

[Rollcall Vote No. 117 Ex.]

## YEAS—83

Alexander	Fischer	Nelson
Baldwin	Flake	Paul
Barrasso	Gardner	Perdue
Bennet	Graham	Portman
Blumenthal	Grassley	Reed
Blunt	Hassan	Risch
Boozman	Hatch	Roberts
Brown	Heitkamp	Rounds
Burr	Heller	Rubio
Cantwell	Hoeven	Sasse
Capito	Hyde-Smith	Schatz
Cardin	Inhofe	Schumer
Carper	Isakson	Scott
Casey	Johnson	Shaheen
Cassidy	Jones	Shelby
Collins	Kaine	Smith
Corker	Kennedy	Sullivan
Cornyn	King	Tester
Cortez Masto	Klobuchar	Thune
Cotton	Lankford	Tillis
Crapo	Lee	Toomey
Cruz	Manchin	Udall
Daines	McCaskill	Van Hollen
Donnelly	McConnell	Warner
Durbin	Moran	Whitehouse
Enzi	Murkowski	Wicker
Ernst	Murphy	Young
Feinstein	Murray	

## NAYS—11

Booker	Menendez	Stabenow
Gillibrand	Merkley	Warren
Harris	Peters	Wyden
Hirono	Sanders	

## NOT VOTING—6

Coons	Heinrich	Markey
Duckworth	Leahy	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.

## NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2019—MOTION TO PROCEED

Mr. MCCONNELL. Mr. President, I move to proceed to Calendar No. 442, H.R. 5515.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 442, H.R. 5515, a bill to authorize appropriations for fiscal year 2019 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.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the motion to proceed be agreed to.

The PRESIDING OFFICER. Is there objection?

The Senator from Pennsylvania.

Mr. TOOMEY. Mr. President, reserving the right to object, I hope this is just going to be a speed bump on the way to getting on to the NDAA, because that is very important legisla-

tion that I want to get to, but I have an amendment. It happens to be a germane amendment to a very, very important part of this bill—the CFIUS reform legislation recently reported out of the Banking Committee.

I want to continue to work with the chairman and the ranking member and the leader to ensure that I will have an opportunity to offer this amendment. That is all I am looking for—to have a vote on my germane amendment. When we can work that out, I will be happy to grant my consent, but in the meantime, I object.

The PRESIDING OFFICER. Objection is heard.

## CLOTURE MOTION

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

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. 442, H.R. 5515, an act to authorize appropriations for fiscal year 2019 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.

Mitch McConnell, Todd Young, Mike Rounds, John Cornyn, Johnny Isakson, Joni Ernst, John Hoeven, Thom Tillis, James E. Risch, Tom Cotton, Dan Sullivan, Mike Crapo, Roger F. Wicker, John Thune, James M. Inhofe, John Barrasso, Deb Fischer.

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

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

The Senator from Oklahoma.

Mr. INHOFE. Mr. President, let me just share what just happened here. I have been involved with this for a long time, including over in the House when we had our NDAA. Now, I am fully aware and everybody here knows that we have passed this NDAA for 57 consecutive years, and we are going to pass it. But one of the things I really don't like about the procedure is that one person—any one person, Democrat or Republican—can object, as this was just objected to, and cause us to have to file cloture. This is going to put this off for a period of time, and two undesirable results can result. One result can be that it can ultimately deny Members from offering their amendments, whether they are germane or not.

I will state how much I appreciate the fact that Senator REED and I in our committee have worked very closely together, and we made a decision that we want to have an open amendment process. We had discussion of this in our committee and everyone agrees with this.

This could have the effect of ultimately closing the door to everyone who has an amendment. We don't want that, but we did everything we could to stop an objection from taking place so that we could at least move on to the bill.

We need to get on the bill, and then we can try to do all kinds of arrangements. At one time, Senator REED and I talked about maybe coming up with 10 amendments or 15 amendments or 3 amendments each, Democrats and Republicans, so that we could at least say to the individuals on our side—and I would say to my Republican friends—that I will do everything within my power to see that you get a vote. Unfortunately you can't do that because you can't guarantee there will be a vote. So that is the thing I regret, and the other bad part of this is that it is going to put it off for about a week.

I just got back from all of our war zones, talking to our troops on the ground, telling them that this is going to happen, that we are going to be taking up the NDAA, and telling them what is in it in terms of pay raises, what is in it in terms of priorities, and how we are going to try to get modernized. Right now we have several pieces of equipment that over the last 10 years have been ignored, and we have peer competitors in Russia and in China that have better equipment than we do. An artillery piece is evaluated by rapid fire and range, and right now our rapid fire is not as fast as either Russia's or China's. We see what is happening in the China Sea. We are over there. We see that our allies are looking and thinking: You know, the Chinese are preparing for World War III. What are we doing?

By postponing this, all of our troops and all of our very valued people who are risking their lives on a daily basis are going to wonder: Why didn't we go ahead and go with this thing? It is wrong.

I do want to say this. Senator REED and I and our committees did everything we could to try to accommodate everyone as best as our rules would allow us to do. In living with the limitations that we have, we have done everything we can do.

I do want to compliment the entire Senate Armed Services Committee. We have also worked on the House side. Between Senator REED and me—Democrats and Republicans—we have done everything we could to keep this from happening. Again, as long as I can remember, at the last minute, one Senator can put this off and create the damage and potential damage that has been created now. I do regret that.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, first, this is an opportunity for me to commend and thank the Senator from Oklahoma for extraordinary leadership on the committee. Obviously, we were all inspired by Chairman MCCAIN and his incredible leadership over the last many,

many years, but the Senator from Oklahoma has stood up there and really set a tone—and I think the Presiding Officer understands because he was there—of very purposeful, very deliberate, very collegial activity to bring everyone involved into the process. We were operating basically under the rules of appropriateness for the committee and a close connection to the Department of Defense because, as Chairman INHOFE said, this is ultimately about the men and women wearing the uniform of the United States.

Always, every year—we will pass this bill; I am confident of that because of the chairman's leadership and because of colleagues like the Presiding Officer. But each and every year, people see this as the only train leaving town, and we have to be able to keep in balance that this is about the Department of Defense and related agencies, like the National Nuclear Security Administration, for example, and the DOE and other agencies. We would like to be able to open up the floor to amendments that are closely connected and have a clear nexus to the Department of Defense, and the men and women in the Department of Defense, and then have votes. That is the ideal, and we hope we can do that.

We might have to spend some time procedurally getting to the bill. We will get to the bill, and under the leadership of Chairman INHOFE, we will get the bill done. We hope to be able to accommodate our colleagues as much as possible with amendments, and I hope these amendments will be directed once again to the activities, priorities, and critical needs of the men and women of the Armed Forces and related agencies. If we do that, I think we will have a very successful and very productive floor debate, as we did in the committee.

Again, let me thank the Senator from Oklahoma. We both stand ready to work and get this bill done for the men and women wearing the uniform of the United States.

Thank you.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I think it is kind of unprecedented to have, in this case, the acting chairman and the ranking member be so close together on what we have attempted to do.

I think it is worthwhile to note, as Senator REED brought up, that we had the committee hearing on this, and it is very rare we come out as we did on that. We actually did that in 1 day. It was 1 day, and it was 9 hours total. I am not sure if that is some kind of a record or not, but it shows that we are working very well together, and I was hoping that would take care of this today.

Anyway, we are now going to start discussing this bill. Since we have lost the opportunity to move to the bill and actually start on amendments, I think

it is more important now to at least talk about what we are anticipating. Today we will begin consideration—even though we are not on the bill, we can still talk about it. This is the John S. McCain National Defense Authorization Act for fiscal year 2019. It is the most important piece of legislation we consider every year.

As I have said, this is now the 57th consecutive year that we have done this. I remember that just a few years ago we got very close to the middle of December or the end of December, which is an absolute deadline to get it done for the fiscal year. We had to go to the big four, and we got it done and got it passed. Well, we don't want to do that now. We want to do it the right way, and we want to consider all of the amendments because in that year, we got the bill, but we didn't consider any amendments.

You can talk to any of the Members. A lot of times they were in closed meetings, and we talked about the necessity of getting the amendments opened up so that anyone could offer an amendment, and, of course, they were denied doing that at that time. Now we are still in a position that we can do this, but it has put it off about a week.

Anyway, this is the most important legislation we pass every year. One more time, I want to thank Senator JACK REED, the ranking member of the Armed Services Committee, for his work on this and for the fact that we were able to do it as rapidly as we did. I also want to thank the majority leader, Senator MCCONNELL, not only for bringing the NDAA to the floor this week, but also for his willingness to do so under regular order. That is what we wanted, and we were able to do it.

Finally, and most importantly, I want to thank the committee chairman, Senator JOHN MCCAIN, for his strong leadership in the preparation of the NDAA this year, which he has done each year for a long period of time. Make no mistake, he may not be here today, but this is his bill. His priorities and his policy objectives are in this bill. This year's NDAA is a true embodiment of what Chairman MCCAIN has worked to advance during his decades of service and his tenure as chairman of this committee. It deserves to bear his name, and it does bear his name.

We are all keeping Chairman MCCAIN in our hearts and our prayers as he continues to prove that he is the fighter we all know him to be. I am sure he is watching right now. Senator MCCAIN, we all know the fighter you are. There is no one else like you, and we want you to continue that fight, and we are anticipating that is going to be taking place.

The NDAA represents some of the finest traditions of this body. For 57 years, Congress has passed this vital legislation to authorize funding and provide the necessary authority for our military to protect this great Nation.

I am proud that the Senate Armed Services Committee overwhelmingly

passed this bill. I think, at one point, we had 300 amendments. We were able to sit down, reason together, incorporate several of them into a managers' package, come to the committee, and actually pass it overwhelmingly.

This is more than just a piece of legislation, but it is a message to each and every one of our servicemembers that they are our No. 1 priority. That is why I didn't like the idea that there is an objection to moving to this bill today. I was with our servicemembers who are overseas all last week, telling them what we were going to do, why we were going to do it, and why it is a top priority. Unfortunately, this sends the wrong message to them.

This is more than just a piece of legislation; it is what we have to do to defend our Nation. After all, you have to keep in mind that the No. 1 thing we need to be doing here in the U.S. Senate, as well as in the House, is defending America. Our Founding Fathers said that; it is in the Constitution; and that is what we are about to do now.

The fiscal year 2019 NDAA keeps faith with our troops. It has a 2.6-percent pay raise—the largest in 10 years—which, in some small way, honors their enormous sacrifice.

In total, the NDAA supports \$716 billion in fiscal year 2019 for national defense. It authorizes a base defense budget of \$639 billion for the Department of Defense and the national security programs of the Department of Energy, as well as \$69 billion in the overseas contingency fund. When it all adds up, you have \$716 billion. That is what we should be doing around here. We are glad we are at the point where we can give priority to defending our Nation, as it should always have been.

This is funding an important step toward recovering from years of cuts in our defense budget under the Budget Control Act and sequestration, which harmed our military readiness and slowed down our modernization efforts. As I mentioned before, sequestration has held us back, but it has not held our adversaries back. All the time we were held back over the last 10 years, our peer competition out there—Russia and China—haven't been holding back. That is why I said that in areas such as artillery, they are ahead of us.

