is threatened, and international allies find themselves dealing with an American foreign policy characterized only by chaos and unpredictability.

Punitive measures like sanctions work only when they are consistently executed. How is any other nation meant to take threats of U.S. sanctions seriously when we enforce them some of the time and toss them aside other times when we feel like it? What does such unpredictability say to our allies about our ability to lead on global issues and our reliability as a partner in the future?

We are making a mockery of the rules-based international order that we helped establish. Our foreign policy, whether it relates to trade or security, must be characterized by stability and predictability, not confusion and chaos.

We are at our best when our allies and our adversaries know where we stand. Let us return to that standard.

I yield the floor.

The PRESIDING OFFICER. The majority whip.

Mr. CORNYN. Mr. President, I ask unanimous consent that notwithstanding rule XXII, the cloture vote on the Haspel nomination occur at this time; further, that if cloture is invoked, all postcloture time be yielded back and the Senate immediately vote on the nomination; and that if confirmed, the motion to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

CLOTURE MOTION

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 Gina Haspel, of Kentucky, to be Director of the Central Intelligence Agency.

Mitch McConnell, Thom Tillis, James Lankford, John Cornyn, Mike Crapo, Roy Blunt, John Hoeven, David Perdue, Lindsey Graham, Pat Roberts, Johnny Isakson, John Boozman, James E. Risch, John Thune, Todd Young, Ron Johnson, Cory Gardner.

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 Gina Haspel, of Kentucky, to be Director of the Central Intelligence Agency, 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. CORNYN. The following Senators are necessarily absent: the Senator from Arizona (Mr. MCCAIN) and the Senator from Indiana (Mr. YOUNG).

Further, if present and voting, the Senator from Indiana (Mr. YOUNG) would have voted "yea."

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

The yeas and nays resulted—yeas 54, nays 44, as follows:

[Rollcall Vote No. 100 Ex.]

YEAS—54

Alexander	Flake	Murkowski
Barrasso	Gardner	Nelson
Blunt	Graham	Perdue
Boozman	Grassley	Portman
Burr	Hatch	Risch
Capito	Heitkamp	Roberts
Cassidy	Heller	Rounds
Collins	Hoeven	Rubio
Corker	Hyde-Smith	Sasse
Cornyn	Inhofe	Scott
Cotton	Isakson	Shaheen
Crapo	Johnson	Shelby
Cruz	Kennedy	Sullivan
Daines	Lankford	Thune
Donnelly	Lee	Tillis
Enzi	Manchin	Toomey
Ernst	McConnell	Warner
Fischer	Moran	Wicker

NAYS—44

Baldwin	Harris	Paul
Bennet	Hassan	Peters
Blumenthal	Heinrich	Reed
Booker	Hirono	Sanders
Brown	Jones	Schatz
Cantwell	Kaine	Schumer
Cardin	King	Smith
Carper	Klobuchar	Stabenow
Casey	Leahy	Tester
Coons	Markey	Udall
Cortez Masto	McCaskill	Van Hollen
Duckworth	Menendez	Warren
Durbin	Merkley	Whitehouse
Feinstein	Murphy	Wyden
Gillibrand	Murray	

NOT VOTING—2

McCain Young

The PRESIDING OFFICER. On this vote, the yeas are 54, the nays are 44.

The motion is agreed to.

Under the previous order, all postcloture time is expired.

The question is, Will the Senate advise and consent to the Haspel nomination?

Mr. ROUNDS. 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 legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The result was announced—yeas 54, nays 45, as follows:

[Rollcall Vote No. 101 Ex.]