Every time I go—and I am sure the Chair finds the same thing to be true—back home where the real people are, they assume we have the best of everything. That was the kind of standard we had set in World War II, and, of course, we backed away from that. We have areas—not just artillery, but triad and hypersonic—in which we were not able to keep that up, and all the time that we were doing nothing for the last 10 years in the triad system, the Chinese and the Russians were advancing, and they are ahead of us now.

Hypersonic is something not many people know about. It is a weapons system that moves at five times the speed of sound, and this is something that is

going to be where future wars are going to be fought. Yet China and Russia are both ahead of us right now.

So with this bill, we are going back and are advancing in some areas where we have been very, very slow. The goal, as always, is to provide our warfighters with the resources and capabilities they need and to do so on time, on schedule, and at a reasonable cost.

Now I am going to run over this because I think it is important that people out there know—and even some Members in this body, if they are not on the committee, might not be aware—that the legislation authorizes starting \$23 billion for shipbuilding to fund 10 new construction battle force ships. It also provides for the procurement of 117 naval aviation aircraft. It has \$7.6 billion to procure 75 F-35 Joint Strike Fighters.

I think we all recognize the mistake we made back when we had the F-22. We should have, at that time, stayed with the original amount, and now we regret we didn't do it. We don't want to make that mistake with the F-35s, so we have that provision in there.

We have \$2.3 billion to procure 14 KC-46s. This is kind of interesting because that is ultimately going to replace the KC-135s, which have been around for 58 years now. I can remember, in the last administration, the Secretary of the Air Force was having an event, and I remember commenting at Altus Air Force Base that in 1959 two wonderful things had happened. No. 1, I got married and, No. 2, we delivered our first KC-135. She said: Well, I guess that offers security for you here at Altus for the next 59 years, and I think it does. That is how important that is. Our KC-46s are necessary, and this has the procurement of 14 of these.

We have \$350 million to procure Air Force light attack aircraft; procurement of 117 Army helicopters; \$70 million to prototype the next-generation combat vehicle; and \$100 million each for the U.S. Marine Corps light attack aircraft and Group 5 Unmanned Aerial System; and lastly, \$10 billion for the Missile Defense Agency.

That is finally getting us up to where we had fallen behind during the last administration. We might as well say it as it is. We now have everyone agreeing. This is good. This bill has been unnecessarily postponed for another week. Someone is making a point there.

Along the way, the NDAA makes adjustments to the administration's budget request to ensure programs are sustainable and accountable and protecting American taxpayer dollars. It also takes steps to ensure we are prepared for a world defined by strategic competition with China and Russia, addressing China's militarization of the South China Sea, and deterring Russia's military aggression and cyber attacks.

We know that is happening right now. Several of us, including the Presiding Officer, just about a month ago,

were in the South China Sea. You see what the Chinese are doing, which is totally illegal. It is not land they own. They talk about reclaiming land. They are not reclaiming land. It wasn't previously claimed by anybody. They have seven islands now out there. We are talking about over 33,000 acres out there where they created huge military formations. All of our allies in that part of the world are assuming they now have to take sides in what might be World War III. You see that what they are putting on these islands is all military, 100 percent, just as if they are preparing for World War III. It is a huge thing happening right now. We saw it there.

By the way, it is not just the South China Sea. We just got back from Djibouti. The first time in the history of China, they have military bases that are not within the confines of China. This supports the implementation of the Nuclear Posture Review by authorizing \$65 million to develop a low-yield, submarine-launched ballistic missile. I know that is controversial, and there will be amendments on there. We look forward to that.

The ranking member and I don't agree on everything. This is one area that probably we don't agree on. We want to have amendments. We want to have an open debate. That is what we are going to have. Unfortunately, that is going to be delayed for a period of time that I believe is unnecessary.

Finally, the NDAA supports our allies and partners around the world. It authorizes \$5.2 billion for the Afghanistan Security Forces Fund.

We just got back from Afghanistan. Things are going well there. We had a chance to talk to General Nicholson and the rest over there. Some good things are happening, despite what an unfriendly press sometimes wants to lead you to believe.

For the fight against terrorism, it authorizes \$1.2 billion for the counter-ISIS efforts via the Train and Equip Programs in Iraq and Syria. The Train and Equip Program is one we all agree—at least in the committee—that it is very important to continue. It authorizes \$6.3 billion for the European Deterrence Initiative and \$200 million for security assistance to Ukraine, including defensive lethal assistance.

This is something we should have done a long time ago. I happened to be in Ukraine when they had their last election—well, actually about 3 years ago. That was a time when, for the first time in 96 years, Ukraine didn't have one Communist in its Parliament. They did that because they love us. Of course, people came in and started killing them. We know what happened there. It was well publicized.

We had the opportunity to send some lethal defensive equipment over there to help them since they have this love for the West. At that time, the administration wouldn't allow that to take place.

Anyway, we offer \$500 million for Israeli cooperative missile defense pro-

grams. By the way, I always like to say, when talking about Israel, there is kind of an assumption out there that they are dormant, and we are providing this. They actually have developed some systems over there that are superior to ours. There is no better relationship anywhere in the world than between the United States and Israel. Good things are happening there. The President is strongly in support of that. Of course, we have a great guy over there who looks to us as their closest friend.

It also includes the Foreign Investment Risk Review Modernization Act that was adopted by the Senate Banking Committee, which will give the Committee on Foreign Investment in the United States the authority it needs to address some of the national security concerns.

As we move forward to considering the fiscal year 2019 NDAA, we have to remember our primary constitutional responsibility is to provide for the common defense of our great Nation. We forget that. People go back home and never talk about defending America. They kind of play on this assumption that we already have all we need and that it is no longer a mission that is worth fighting for. We have to face the facts that this is the most dangerous world we have ever faced. The military advantage we once enjoyed has eroded, and we cannot delay modernizing our capabilities and restoring readiness.

You don't have to go any further than looking at some of these countries like North Korea. Right now, some good things are happening. I believe, 6 days from now, a meeting will take place between Kim Jong-un and our President. It is unprecedented, and I am very excited about it. Nonetheless, in this world today, you can have one small country that has the capability of wiping out an American State, and it is something we haven't been dealing with in the past. That is all part of this bill we are talking about now that we are going to be passing and going to conference with the House.

Today, our Nation commemorates the 74th anniversary of D-day. The brave Americans who stormed the beaches of Normandy embodied the spirit that continues to inspire the service and sacrifice of so many—fighting, sometimes against unsurmountable odds, in the name of freedom, and we won.

I urge my colleagues to keep in mind the meaning of this day throughout consideration of this legislation, the John S. McCain National Authorization Act for Fiscal Year 2019. It will help assert the quantitative and qualitative military advantage we will have. I would almost say reassert that because we have lost it. General Dunford made the statement that we are falling behind in our ways. It has always been our qualitative and quantitative advantage over the enemy.

I hope the ranking member agrees we can move forward with an open amendment process. This is very important. This is one we all agreed on, and we were hoping we would be in that process right now, but it didn't happen. Unfortunately, sometimes it is going to be lost.

We are committed to working with everyone here as soon as possible and get the amendments rolling.

I want to yield to Senator REED, but before I do, I want to make sure we get on the record that I have never seen, in the years I have been here, more cooperation than we have between the Democrats and Republicans on the Senate Armed Services Committee.

I yield the floor.

The PRESIDING OFFICER (Mr. SASSE). The Senator from Rhode Island.

Mr. REED. Mr. President, let me again thank Chairman INHOFE. I, too, will comment that the collaboration and cooperation was superb in the committee. A great deal of that was the result of his work, and, as I mentioned before, the inspiration of Chairman MCCAIN.

Mr. President, I join the Senator from Oklahoma to rise and discuss the fiscal year 2019 national defense authorization bill, which passed out of the Armed Services Committee on May 23 with a very strong bipartisan vote.

First, I would like to recognize Chairman MCCAIN, after whom this bill was named. Senator MCCAIN has guided this committee through several NDAA's with a steady hand and unyielding leadership. His commitment to a bipartisan process has been an example of the way Congress should function, and I am pleased to say this bill, again, follows in that tradition.

I also want to thank Senator INHOFE, who has ably and graciously led the committee this year through many hearings and an extremely efficient markup, which produced the bipartisan bill we are beginning to consider. We would like to have begun considering it and taking amendments today, but we will consider it, we will pass it, and we will continue the outstanding record of annually passing a national defense act for the men and women in the Armed Forces.

The committee has thoughtfully considered the President's budget request, held hearings on national security challenges, and received briefings on emerging threats. The result of this hard work is a bill, I believe, that will improve the readiness and capability of our Armed Forces, push back on our adversaries that threaten the democratic system and the global order, and improve the quality of life for our servicemembers and their families.

This bill reflects the strategic shift toward prioritizing the strategic competition with Russia and China. It supports the President's budget request for resources to deter, and, if necessary, defend against aggression from near-peer competitors. This includes

\$6.3 billion for the European Deterrence Initiative as a continuing demonstration of our commitment to the security of our European allies and the deterrence of Russian expansionism. It also requires a 5-year plan from the Department for the Asia-Pacific Stability Initiative on the necessary resources and activities to counter China's destabilizing behavior in the region.

The bill also includes a provision calling on the administration to urgently complete a comprehensive strategy to counter Russian malign influence below the level of direct military conflict. Russia attacked the heart of our democracy in 2016, and our intelligence experts warn of even more sophisticated Russian attacks targeting this year's midterm elections. Yet the administration has failed to bring together our military and non-military tools of national power to counter this Russian aggression, despite a requirement in last year's NDAA to submit to Congress a whole-of-government strategy to counter Russian malign influence.

This bill expresses the sense of the Senate that the administration should complete a counter-Russian influence strategy without delay.

Over the course of the past year, the committee has held numerous hearings in which witnesses have told us, in no uncertain terms, that the President has not tasked the Department of Defense to prepare to respond to a repeat of Russia's influence campaign. Their ongoing campaign of misinformation has largely been conducted through cyber space—a domain that the Department of Defense has specially trained cyber forces designed to disrupt significant cyber attacks.

It is my belief that the ongoing attacks on our democratic process constitute such a significant attack. Therefore, it is noteworthy that the bill includes a provision that would directly and clearly authorize the Secretary of Defense to employ our cyber mission forces to defend against Russian attacks on our democracy.

With respect to countering the continued threat by ISIS, the bill extends the Iraq and Syria Train and Equip Programs at the requested funding level, while requiring appropriate information with respect to the partner forces to be trained and the expected level of engagement with U.S. forces. This is a prudent approach that recognizes the continued threat from ISIS while ensuring appropriate oversight of these authorities in a dynamic environment.

I am pleased the bill also includes provisions designed to incorporate lessons learned from the campaign against ISIS that can be used to more effectively account for and respond to allegations of civilian casualties going forward.

As the tip of the spear of our efforts to counter violent extremist groups like ISIS across the globe, our Special Operations forces require the best

equipment and training possible. The bill authorizes full funding for the Special Operations Command and includes important provisions to enhance the ability of the Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict to act as the service Secretary-like civilian responsible for the oversight and advocacy for all our Special Operations forces.

For the Navy and Marine Corps, I believe the bill represents a continuation of the efforts that are so important for improving our Armed Forces. The proposals would begin significant efforts to improve the readiness of Navy and Marine Corps aircraft, ships, tanks, and other weapons systems.

I am pleased the bill, for the second year, authorizes funds to help reduce the risk for ramping up submarine construction as we start the Columbia-class program to replace the Ohio-class strategic missile submarines.

While I support many of the provisions of the bill regarding the Navy and Marine Corps, I do have some concerns that the bill makes sizable reductions in the Marine Corps request for the upgraded amphibious assault vehicle that will remain the backbone of the Marine Corps' amphibious assault capability for years to come. I believe this is shortsighted, and I plan to continue to work with my colleagues on this issue throughout the process.

For the Air Force, this bill authorizes the A-10 wing replacement program to ensure the readiness of our A-10 fleet. Additionally, the bill authorizes \$350 million for the Air Force to procure light attack aircraft and \$2.3 billion for 14 KC-46 tankers. It also provides multiyear procurement authority for the C-130J program.

The bill also has provisions to begin to address the growing challenge of operating and supporting the F-35 fleet for all services. I believe this challenge will be with us for a long time, and we have to take additional actions in the future. We have begun this process.

Finally, JSTARS is the command-and-control aircraft for ground forces. Presently, the Air Force plans to retire JSTARS with the hope—not the plan, but the hope—of replacing it in the future with a new concept. I believe the bill takes a very responsible position by preventing the Air Force from retiring the current fleet of JSTARS aircraft, and it provides additional resources to help the Air Force accelerate developing and fielding new capabilities to replace the current ground moving target indicator capability provided by JSTARS. In short, we shouldn't take JSTARS away until we have something very credible and capable to replace it.

As the Department of Defense prioritizes long-term strategic competition with China and Russia, the Army will be required to balance the high-end, near-peer fight while seeking more efficient approaches to counterterrorism activities. This will be a significant shift for the Army, given that

for nearly the past 17 years, they have focused on combat operations in Iraq, Afghanistan, and, most recently, in Syria.

In addition, the Army has had a spot-track record in recent decades with major acquisition programs. Coupled with the effects of the Budget Control Act and sequestration, the Army has had to defer modernizing platforms aimed at conflict with a peer adversary.

Recognizing the need to overhaul Army acquisition processes, the Army has created a number of cross-functional teams tasked with breaking down acquisition stovepipes so that new technologies and modernized platforms could be delivered to the force in a more effective manner. I commend the senior leadership of the Army for making acquisition reform a priority, and I believe the bill that we are considering today supports investments for critical weapons systems and research and development activities.

For example, the bill authorizes full funding for the Army's request for Abrams battle tanks, as well as Army helicopters to include AH-64 Apache helicopters and UH-60M Black Hawks. The bill also makes targeted investments to improve the range and lethality of Army artillery systems, and it supports the fielding of active protection systems on our combat vehicles in order to better protect our soldiers.

Again, there is much in this area that I support, but I am concerned that some programs were not fully funded, most notably the Joint Light Tactical Vehicle program. While the Senate must always closely review the President's annual budget request, we must also be mindful of the impact to the force. Ensuring that our soldiers have the equipment and resources they need on the battlefield is our highest priority.

In the area of space, this committee has taken in-depth briefings on the threats we face to the use of our space systems. While many of the details are classified, I am satisfied with the investments we are now making in this area, given that space is increasingly becoming a contested domain upon which our ground, sea, and air forces rely upon worldwide. I would only comment to my colleagues that in the last year's National Defense Authorization Act, we made substantial changes to the Department's space governance—the way they operate and the policy development within the Department of Defense—and we should give the Department the time it needs to implement these new proposals before we consider additional tasks for the Department.

In the area of acquisition and technology, I am pleased to see that the bill continues efforts at acquisition streamlining and reform and tries to strengthen DOD's STEM and acquisition workforces. We continue to take steps to improve the Pentagon's ability

to deploy information technology systems and embrace modern commercial software production practices. We also included a number of provisions that will strengthen the U.S. defense manufacturing industrial base, which is so critical to our ability to deal with threats around the world.

The committee's bill authorizes significant increases in funding for science and technology programs, above the President's requested levels, including supporting critical research areas, like quantum computing, artificial intelligence, hypersonics, and directed energy. We are in a full-scale technological race with China, with implications to both our national security and economic success, and many provisions in this bill are aimed to help us win that race.

This bill includes efforts to drive the Pentagon to engage more with our world-leading universities and small businesses to leverage their innovation and create the technologies that will shape the future battlefield and drive the economy. Among other things, the bill establishes a DOD venture capital program to invest in high-tech startups, as well as permanently reauthorizing the successful Small Business Innovation Research Program.

In the area of personnel, the bill includes a number of provisions designed to modernize the military officer personnel management system by giving the services greater flexibility to commission and promote individuals with the training and experience in specialized areas needed by the services.

The bill also addresses domestic violence and child abuse by establishing a new punitive article in the Uniform Code of Military Justice, prohibiting domestic violence and requiring programs to address child abuse and domestic violence on military installations.

The bill addresses the issue of opioid abuse by military personnel and their families by requiring a pilot program to minimize early opioid exposure and creating a new program for sharing information about opioid prescriptions with state prescription-drug monitoring programs.

The bill also supports a high quality of life for servicemembers and their families. It authorizes the full 2.6 percent basic pay increase for all servicemembers, as well as \$40 million in Department of Defense supplemental impact aid and an additional \$10 million in impact aid for military children with severe disabilities.

Additionally, the bill would apply the protections of title IX of the Education Amendments of 1972 to all DODEA schools, closing a loophole in coverage of these protections, and it would require a new comprehensive sexual harassment policy for students in DODEA schools that provides protections at least equal to those afforded by title IX.

I remain concerned, however, that the military services do not receive the full end-strength increases in this bill

that they have requested. I understand the desire for quality over quantity and agree that quality is paramount, but I believe the services can achieve the increases they requested without sacrificing service standards.

I look forward to hearing from the services as we move forward in the legislative cycle about these provisions and whether they continue to believe that they can achieve the requested increases without sacrificing quality.

In the area of strategic systems, this bill continues to support the modernization of all three legs of the triad: the B-21 bomber, the ground-based strategic deterrent, and the Columbia-class submarine. These are all major acquisition programs that will take decades to field. Bipartisan support is essential for their success as we move forward, and this bill continues that bipartisan support.

The B-21 will replace the B-52 bomber, which was fielded in 1962 and will be required to operate well into the 2040s. The ground-based strategic deterrent will replace the current Minuteman III, which was fielded in the 1970s and uses electronics that, in many cases, predate the earliest personal computers. Finally, the Columbia-class submarine fleet will replace the current fleet of 14 Ohio-class submarines, starting in 2027, due to the potential for full fatigue. By then, the first Ohio-class submarine will be 46 years old—the oldest submarine to have ever sailed in our Navy in its history.

Perhaps the biggest policy issue to be debated in the coming days is the development and deployment of low-yield nuclear weapons. This bill authorizes the Defense Department's request for funding for a new low-yield submarine-launched ballistic missile. The request for this weapon is in response to a revanchist Russia with a military doctrine of "escalate to de-escalate," which means that if Russia were losing a conventional war or had attained their objectives and wanted to prevent counterattacks that would displace them, they would launch a low-yield weapon and force us to choose between suspension of our military efforts or deployment of high-yield nuclear weapons, heightening the possibility of escalation and all-out nuclear war.

This low-yield system raises questions of policy that I believe require more time to fully analyze and understand. I have spent countless hours on this issue, and I am not alone. My colleagues in the committee and many Members of the Senate have spent hours thinking about the potential issues that could be caused by these proposals. I am concerned that we have not fully grasped all of the complex implications inherent to the deployment of such a system. Indeed, there is an honest disagreement among experts in the field on this issue.

While General Hyten, the commander of Strategic Command and one of our most prominent, effective, and distinguished officers, makes the case for

this system, others, like former Secretary Ernie Moniz, who is also an expert in the field, says the system is not necessary.

No matter where you fall on the issue, to develop this weapon is a major change in U.S. policy, and I believe Congress needs to have a say each step of the way.

Under a law passed on a bipartisan basis in 2003, which I crafted with Senator John Warner, the administration could do research on a low-yield weapon but could not develop, produce, or deploy it without congressional authorization. This bill removes that restriction going forward and virtually all congressional input on these weapons and other potential weapons.

Given the policy ramifications of development and submarine deployment of low-yield nuclear weapons—and, indeed, of any type of nuclear weapon—I believe that Congress should be involved every step of the way. So we will be offering an amendment to ensure congressional oversight of this issue and to continue the process which we are using today, where Congress will actually debate and vote and consider the development and deployment of a new nuclear weapon.

Finally, this bill authorizes \$639.2 billion in base funding for the Department of Defense and the Department of Energy, and \$68.5 billion in funding for overseas contingencies operations. I am glad that the bill remains within the caps set by the Bipartisan Budget Act, which we passed in February. This will enable the Department to continue to restore readiness and modernize our forces. However, I will remind my colleagues that the budget deal only covers fiscal year 2018 and fiscal year 2019. Sequestration and the original caps will be back next year unless we again reach an agreement for both defense and nondefense accounts.

I think all of us have acknowledged that our national security is broader than simply the accounts in the Department of Defense. Customs and Border Patrol, the Transportation Security Administration, the Coast Guard, the State Department, and many other agencies also contribute to our national security. The investments we propose in this bill before us will be short-lived if we cannot provide sufficient resources and stability in years to come for all of these critical funds in our government.

Let me conclude by, once again, thanking Senator INHOFE and my colleagues on the committee for working thoughtfully and on a bipartisan basis to develop this important piece of legislation. I also thank the staff who worked tirelessly on this bill throughout this year and will continue to work tirelessly throughout many days ahead.

I look forward to a thoughtful debate on the issues that face our Department of Defense and our national security.

Finally, I can think of no more appropriate title for this bill than the

JOHN MCCAIN National Defense Authorization Act, to symbolize the leadership, the inspiration, and the direction that he is still providing us and will provide us as we move forward.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. 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. 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.

#### REMEMBERING BOBBY KENNEDY

Mr. DURBIN. Mr. President, I was a senior in college at Georgetown University when I received a chance opportunity that literally changed my life. Paul Douglas, a great Senator from my home State of Illinois, hired me on as an intern in his office here in the U.S. Senate. I was just a kid from East Saint Louis, IL, the son of an immigrant mother, who was suddenly surrounded by Senators debating some of the most profound questions in our Nation's history.

I used to come to the Gallery of the Senate as a student and observe the proceedings of the Senate, never dreaming that there would be a day when I would actually stand on the floor of the U.S. Senate. I couldn't believe my good fortune as a visitor to watch people like Mike Mansfield, Everett Dirksen from my State, Paul Douglas from Illinois, William Fulbright, Margaret Chase Smith, and so many others come to the floor and speak in debate.

I remember sitting right there as a college student and watching. Through the door came Bobby Kennedy, and not far behind was his brother Ted Kennedy, both of them serving in the U.S. Senate in those days. It was an important occasion, I remember, on this one day because Bobby Kennedy was about to give a speech on Vietnam. His wife and Ted Kennedy's wife were seated in the Gallery just above them. I was just over here, I am sure with my mouth wide open, saying: I can't believe this moment that I am here to witness.

I remember the moment today because today is the 50th anniversary of the day an assassin's bullet ended Bobby Kennedy's too-short life.

For millions who remember him and many millions more who weren't even born in 1968, the death of Robert Kennedy remains a painful and haunting loss. What we miss is not simply the man; we miss his intelligence and wit, his compassion, his fierce commitment to justice and democracy, and his deep faith that Americans could come together to overcome difficult times and make our Nation stronger and better.

Just 2 months—2 months—before Bobby Kennedy was murdered, America lost another apostle of peace and jus-

tice. The evening that Dr. Martin Luther King was murdered, Bobby Kennedy was in Indianapolis, IN, to give a speech. Breaking the news of Dr. King's death to a stunned crowd, Bobby Kennedy begged his listeners to not resort to violence. He said:

We have to make an effort in the United States, we have to make an effort to understand, to go beyond these rather difficult times. What we need in the United States is not division; what we need in the United States is not hatred; what we need in the United States is not violence or lawlessness; but love and wisdom and compassion toward one another, and a feeling of justice toward those who still suffer within our country, whether they be white or they be black.

Listening to his words, one can hear echoes of President Lincoln's first inaugural address when he told a young nation on the knife's edge of civil war that "we are not enemies, but friends" and looked forward to a time when we would be guided by, in Lincoln's words, "the better angels of our nature."

Bobby Kennedy understood that America is great when we are guided by those better angels, not by fear.

As America's Attorney General in the early 1960s, Bobby Kennedy wrote a short book—only about 100 pages—entitled "The Pursuit of Justice." It includes a short chapter entitled "Extremism, Left and Right." I would like to read a short passage from it, the words of Robert Francis Kennedy—not as history but as hope and a reminder that we have the ability, each of us, to choose to overcome what divides us.

Here is what he wrote:

There have always and everywhere been those, throughout our history, and particularly in times of crisis, who have preached intolerance, who have sought to escape reality and responsibility with a slogan or a scapegoat.

Bobby Kennedy wrote:

What is objectionable, what is dangerous about extremists is not that they are extreme, but that they are intolerant. The evil is not what they say about their cause, but what they say about their opponents. The intolerant man . . . cannot trust democracy. . . . [H]e condemns the motives, the morals or the patriotism of all who disagree. . . . [H]e spreads selfish slogans and false fears.

The answers to these voices, Bobby Kennedy tells us, "cannot come merely from government, no matter how conscientious or judicious. The answer must come from within American democracy. It must come from an informed national consensus which can recognize futile fervor and simple solutions for what they are, and reject them quickly. Ultimately, America's answer to the intolerant man is diversity."

On this sad anniversary, the 50th anniversary of the death of Robert Kennedy, we would do well to listen to his words and heed the better angels of our nature here in the United States. It is our true source of American greatness.

NATO

Mr. President, I rise today to bring attention to the troubling erosion of our strongest and most cherished



transatlantic alliance, the North Atlantic Treaty Organization.

Over the years, I have visited some of our key NATO and European allies, including Lithuania and Poland, as well as those in the frontlines of Russian military invasions. What is the constant theme that is shared in these visits? It is the importance of our alliance, our friendship, our common purpose, the importance of the North Atlantic Treaty Organization. The importance of democratic Western values and international norms and institutions are embodied in this alliance.

In 1948, a war-weary United States, Canada, and Europe decided to face the new threat from an expansionist Soviet Union. A year later, we banded together to create a collective shield against aggression so that governments could concentrate on achieving fuller, better existence for everyone. Ever since the creation of NATO, it has been essential to the national security of the United States and a vital component of the U.S.-led international order. NATO has made the world safer and more prosperous.

Underpinning the NATO treaty is a collective defense guarantee that essentially says the following: An armed attack against one of us is an attack against all of us.

There has only been one time in the history of NATO that this has been invoked. Do you know what it was? It was less than 24 hours after the terrorist attacks against the United States of America on September 11, 2001. When that happened, our allies and NATO immediately came to our defense. They fought beside us, stood beside us. They pledged to be there when we needed them. They have been there with our U.S. military forces in Afghanistan since 2001 to stop the spread of terrorism. Many of these NATO allies have paid the ultimate price, and many more have come home injured. They did it without question because it is in service to the collective defense guarantee of the NATO alliance.

The picture today is dramatically different. In the face of Russian aggression today, instead of fortifying our alliance and coming together in common cause, I am sorry to report that this Trump administration belittles the promise and commitment of NATO.

The President's lack of an appreciation for history, for this critical and stabilizing alliance, is alarming. In the process, this President has caused the world to lose faith in institutions and policies that have kept us safe for 70 years. In the process, the President has also shaken the confidence of our allies in our country, in our ability to lead, and in our ability to solve international problems in a meaningful and cooperative way with our friends and allies.

How has this administration achieved this? By repeatedly calling NATO obsolete during his political campaign; by failing to publicly com-

mit to honor the collective defense guarantee at the first NATO summit; by threatening not to defend the Baltic NATO members—countries directly in Russia's crosshairs; and by thumbing his nose at our closest allies when he recklessly withdrew from the Paris climate agreement and the Iran nuclear deal.

The United States of America is the only Nation in the world that is not a signatory to the Paris climate agreement. Every other nation on Earth acknowledges that we are facing environmental challenges that could destroy and damage the world that we leave to our children, but this President—this President—withdrew the United States from that agreement. And just days ago, he stepped away from the Iran nuclear deal, an agreement reached under the previous administration—which I know makes it unacceptable to this President—an agreement reached by China, Russia, the United States, Germany, France, the United Kingdom, and the European Union. To do what? To stop the Iranians from developing nuclear weapons. President Trump stepped away from that agreement. The world is not safer because of that decision.

To throw salt on the wound, the President is now in a trade war with some of these very same NATO allies, and he has threatened to levy sanctions against these same NATO allies if they do any business with Iran.

Defying all logic and American security interests, despite all of the things I have just said, the President looks the other way when it comes to Russia. Despite Russia's interference in our election—a conclusion reached by every intelligence agency in the United States—despite repeated violations of international treaties and agreements; despite cyber attacks against the United States and Europe, especially the Baltics; despite the occupation of sovereign territory in Ukraine, Georgia, and Moldova, President Trump has been virtually silent on Russia's aggression.

Tragically, this silence has not gone unnoticed by our closest international partners. The Pew Research Center did a poll that shows that our allies' trust in American leadership is plummeting. In 2017, only 11 percent of those who live in Germany had confidence in President Trump, and in Great Britain, only 22 percent. This is compared to 86 and 79 percent in those countries under President Obama.

Gallup also did a poll. After 2 years of this Presidency, approval of American leadership is at a new low of 30 percent, with the biggest drops in approval coming from those nations that have stood by us in alliance for seven decades.

The devastating message is clear: At a time when Russia is challenging NATO in new and more aggressive ways, our NATO allies are losing faith in America. Donald Tusk, the European Council President, went so far as

to publicly say that the European Union is no longer under any illusions that the United States is a trustworthy friend.

I never expected the greatest military alliance in the world to be plagued by such uncertainty. I certainly didn't expect that uncertainty to arise as a result of our President.

Because I and many of my colleagues are so alarmed by this state of affairs, Senators KAINE, CARDIN, VAN HOLLEN, FEINSTEIN, BROWN, and MERKLEY have joined me to introduce a resolution to reaffirm our commitment to NATO, just in time for the NATO summit in July. I plead with my Republican colleagues to join us in making this a bipartisan commitment to the future of NATO. This resolution reaffirms what should be obvious and urges President Trump to do the same in committing to this transatlantic alliance and to stand resolute against Russian aggression.

We know hostile nations will seek to exploit the strained relationship between NATO and the United States, and we can't allow this to happen. If our President won't do it, then Congress must. We need to act to reassure that America can still be trusted to stand for the values that inspired the creation of NATO and to stand by our allies and friends who share our goal for a peaceful world.

**THE PRESIDING OFFICER.** The majority whip.

**PROJECT SAFE NEIGHBORHOODS AUTHORIZATION BILL**

**Mr. CORNYN.** Mr. President, I want to begin my remarks by commending our colleagues in the House for taking up a bill later today that I introduced with the junior Senator from Michigan, Mr. PETERS, and Congresswoman COMSTOCK over in the House of Representatives.

We passed this bill unanimously in the Senate in May. I know people believe that nothing happens in a bipartisan way around here and that certainly if it does happen, we are sharply divided somehow, but this bill passed unanimously, defying that suspicion or that intuition. Once the House passes it, it will be headed to the President's desk for his signature and will become the law of the land.

This bill authorizes a program called Project Safe Neighborhoods, which is a nationwide partnership between Federal, State, and local law enforcement authorities and prosecutors focused on reducing crime and improving public safety through stronger community partnerships and targeting the most serious criminal organizations and repeat offenders.

Since its inception in 2001, Project Safe Neighborhoods has proved to reduce violent crime in cities with high participation rates, including double-digit reductions in firearms crimes and homicides. Let me say that again. Since 2001, where it has been used, those jurisdictions and those communities have seen double-digit reductions in firearms crimes and homicides.

One of the most important elements of the program is a focus on criminal organizations. When Federal, State, and local law enforcement work together to focus on those who control criminal networks, we can defeat them outright. This will also bolster other efforts we are undertaking as the Federal Government to address gun violence and school safety.

By the way, I commend Attorney General Sessions for ramping up prosecutions of gun-related crimes, especially the so-called lie-and-buy incidents, where people lie about or otherwise hide their criminal background in order to obtain firearms illegally.

Now we have taken a big step to improve the criminal background check system used when somebody enters a sporting goods store or gun shop to buy a firearm. If you are a convicted felon, if you have been convicted of domestic violence, if you have been dishonorably discharged from the military, you cannot, under current law, purchase a firearm or possess a firearm legally. But what has happened—and we saw this in Sutherland Springs because of the broken background check system—often the derogatory or disqualifying information is not uploaded into the background check system, so people enter these sporting goods stores and purchase a firearm by lying, even though they are already disqualified under Federal law. We have taken a big step here in Congress on a bipartisan basis to shut that down. It is going to take some time to fix that system, so it is important in the interim, certainly, at least, to have the Department of Justice focus on those who lie and buy firearms illegally.

Under Attorney General Sessions, enforcement of our existing gun laws has been dramatically improved. There was a 15-percent increase in all Federal gun prosecutions last year. People like me believe we ought to focus on the person, on the individual, and not on the instrumentality or the tool, because obviously law-abiding citizens are not a threat to public safety and certainly don't go out and commit crimes. But by focusing on criminals and people who are not legally qualified to purchase a firearm in the first place or possess one under current law, we can help improve public safety and lower the crime rate.

What is happening under Attorney General Sessions and this administration is in great contrast to what we saw under Eric Holder, who often failed to enforce existing gun laws adequately against violent criminals. Those who illegally possess or purchase firearms must be held accountable, and I am glad to see the Congress and administration working together to ensure that happens.

The Project Safe Neighborhoods Authorization Act is another important piece of our bipartisan commitment to reduce violent crime by focusing on the most serious offenders and improving law enforcement relations with the

communities they serve. It is important that Federal, State, and local law enforcement agencies work together in close coordination because then we can solve the most complex challenges that drive violent crime and make our communities safer. The Project Safe Neighborhoods Authorization Act is a significant step in that direction.

#### STUDENT VISA PROGRAM

On another topic, Mr. President, this afternoon, I will be chairing a Judiciary subcommittee hearing titled “Student Visa Integrity: Protecting Educational Opportunity and National Security.”

We are blessed in America with a world-class higher education and university system. Everybody wants to come to America to go to college or graduate school, and that is a good thing, by and large. The point of today's hearing, though, is to raise awareness about a very real issue that we must be diligently aware of and to hear from Federal agencies responsible for our national security, visa policy, and the vetting of foreign nationals because we know our open society here in America is also exploited by our adversaries for their own benefit and to undermine our national security at home.

We hope to shed light on policies and procedures that are in place or should be in place to address what has become a growing source of concern. That issue primarily but not solely relates to China's aggressive activity to surpass the United States on all fronts—militarily, economically, and technologically—and use whatever means necessary—legal or not, open or secret—to achieve their goals.

The interesting thing about China is they have advertised their plans. They are there for the world to see, and all we need to do is read what they have said they intend to do. Through its “Made in China 2025” strategy, China is accelerating its efforts to acquire U.S. intellectual property and sensitive research, and that is where our universities come in. That is where most of the important research takes place.

This past February, FBI Director Wray testified before the Senate Intelligence Committee about the security risks posed by certain foreign students, visiting scientists, and scholars at America's colleges and universities. Director Wray's remarks were brief, and because of the sensitive and classified nature of the issue, he could not provide the full context and breadth of the concerns in an open setting, but what he has said publicly is alarming.

He said that the FBI is “watching warily.” He said that “naivete” was exacerbating the problem. I think that by “naivete,” he meant a lack of public awareness about the problem and thus a lack of vigilance on the part of our university systems and the public generally—that is what he was referring to as “naivete”—and it is hurting our national security.

He also said that the Chinese Government has been very aggressive about

planting spies—foreign intelligence officers—on our university campuses and our research facilities in order to accomplish its goals. That is not the only way they are doing it, but that is a significant way they are trying to achieve the goals they set in “Made in China 2025,” enhancing their national security and robbing us of our technological advantage. Particularly when it comes to military-use technology, they are all in. It is an all-of-government approach.

As I said, we are fortunate to have the top universities in the world, and they are known for their open research and development environment, which fosters collaboration and innovation across a broad array of industry sectors and academic disciplines. That is a good thing, but what is happening now, as Director Wray said, is that foreign actors are taking advantage of that environment—again, of our vulnerability as an open environment—and they are using it to study, learn, and acquire sensitive information, to the detriment of U.S. national security.

This is not an isolated problem. Director Wray said the Bureau is monitoring universities from virtually all of its 56 field offices across the Nation, not just in major cities. So it is not just New York, San Francisco, Chicago, Los Angeles, Dallas, or Houston; it is all across the country.

Approximately 350,000 Chinese students are enrolled at U.S. universities—350,000. That is 35 percent of all foreign students in the United States. As those numbers suggest, there is ample opportunity for mischief.

Most—and I want to emphasize the word “most”—most students and visiting scholars come for legitimate reasons, and we welcome them. We should welcome them. They come here to learn, share our culture, and contribute their talents to the United States. I think our educational system here in America is one of the greatest elements of our soft power, where we invite foreign students to come to study in our colleges and universities and learn more about who we are and about our values and to take those back home and become natural allies with us in making the world a better and safer place. But it is important to note that the Chinese Communist Party, which dominates the Government in China, has the capacity to influence all students from that country who come here and the academics.

I want to emphasize that this is not about restricting student visas. Students from across the world are welcome to come and study at our colleges and universities, and I encourage all of them to explore opportunities for them to do so. It is good for them, and it is good for us. What the hearing is about and what we should all be concerned about are security risks and the theft of intellectual property at our universities.

Again, as the FBI Director said, we shouldn't be naive. This theft is occurring, it is well documented, and we



have to take the necessary preventive measures to ensure that it doesn't continue to occur.

While I have highlighted China's activities, these concerns are certainly not limited to one country. There are other countries, including state sponsors of terrorism, like Iran, that are actively working to steal U.S. technology, bypass expensive U.S. research and development, and exploit the student visa program to gain information that will benefit their countries. It seems like such a logical target for them. If they have no regard for the rule of law, if they can steal technology that we have spent years and billions of dollars to develop and acquire and implement, it is a huge economic advantage for them, and it helps catapult their national security apparatus in ways that eventually will overcome our national security structure itself.

As one example, just this last March, the Department of Justice indicted 9 Iranian hackers who had stolen more than 31 terabytes of information, totaling \$3 billion in intellectual property, from more than 300 American and foreign universities. While I have said that China is the biggest, most obvious culprit, there are others, as well, and we hope to discuss all of them in our hearing.

Finally, let me say that our colleges and universities, again, have become a mecca for foreign nationals because of the high-quality education and the academic and cultural freedoms that exist in America. In order to preserve those crown jewels, we have to make sure that American research is protected and that the intellectual property developed in our colleges and universities is protected.

Today's hearing in the Judiciary Committee about the student visa program is about protecting the educational atmosphere we have worked generations to build in this country. Again, our higher education system is the envy of the world. That is why students come here. They flock here, as many as can, in order to study at our colleges and universities. Again, this is a good thing. We need to hear how U.S. institutions and higher education can actively protect their most sensitive areas from potential intrusion from foreign states with less than honorable purposes and intent.

In addition to the testimony we are going to hear from Federal agencies this afternoon at the hearing, we are going to hear from Texas A&M University, which has been recognized for its excellence in providing security for that research and intellectual property, which are targets for foreign actors. We are going to hear from NAFSA, the Association of International Educators, about the value and talent foreign nationals bring to the U.S. national education system. As these panelists will suggest, this is a complex problem. No one is suggesting that it is not. There are a lot of dif-

ferent angles to it, and we need to do our best to learn and listen from all sides and make good policy decisions about what we should do in response to this threat.

I look forward to learning about how we can continue to open our doors to foreign students and, at the same time, protect ourselves from espionage and outright theft, which ultimately makes our country less safe.

I yield the floor.

The PRESIDING OFFICER. (Mrs. HYDE-SMITH). The Senator from Florida.

FACEBOOK

Mr. NELSON. Madam President, it is interesting that the majority whip just spoke about China, and this Senator wants to talk about Facebook and some of the things that are threatening national security and our personal privacy.

I rise to speak about the recent press reports on Facebook and how the social media giant partnered with at least 60 mobile device manufacturers and shared user information with the likes of Apple, Amazon, BlackBerry, Microsoft, and Samsung. Just today, on the subject of China, the New York Times is reporting that Facebook also partnered with four Chinese electronic manufacturers, including Huawei, which is known to have close ties with the Chinese Government and may pose a national security threat to the United States. According to the Times, these companies had access to vast amounts of Facebook's user data, including the information of friends who may not have provided proper consent to access and share their personal and their personally identifiable information.

We don't know all of the facts yet, but it is clear that what Facebook claims and what the New York Times is reporting doesn't end up squaring up. As a result, the chairman of the Commerce Committee, Senator THUNE, and I as ranking member wrote a letter to Mark Zuckerberg, asking that he answer a number of questions about the New York Times' reporting. Specifically, Senator THUNE and I want to know exactly who these business partners are and what the nature of these agreements is. We want to know what safeguards are in place and whether Facebook conducted adequate oversight to protect user or customer information from unauthorized use and storage. We also asked whether Facebook users and the Federal Trade Commission were aware of these business agreements.

Currently, Facebook is operating under a 2011 consent order as part of a settlement with the FTC, and it is not clear whether these data-sharing agreements are in violation of that order. The bottom line is that these revelations are yet another example of questionable business practices by Facebook that could undermine basic consumer privacy.

Remember, less than 2 months ago, Mr. Zuckerberg appeared in front of

our committee in a joint committee hearing with the Judiciary Committee to answer questions in the face of the Cambridge Analytica fiasco. At that hearing, Mr. Zuckerberg apologized for his company's negligence and pledged to do better. He also asserted that consumers own their personal information and control how it can be seen and used.

I want to repeat what I just said. Zuckerberg also asserted that consumers—their users—own their personal information and control how it can be seen and used. That is what Zuckerberg said in our committee hearing.

The reporting in the New York Times suggests that is not accurate. While Mr. Zuckerberg asserted that app developers were prohibited from collecting friends' information in 2014, he failed to mention that device manufacturers were still able to access the information. He never revealed these data-sharing agreements in our committee meeting, the hearing in April of this year.

As a result, it is hard to know what is true anymore. Now we learn that Facebook gave Chinese companies believed to be national security risks access to user data. What in the world is next, and what in the world is going to protect Americans' personally identifiable, private information?

Facebook is the most popular social media platform in the world with over 2 billion users, and in the United States, there are over 200 million users. Those users interact with each other and post sensitive, personal information. The company has a unique responsibility to its users to be vigilant caretakers of personally identifiable information. They also have a responsibility to be transparent.

I look forward to Mr. Zuckerberg's response to the letter that Senator THUNE and I sent to him just recently. It is high time that Congress act to provide all American consumers with the basic privacy protections they expect and deserve in order to be protected, and they are counting on us to do that.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Missouri.

ECONOMIC GROWTH AND NOMINATIONS

Mr. BLUNT. Mr. President, I wish to talk about the economy today, something that most of us are talking about when we are home, and for good reason. Yesterday the Labor Department announced that our economy hit a milestone that we never hit before in the time that we have been measuring

these two things at the same time. There are now more jobs available in the United States than there are job seekers.

When I was in Missouri last week, we did a number of events all over the State. At that time, I was confident that in the 12 States in the middle of the country, there were more jobs than people looking for jobs. That was news.

But even bigger news is the news that was announced yesterday, that there are 6.7 million job openings and there aren't 6.7 million people on unemployment. In fact, the unemployment rate is 3.8 percent. It matches the lowest number we have seen in 50 years. The last time numbers were this low, in fact, was during the Vietnam war, when many young men were being drafted into the military. That was the last time we had an unemployment rate this low.

Everybody understands—and they should understand—that the 6.7 million jobs don't necessarily have 6.7 million people ready for exactly the jobs that are out there. That should encourage us, among other things, to be thinking about what we need to be doing to make sure that people are either prepared for jobs or they have the skills to allow them quickly to become prepared for the jobs that are available. Two-thirds of Americans say it is a good time to find a job. That is 25 percent more than in the last administration who think it is a good time to find work.

Working with the President, the Senate and the House have done what we could to fuel the economy. The House and Senate both have rolled back regulations that didn't meet the common-sense test and passed the Tax Cuts and Jobs Act. The President of the United States kept telling us: Don't call this tax reform. Who knows what that means or where it might wind up. What we want to do here is to cut people's taxes, increase their take-home pay, and do things that increase jobs.

In the 10 cities I was in last week, I think I saw virtually every reporter in the State. At least every reporting agency had somebody at those events. We had roundtables with employers. We had meetings with people who were able to buy a house that they couldn't buy otherwise. We had people who really appreciated the extra \$500 a year or the extra \$152 a month or the extra \$200 a month that they were seeing in their family budget, which last year would have been sent to Washington, DC.

I said many times during that tax cut debate that there are two ways to increase people's pay. One is to take less money out of it. We said that if we passed that bill, 9 out of 10 people who paid taxes last year would pay fewer taxes this year. And the second way we increase people's take-home pay is to give them a better job, to start with. That is what happens in a growing economy.

One of the things I thought was most surprising was how many employers

stepped up, and in how many different ways, to say: We appreciate this economy and will reward our workforce like we, frankly, didn't know we could afford to do and knew we didn't have to do in a more stagnant economy in the past. Some companies gave bonuses. Some companies gave other benefits. There were several companies that increased their minimum level of pay, whatever that was.

One major national retailer said they were going to increase their minimum wage to \$11. Over the next specific number of months, they were going to increase that \$11 minimum to a \$14 minimum—not because the government told them they had to do that, but they wanted to be sure that in a growing economy they kept their employees.

According to a recent National Federation of Independent Business survey, 76 percent of small business owners believe the current business climate is headed in the right direction.

According to the National Association of Manufacturers, 86 percent of those manufacturers plan to increase investments thanks to tax reform, 77 percent say they are planning to increase hiring, and 72 percent said they plan to increase wages for their employees. That is the kind of thing that happens in a growing economy.

I was at Gray Manufacturing in St. Joseph, MI, last week. The president of that company, Stet Schanze, said his company is among those feeling optimistic about the future. They are trying right now to find the 20 workers they need to fill the 20 jobs they have.

In my hometown of Springfield, Mary Beth Hartman, the president of a local construction company, said she had been able not only to hand out employee bonuses but to buy new equipment. They could buy the new trucks they had been waiting for some time to buy until they were sure they moved from a time when you have to take what money you have and repair something to where you really can make the kind of long-term investment that, frankly, the tax bill encourages you to do.

Also, if your business is doing as well as you did last year, you have more money than you had last year. You can take some of that money off the table and buy the equipment and replace the equipment that you had been hoping to do for a long time.

Jamie Burger, the Scott County Presiding Commissioner, told me: Everywhere we go, hiring signs are up. That is new in our State. I think it is true all over the country. At least a million new jobs have been created since the Tax Code changes passed. I will be reminded by the President if I don't say it: It wasn't the Tax Code changes. It was the Tax Cuts and Jobs Act that the Congress and the President worked together to create.

I met local officials and business owners who were located in opportunity zones. This is an idea that is in

the tax bill. Senator SCOTT and others were really thinking about what we can do to encourage people to put money in those communities that aren't doing as well as others around them. So you take economically distressed areas and allow a new kind of investment to occur in those census areas. You take your capital gains profits, which you very likely made somewhere else, and you put them in real estate or in a business or you invest them in some other way in one of the opportunity zones. We have 161 in our State.

When I was with Mayor Hark of Hannibal and local officials in Hannibal, they were certainly talking about what to do there in Kansas City. I was with the electric company, Kansas City Power and Light. They actually have based a new local access point in one of those opportunity zones near the historic 18th and Vine area, the jazz area in Kansas City. They were talking about that particular opportunity to talk about what the Tax Code changes have done and what the tax cuts bill has done. They are in the process of reducing electric bills for their customers by \$100 billion because that is how many fewer tax dollars they are going to send to Washington than they did last year. By the way, every one of those tax dollars gets passed along to a rate payer, just like every one of those tax savings also gets passed along to a rate payer.

The economy is moving again. The tsunami of redtape that we saw in the last few years, piling well over \$100 billion of extra costs going to the government, is gone. By their own estimates, that number was up to \$700 billion, when you project that number into the 10-year future. That is \$700 billion of redtape.

When the President took office, he was able to eliminate some things that hadn't gotten done yet. Congress was able to overturn 16 rules that had significant compliance cost savings under the Congressional Review Act. It had been used exactly one time in the history of the law until this Congress and this President were able to reverse rules that were slowing the economy down, like the clean power rule, which would have doubled utility bills in Missouri in a decade or so. The waters of the United States rule would have put the EPA in charge of things they shouldn't be in charge of. By the way, neither of those rules have been allowed to go into effect—not because of the calendar but because of the courts. In both cases, the courts said to the past administration: You can't do that.

Instead of continuing to appeal the "you can't do that" decision by courts, the Trump administration reversed those policies. We still have lots of protections, but we don't have protections beyond what the government is legally allowed to do.

By the way, those protections were just so-called protections. They definitely would have slowed the economy

down. Whether they would have definitely added much to either our water or our power policies is a big debate.

Keeping regulations where they need to be and working to confirm well-qualified nominees to both the courts and the administration are really important.

We are going to be here in August this year. I wouldn't want to fall into the trap of suggesting that Congress isn't taking a vacation in August. What Congress isn't doing in August—at least the Senate is not able to do—is to be home doing the work we need to do at home. Part of the job as a Member of the House and Member of the Senate is to be talking to people where they work, talking to people they work for, seeing those problems firsthand, and being part of that discussion going on where they live.

We are not doing that this August. Our leader said we are going to be here. Part of it is because the other side has just taken so much time to make it difficult for the President to get his team in place. We never had anything like this happen before in the history of the country for judges and U.S. attorneys to be confirmed. Senate Democrats have forced 100 cloture votes.

What is a cloture vote? A cloture vote, really, is a demand that you have up to 30 hours of debate before someone is confirmed. Yesterday we had this long time set aside for debate. They insisted on it. There was, not so shockingly, no debate. The vote was almost unanimous, after hours of not being able to do anything but have the floor open for debate for someone who there was no debate about.

That has happened 100 times in this Congress and Presidency. In the last 15 months, that has happened 100 times. In the previous six administrations, in the first full 2 years of all six of them combined, that happened 24 times. So we have gone from an average of 4 times per Presidency for the last six Presidencies to 100 times for this Presidency. That is not acceptable.

The long-term solution to that, by the way, is not to be here in August. The long-term solution is to change that rule. That rule is being abused. It needs to be changed. The committee chair has voted that rules change out of the committee. When my colleagues get tired of the rules being abused, that is when we will be able to change the rules.

At the same time, we confirmed a lot of judges. As a matter of fact, 18 percent—one out of eight—of all Federal court of appeals judges have been nominated by President Trump and confirmed by the Senate.

Our friends on the other side say: Well, jeez, how can you be bragging about the President being able to get all of those judges confirmed and complaining about how much time it took? They know and I know and people watching the Senate know that we managed to get those judges confirmed, but the loss—and it was a devastating

loss—was the ability to get on with other legislative work. We should be debating the appropriations bills one bill at a time. We ought to have an infrastructure bill on the floor. Today we should be debating the Defense Authorization Act.

We have a lot of work to do, and our friends on the other side of the aisle know that every hour they force to be taken for something else—and certainly a lifetime judicial appointment is important, but every hour they force to be needlessly taken for that is an hour that the Senate can't get to anything else. We are going to put a lot of those hours back on the table in August, and we are going to continue to do that work and hopefully do the work publicly and visibly and in a way where every Member is allowed to offer every amendment they want to, to debate how we spend people's money, to debate how we defend the country, and to debate how we try to do things that encourage us to be more competitive. We have a full agenda ahead of us. We are going to be here for the rest of the year working on that agenda. I look forward to that.

Hopefully the economic news will continue. Even the New York Times—a group that has run out of words to use to praise the administration or the Congress—said last week that they had run out of words to talk about how good the job numbers were. When the New York Times runs out of words to talk about how good the economy is, the economy must be really good. It can be better. It needs to be better. We need to continue to see people not just with more take-home pay, but now our goal should be more take-home pay because they have better jobs, and people have better jobs in a stronger economy. We are headed in that direction. Let's be sure that we continue to head there. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BARRASSO. Mr. President, last week I traveled all around my home State of Wyoming, and many Senators have done the same in their home States over the last week. I will tell my colleagues that the people I talked with had a great sense of optimism, confidence, and positiveness in terms of how things were going with their lives. People were feeling very positive about the American economy, about their own lives, and of course about their future.

We just saw new numbers on Friday showing that the American economy has created more than 1 million new jobs since we passed the Tax Relief and Jobs Act in December. Since President Trump was elected, we have actually

gotten more than 3 million more Americans working.

Unemployment is now at 3.8 percent, and that matches the lowest rate in 50 years. Even the New York Times ran a headline saying: "We Ran Out of Words to Describe How Good the Jobs Numbers Are."

Think about that, the New York Times: "We Ran Out of Words to Describe How Good the Jobs Numbers Are."

Every month we have been adding thousands of new jobs in construction, in manufacturing, in healthcare, and mining. We have had strong and steady growth, and the American people and American families are benefiting in every part of the country. It is not just that people are getting jobs; it is that the jobs are paying better as well.

According to the most recent survey by the National Federation of Independent Business, there were a record number of small companies raising their wages last month—a record number raising wages. Average wages are up by 2.7 percent over the last year. Employers can pay more because business is booming. They need more workers.

On Tuesday, the Bureau of Labor Statistics said there are now 6.7 million job openings across the country. That is an alltime high. The Labor Department says that for the first time ever, there are actually more job openings than there are unemployed people who are looking for work.

It is an incredible situation. People look around them and see all of the hiring that is going on and all of the pay raises; it just makes people confident because they see it at home in their communities. It is not just something they read in the newspaper. It is not just something they see on TV. It is what they see at home in their communities in their own lives and in their own paychecks.

Consumer confidence is at an 18-year high. People know things are going well. They know they have more money in their pockets, and they know the American economy is thriving.

The Federal Reserve Bank of Atlanta says they are at a pace for the economy to grow over 4 percent during the second quarter of this year.

Remember that Democrats have been saying there was no way we could even get to 3 percent. Now the Federal Reserve of Atlanta is saying over 4 percent, and they say we are actually heading to close to 5. It is excellent news, and it is not an accident. That is the thing, it is not an accident. It is happening because of the policies Republicans are implementing in Congress and in the White House. It is a partnership.

President Trump has been in office for 500 days, and it has been an incredibly productive time. He has been wiping burdensome and unnecessary regulations off the books. He has been making it easier for people to do their jobs, easier to live their lives.

President Trump issued an order cutting government redtape. He said for every significant new rule an agency wanted to write, it had to get rid of two rules. For every one new rule, get rid of two.

The result has been even better than expected. So far, in this fiscal year, agencies have cut 38 major regulations of the kind the President has been talking about. At the same time, they have only written five new regulations that are major regulations.

President Trump said he would cut two for every one new regulation, but what we really see is that the number is much closer to eight regulations cut for every new one.

Republicans in Congress have done the same. We have been cutting redtape. We have been loosening Washington's stranglehold on the economy, and we can see it in the economy every day. We have been cutting the mandates and the restrictions that hold back growth. We have cut the taxes people pay.

The tax relief law we passed in December was the biggest tax cut in 36 years. It gave people an immediate boost in their take-home pay. Millions of Americans also got bonuses and raises because of the law. It has been an enormous boost for the overall economy. We have a strong, healthy, and growing economy.

It is interesting because every Democrat in the Senate voted against the tax cut—every one of them. In fact, NANCY PELOSI, the former Speaker of the House, said that if she had it her way, Democrats would get rid of the tax relief law and actually raise taxes again.

The American people know that would be a disaster. Democrats' ideas for higher taxes and lower take-home pay for families and more government regulation—which is what the Democrats are proposing—would do incredible damage to our economy and to our country.

Democrats tried their ideas when they were in charge, and they have failed. We had slow economic growth. We had stagnant wages. Democrats tried to say this was the new normal for America. The American people knew that could not be the new normal; it wasn't good enough. The American people will not tolerate it, and they voted to change it.

People said they wanted Republican ideas and Republican policies. Now they are seeing the results, and they are living with the benefits. People are seeing jobs numbers that are so good they have run out of words. As the headline says: We have run out of words to describe how good the jobs numbers are.

It has been 500 days, and we are just getting started. What we need to do now is keep looking for ways to create a growing economy, a strong economy, a healthy economy, with larger paychecks and more prosperity right here at home for American families.

One place we can do this is in the area of infrastructure. We can start with water infrastructure. These are the systems that deliver drinking water and treat wastewater. They provide water for our crops and cattle and small businesses. They are used to ship American-made goods from the heartland to the coasts and around the world. They keep our homes safe from dangerous floodwaters. They store water for times of drought.

These systems are vital to our country. They support America's economic growth and American competitiveness. We need to build, maintain, and upgrade them.

Over the past 50 years, we have gone from being a society that spends much more on construction to one spending much more on consumption. As a result, our bridges and our roads, dams, and waterways have suffered. That is why I introduced the America's Water Infrastructure Act. It is a bipartisan bill—something Republicans and Democrats agree we should do. It is a way to grow the economy, to cut Washington's redtape, and keep communities safe.

We are going to have a chance in the coming weeks to pass America's Water Infrastructure Act. Then we are going to look for more ways and things we can do to keep America growing and strong. That is what Republicans in Congress are committed to doing.

What this President and this Congress have accomplished together has truly been historic. We need to keep going. It is what the American people expect from us, and it is actually what they deserve.

Thank you.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WYDEN. Mr. President, I ask unanimous consent that I be allowed to bring two baskets of hemp products to the floor of the Senate.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### HEMP FARMING ACT

Mr. WYDEN. Mr. President, it was not very long ago when I was on the floor of the Senate with the distinguished majority leader, Senator MCCONNELL, and the two of us were making the case for our bipartisan bill to legalize hemp, which we are very much interested in having included in the farm bill. I will talk a little bit more about our work on that.

Our original sponsors were Senator MERKLEY and Senator PAUL, and since then we have added 28 additional Members of the U.S. Senate as cosponsors.

What I am going to do this afternoon for just a few minutes is talk about why it is so important that our bipartisan legislation, now cosponsored by almost one-third of this body, get enacted and be included as part of the farm bill.

It is Hemp History Week again, and that is why I am back on the Senate floor to talk about the only schedule I controlled substance you can sew into a T-shirt and wear through TSA.

Here, as we start, is the real head-scratcher: Products made with hemp are perfectly legal, but growing industrial hemp is a crime. There can't be many policies on the book that are more anti-farmer than that one. So I have a bottom line, which I discussed with Majority Leader MCCONNELL recently on the floor of the Senate; that is, if you can buy it at a supermarket in America, our farmers ought to be allowed to grow it in America.

For me, this issue goes back to a trip my wife and I took to a grocery store near our home in Southeast Portland. Nancy was pregnant with our youngest daughter at the time, and we were always on the hunt for healthy foods that would fill our cart. So we grabbed the fruits and vegetables, and there, perched on one of the shelves, was a large bag of hemp hearts. The packaging had really big, colorful text, and it said that it was heart-healthy and protein-rich. But I knew the product couldn't have been grown in the United States because there was a Federal ban. So I looked at this product, and I turned to my wife and I said: You know, hemp growers in places like Canada and China must be laughing all the way to the bank. They are cashing in while our farmers have their hands tied by the current hemp restrictions.

So here with me on the floor is one of our very capable young staffers, Malcolm, from Southern Oregon. Malcolm is holding a variety of products that are made with hemp, this schedule I substance that our laws make out to be a perilous danger to the public.

For a few minutes, let's take a look at what Malcolm has. He has a few schedule I snack bars. He has some schedule I hand soap. He is even wearing a schedule I necktie. The point is, they are all perfectly legal products that you will find on shelves in stores throughout the Nation. But because the hemp had to be imported, none of it could be considered fully American-made.

So, as I have with the majority leader on past occasions, I want to make sure everyone understands a simple fact about hemp. Hemp is not a drug, and treating it like one was wrong from the get-go. Smoking hemp would be nothing but a waste of time, breath, and lighter fluid. It defies common sense that our laws consider hemp to be dangerous and addictive like crystal meth. Having one too many hemp granola bars might give you a stomach ache, but you aren't going to land in the hospital.

So hemp is not a drug. What it is, is a huge opportunity for American farmers. That is why the original sponsors of this legislation—Senator MCCONNELL, Senator MERKLEY, Senator PAUL, and I—introduced the Hemp Farming Act of 2018. It is the latest version of a bill that I began putting in front of this body in 2012.

Our bill would end hemp's days as a controlled substance, and it would legalize its growth in America. What the bill does is clear the way for farmers in Oregon, Kentucky, and literally from sea to shining sea, it gives the green light to farmers across the land who are clamoring for the growth that legalized industrial hemp would bring for their farms and their communities.

Nearly 2 months after my colleagues and I introduced the Hemp Farming Act, as I said, a very large delegation of Senators of both political parties have signed on as cosponsors. Democratic Senators, Republican Senators—we can have some pretty spirited disagreements around here, but these are Senators who know a brainless, anti-farmer policy when you see one.

There is a companion bill in the other body that has strong bipartisan support as well. So we are going to keep at it, our bipartisan coalition, in order to build support for this throughout the days ahead.

Here in the Senate, Members are hard at work putting together a bipartisan farm bill, and we are very pleased to see the leadership on both the majority side and the minority side—Chairman ROBERTS and Senator STABENOW—working very closely to put together a bipartisan farm bill, which would be a perfect opportunity to move this forward.

I am constantly saying at home in Oregon—very supportive of agriculture: Let's grow it in America. Let's add value to it in many America, and let's ship it wherever we can in order to create jobs—jobs that start on the farm.

We have momentum growing, and that is why Hemp History Week—this time when I come to the floor and talk about this broad array of products—is designed to get the facts out about growing hemp.

Before growing hemp was made illegal, hemp was among the predominant American crops for generations. It was grown in the fields of Mount Vernon. It was threaded into the ropes and sails of the first ships made for the U.S. Navy. If hemp were easier to rhyme, it might even have its own lyric in "America the Beautiful," right alongside "amber waves of grain."

I believe it is long past time for Congress to throw out an anti-farmer policy and legalize—by the way, both leaders of this body, Senator MCCONNELL and Senator SCHUMER, are cosponsors of this bill because they understand that it defies common sense to be anti-farmer in this way. Both leaders of this body share the view that it is time to legalize the industrial growth of hemp.

This is just a modest number of products made of hemp. Products made

with hemp constitute a \$1 billion market in this country.

If there is only one thing I have said today that people will remember in all this, it ought to be that if you can buy it in a grocery store in America, farmers ought to be able to grow it in America. It is just that simple.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### WORK OF THE SENATE

Mr. LANKFORD. Mr. President, in the last 24 hours, Senator MCCONNELL announced that the Senate will still be in session in August. I don't know of any Senator who loves being in Washington, DC, in August. Quite frankly, it is a hot, humid, miserable place. I would much rather be in Oklahoma with other folks whom I serve, getting to spend some time there.

The Senate is in session 11 months of the year. The only month we are not in session traditionally is August. But we have a problem. The work is not getting done in the Senate. If the options are to be in Washington, DC, and get the work done or to be back in my State and see the folks in my State but knowing that the legislative work is undone, then the decision should be to get the work done.

Senator MCCONNELL announced yesterday that in August we will be here. We have two big issues as the reason we should be here in August to get some things done. One is the nominations issue. This is an issue that has, quite frankly, picked up a lot of speed this year. Last year in our nominations process, we had a record slow process to try to get nominations through. This year, more nominations have gotten through.

Let me give an example of what we are up against. In the past 6 Presidents, there have been a total of 25 cloture votes for nominations in the first 2 years of the Presidency—25 total, all 6 combined. Right now, President Trump is at 100 cloture votes so far for his nominations.

You may say, what is the big deal about that? Each one of those basically consumes a full day on the Senate floor—each one. In the past, if it was a controversial nominee, there would be additional time that would be requested, and that time would be done. It has been done 25 times over 6 Presidents. To do it 100 times for President Trump—it is obvious it is intentionally slowing down the Senate because when we are dealing with what is called postcloture debate time on a nominee, we can't deal with anything else. We can't deal with legislation. We can't deal with any other topic, so the Sen-

ate comes to a stop. One hundred days have been lost just doing that, lost time.

We have a lot of nominees who still need to go through, which traditionally went through by voice vote or in rapid succession. The White House still has a lot of nominees. They are due to be sent to us as well. They can continue to send those nominees, but the nominees who are here, who have gone through the committee process and have been fully vetted—it is time to bring those to a vote so the President can have his staff.

In 2013, Republicans and Democrats agreed together that things started to slow down a little bit in 2012 on some nominees. Republicans and Democrats came together to change the rule for how much time would be set aside for nominees. Harry Reid did a presentation during that time period and supported a proposal: 2 hours of time for district court judges, 8 hours of time for just about everybody else, except for Supreme Court, circuit court, and the Cabinet—they would still be 30 hours. Republicans joined Democrats in 2013 and agreed on that.

For a 2-year time period, Republicans and Democrats agreed alike that was a reasonable amount of time for postcloture debate—2 hours, 8 hours, or 30 hours, depending on who that was. That expired at the end of 2014. I brought that back up. I brought it to the Rules Committee. The Rules Committee has debated it. The Rules Committee has now voted it out of the committee.

My simple recommendation is, this was a Democratic proposal in 2013 for that time period. I think if it was good for the Democrats in 2013 and 2014, it should be good for Republicans or Democrats from here on out—to not just have it for the next 2 years but to say that is a simple rule to get the Senate back to functioning again.

My concern is, now with 100 cloture votes that have been done in the past year and a half on nominations, the next time there is a Democratic President—and there will be at some future time—you can be assured that the Republicans are going to do at least 100 cloture votes to them, and we will slow down government just as much. That doesn't help us long term. We have to get out of this cycle, and we are in a downward cycle of trying to deal with nominees. We need to be here in August to work through nominees because we have not had enough time because 100 days have been lost just sitting on cloture votes, waiting on that to happen.

The second aspect of this I want to remind people of is this: We need to be here in August, to work through this time period, because appropriations need to be done. In 18 of the last 20 years, this Congress has done an omnibus bill; that is, taking the 12 different appropriations bills, throwing them all together with no amendments, getting

the text of it the night before, and saying: Everyone, just vote on it tomorrow. That has happened in 18 of the last 20 years.

We have bad muscle memory. Twenty-five years ago, this Congress would debate those bills one at a time, bring them up onto the floor, and amend them. Democrats and Republicans would have input into those bills, and then they would pass. They would then be conferenced with the House and go to the White House for signatures. That really wasn't that long ago. Quite frankly, college students who are graduating right now have no memory of this Congress ever doing the appropriations process the right way. It has never happened in their lifetime. We have to fix this.

The argument has been that we only have 50 workdays left before the end of the fiscal year. The only way to get some of those workdays back is to add in August. We have to get the appropriations process back on track.

I hope most of this body can remember the early morning hours in March of this year when this Senate passed a 2,232-page omnibus bill that zero Members in this body had read because there was physically not enough time to even read it. We got it late one night and had to pass it the very next night. In fact, the House passed it at noon the next day—merely hours after they received the bill. We can't do this. We can do better. The only way to do it is to get time back in our schedule.

I commend the leader for putting time back in the schedule. Senator PERDUE, I, and 14 other Senators wrote him a letter and said that we need to consider this to get nominations done, to get appropriations done. If we cannot get the work done in the time we have, we have to make more time, and we have to get this done.

I commend the leader for this, but I also challenge this body to say that we should not squander the days we have. None of us are going to enjoy being here in August when there are lots of other things we would like to do in our home States, but let's get the work done because it is important for the future of the country, and the country expects us to finish well what we are doing.

Mr. President, I yield back.

The PRESIDING OFFICER (Mr. TOOMEY). The Senator from Maryland.

NORTH KOREA

Mr. CARDIN. Mr. President, next month will be the 65th anniversary of the armistice that ended the battles and bloodshed of the Korean war. As I am sure my colleagues know, the Korean war was never officially ended. Over the last 65 years, we have seen hostility on the Korean Peninsula. We have seen North Korea develop nuclear weapons, raising security concerns, and active in cyber attacks and human rights violations. The list goes on and on in the context of a formal state of war between the north and the south.

The United States has made major investments in this region as a result

of our security concerns and our national interests. We helped rebuild Japan and South Korea, we developed allies that share our values, which is certainly in our interests, and we created a military deterrent against a belligerent North Korea. Yet, during this period of time, the Kim Jong Un regime in North Korea developed a nuclear weapons program, including delivery systems. It violated international commitments. The international community, led by the United States—I must say, empowered by this Congress, which gave the administration the ability to impose sanctions—with the leadership of the United States, sanctions had been imposed against North Korea, and those sanctions had impact.

This year, we saw a breakthrough with there being some hope of security in the future. With the election of President Moon of South Korea, the South Koreans have a leader who wants to have a better relationship with North Korea, and the use of the Winter Olympics helped to develop confidence between North Korea and South Korea. Now President Trump is scheduled to meet with Kim Jong Un at the Singapore summit on June 12, where there will be great opportunities. We hope this will be an opportunity to end the war between North and South Korea, create a framework to denuclearize the Korean Peninsula, and forge a path toward stability and security for all.

It starts with an acknowledgment by North Korea that it has violated international norms. That is the reason sanctions have been imposed. It has an illegal nuclear program; its missile program violates international norms; and it has created an oppressive regime against the basic human rights of the North Korean people. Clearly, diplomacy is our best option. That was the purpose of imposing sanctions—so that we could get to this moment at which diplomacy actually may lead to results. We couldn't have gotten here if we had not had a strong sanctions regime imposed against North Korea.

As I have said all year, Congress gave the administration the tools with which to do that. In working with our partners around the world, the United States led in the effort in isolating North Korea in its continuing down this path. We now have an opportunity for diplomacy. Diplomacy is our best option. If we have to use the military, the risk factors are so great as to what could happen that it begs the point that, really, the only successful option is for diplomacy to work.

This is where we have hope, because there is a common objective between the principal parties in trying to use diplomacy to end this crisis. North Korea and China very much want to preserve the Kim Jong Un regime. China does not want to see a democratic country on its border. It wants to preserve North Korea's Communist regime. Obviously, Kim Jong Un is in-

terested in preserving his regime. The United States and China have a common agenda in that both countries want to see the Korean Peninsula absent of nuclear weapons.

Secretary of State Pompeo testified before the Senate Foreign Relations Committee and indicated that the U.S. position is not for regime change. I think that gave Kim Jong Un the ability to go forward and say: Look, if the regime can be preserved and we get security assurances, then we can do that without nuclear weapons. That gave us the opportunity for diplomacy to succeed.

So where are we in regard to the summit that is scheduled in less than 1 week?

I was pleased that the Subcommittee on East Asia, The Pacific, and International Cybersecurity Policy, which is within the Senate Foreign Relations Committee, held a hearing this week with regard to the status of the summit—with regard to what we can expect and how we should be prepared. I appreciate Senator GARDNER and Senator MARKEY, the chair and ranking member of the subcommittee, for holding that hearing.

Joe Yun, who is the former top American diplomat and one of the United States' leading experts on North Korea, was one of our witnesses. Victor Cha, who is the former National Security Adviser for North Korea, was the other witness. We had two of the top experts in this country who understand North Korea, who understand Kim Jong Un, who understand where we are in regard to what we can expect at the summit that will take place on June 12. Both agreed that we will need to have a realistic strategy in going into these negotiations.

I asked a specific question of the witnesses: Would Kim Jong Un be willing to give up his nuclear weapons in going into these negotiations?

Both agreed that was unlikely—unlikely, in the initial meetings, that he would agree to give up his nuclear program.

What should we expect? What should the conditions be? We had a robust discussion about that in the Senate Foreign Relations Committee.

It was pretty well agreed that it will start with a declaration by North Korea of its current program. We will need to understand what it is doing. We will need to know the venues of its nuclear program. We will need to know exactly from where we will be starting. We will need to make sure that the commitment to freeze that program will, in fact, be carried out. We will need international inspectors to make sure that, in fact, North Korea will not be advancing the program or its missile program. Then we will need a plan to dismantle its nuclear weapons program—all aspects of it. We will need to have a roadmap for getting there. That is the realistic expectation of what we will be able to achieve on June 12.

It is key for the United States to make it clear that we will not make



concessions until we have at least reached that understanding—a commitment to North Korea's dismantling the program, a freeze in place, and inspectors in place. We will have to be patient, but we will also have to be resolved that we will not make unilateral concessions.

This past week, several of my colleagues sent a letter to the administration that outlined this. It was led by Senators SCHUMER and MENENDEZ, along with Senators DURBIN, FEINSTEIN, BROWN, LEAHY, and WARNER. I agree with the letter. Let me just quote some of the conditions that are spelled out that we should be expecting in these negotiations.

Ultimately, it should include the dismantling and removal of all nuclear, chemical, and biological weapons from North Korea. The goal must be the full, complete, and verifiable denuclearization of North Korea. North Korea must continue its current ballistic missile test suspension. North Korea must commit to having robust compliance inspections, including a verification regime. The agreement with North Korea must be permanent in nature. These are conditions I would hope we could all agree on.

The letter goes on to read something that is critically important. In its addressing other critical matters, it includes North Korea's human rights practices and the need for them to be included in these discussions. Dr. Cha said it best when he said that a comprehensive political settlement with North Korea must include its agreement to end the regime's systematic violation of human rights.

I understand our objective is to make sure we have a denuclearized Korean Peninsula, and I agree with that. Yet, for long-term stability in that region, we need a North Korean Government that respects the rights of its citizens, and those discussions must start taking place on June 12.

Here is my concern and the reason I am taking this time today.

We have to be prepared for this summit. President Trump needs to be prepared, but President Trump needs to be prepared by working with Congress. That is where we know we are the strongest. I have seen no signs whatsoever of any congressional briefings or consultations from the Trump administration in leading up to the June 12 summit. We need to be on the same page in going into these discussions. Yet we have had absolutely no consultation. Dr. Cha said to consult with Congress given its role in funding and ratifying an agreement. We need to be involved.

Let me just underscore as to what Secretary Pompeo testified before the Senate Foreign Relations Committee. I asked him a question as to what role Congress should play in this. Secretary Pompeo volunteered to say that he anticipates that this will be a treaty that will be submitted to the U.S. Senate for ratification if they are successful. If

we are going to be called upon to ratify a treaty or if we are going to be called upon to change the sanctions regime against North Korea, we will need to be part of the process. We will not have to reinvent the wheel.

We ran into a similar issue in 2015 with regard to President Obama's negotiations for an Iran nuclear agreement. At that time, I was the ranking member of the Senate Foreign Relations Committee. I worked with our distinguished chairman, Senator CORKER, and other members of our committee, including Senator Kaine and Senator MENENDEZ and others, and we came up with the Iran Nuclear Agreement Review Act. We know how difficult it is to get consensus in the U.S. Congress on any particular issue. Yet we passed that Review Act by a 19-to-0 vote in the Senate Foreign Relations Committee. It passed overwhelmingly in the Congress itself, and it establishes a proper role for Congress in its review of such an agreement.

It doesn't restrict the President in his negotiations; it strengthens the President in his negotiations by giving him the power of the American Government, including the congressional part of our government. It strengthens the oversight of compliance. It did that with Iran, and it would do the same thing with regard to North Korea.

Just as with Iran, there is no trust when it comes to North Korea. So the final agreement must be verifiable, transparent, and make clear that any violation will result in the strongest possible sanctions. Our congressional role can complement both the ongoing and forthcoming negotiations with North Korea. Such legislation will help Congress's oversight and representative responsibilities to the American people.

As we go to this historic meeting that will take place next week, I know that every Senator—indeed, every American—will want the President to be successful in this endeavor to denuclearize the Korean Peninsula and to bring security and stability to the region. The best chance for that to happen is with Congress exercising its responsibility and being in a position to support the efforts and understand the efforts so that we can act with a united voice in America. Let us act accordingly.

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

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

WORK OF THE SENATE

Mr. HATCH. Mr. President, I rise to voice my enthusiastic support for the majority leader's announcement yesterday that we would be staying in Washington through August. Already we have seen media reports that our

colleagues on the other side of the aisle are upset about having to work through August recess. As Leader McCONNELL said, this action would not have been necessary but for the historic obstruction by our Democratic colleagues who have used every available tool to delay confirmations of executive and judicial nominations.

To put the scale of their obstruction into perspective, Senate Democrats have forced 101 procedural cloture votes on President Trump's nominees in his first 18 months. By comparison, the previous 6 Presidents combined saw a total of only 24 cloture votes in their first 2 years. In other words, Democrats have somehow managed to fit 40 years' worth of obstruction into just 18 months.

Even more infuriating, after Democrats pretend to object to nominees by calling for cloture, many of them later vote in favor of confirmation, acknowledging that the nominees are qualified and worthy of the Senate's support.

Take, for example, the case of Fernando Rodriguez Jr., a highly qualified nominee to the U.S. District Court for the Southern District of Texas. Fernando has spent the last few years serving in the International Justice Mission combating sex trafficking and human rights abuses. He also has 10 years of experience practicing law, not to mention invaluable experience as an educator with Teach for America.

Yesterday, Democrats forced a cloture vote on Fernando Rodriguez to slow down his confirmation but still voted to confirm him unanimously. This is absurd. It seems my friends on the other side of the aisle want to have their obstruction cake and eat it, too, but you can't have it both ways.

These procedural slowdowns are a transparent charade, a cynical side show meant to shore up support among the Democratic base. I would remind my friends on the other side of the aisle that this Chamber is meant for policy, not politics. We can campaign on the weekends, but right now we have serious work to do.

I have to state that there are some reasons to be political sometimes