YEAS—54

Alexander	Gardner	Nelson
Barrasso	Graham	Perdue
Blunt	Grassley	Portman
Boozman	Hatch	Risch
Burr	Heitkamp	Roberts
Capito	Heller	Rounds
Cassidy	Hoeven	Rubio
Collins	Hyde-Smith	Sasse
Corker	Inhofe	Scott
Cornyn	Isakson	Shaheen
Cotton	Johnson	Shelby
Crapo	Kennedy	Sullivan
Cruz	Lankford	Thune
Daines	Lee	Tillis
Donnelly	Manchin	Toomey
Enzi	McConnell	Warner
Ernst	Moran	Wicker
Fischer	Murkowski	Young

NAYS—45

Baldwin	Gillibrand	Murray
Bennet	Harris	Paul
Blumenthal	Hassan	Peters
Booker	Heinrich	Reed
Brown	Hirono	Sanders
Cantwell	Jones	Schatz
Cardin	Kaine	Schumer
Carper	King	Smith
Casey	Klobuchar	Stabenow
Coons	Leahy	Tester
Cortez Masto	Markey	Udall
Duckworth	McCaskill	Van Hollen
Durbin	Menendez	Warren
Feinstein	Merkley	Whitehouse
Flake	Murphy	Wyden

NOT VOTING—1

McCain

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. 608.

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 legislative clerk read the nomination of Dana Baiocco, of Ohio, to be a Commissioner of the Consumer Product Safety Commission for a term of seven years from October 27, 2017.

CLOTURE MOTION

Mr. MCCONNELL. 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 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 Dana Baiocco, of Ohio, to be a Commissioner of the Consumer Product Safety Commission for a term of seven years from October 27, 2017.

Mitch McConnell, Thom Tillis, Pat Roberts, John Cornyn, Mike Crapo, Roy Blunt, Ron Johnson, Mike Rounds, Lindsey Graham, Johnny Isakson, John Boozman, James E. Risch, John Thune, Todd Young, John Hoeven, Cory Gardner, David Perdue.

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.

VETERANS CEMETERY BENEFIT CORRECTION ACT

Mr. MCCONNELL. Mr. President, I understand the Senate has received a message from the House to accompany S. 2372.

The PRESIDING OFFICER. The leader is correct.

Mr. MCCONNELL. I move that the Chair lay before the Senate the message to accompany S. 2372.

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

The Presiding Officer laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 2372) entitled "An Act to amend title 38, United States Code, to provide outer burial receptacles for remains buried in National Parks, and for other purposes," do pass with an amendment.

MOTION TO CONCUR

Mr. MCCONNELL. Madam President, I move to concur in the House amendment.

The PRESIDING OFFICER (Mrs. CAPITO). The clerk will report the motion.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] moves to concur in the House amendment to S. 2372.

CLOTURE MOTION

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

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

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 motion to concur in the House amendment to S. 2372, a bill to amend title 38, United States Code, to provide outer burial receptacles for remains buried in National Parks, and for other purposes.

Johnny Isakson, Roger F. Wicker, John Thune, John Cornyn, Richard Burr, Mike Crapo, Tom Cotton, John Boozman, Thom Tillis, Jerry Moran, Joni Ernst, David Perdue, Roy Blunt, John Hoeven, Bill Cassidy, Dan Sullivan.

MOTION TO CONCUR WITH AMENDMENT NO. 2246

Mr. MCCONNELL. Madam President, I move to concur in the House amendment to S. 2372, with a further amendment.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] moves to concur in the House amendment to S. 2372 with an amendment numbered 2246.

Mr. MCCONNELL. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end add the following.
"This Act shall take effect 1 day after the date of enactment."

Mr. MCCONNELL. I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2247 TO AMENDMENT NO. 2246

Mr. MCCONNELL. Madam President, I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes an amendment numbered 2247 to amendment No. 2246.

Mr. MCCONNELL. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

Strike "1 day" and insert "2 days"

MOTION TO REFER WITH AMENDMENT NO. 2248

Mr. MCCONNELL. Madam President, I move to refer the House message on S. 2372 to the Committee on Veterans' Affairs to report back forthwith with instructions.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] moves to refer the House message to accompany S. 2372 to the Committee on Veterans' Affairs to report back forthwith with an amendment numbered 2248.

The amendment is as follows: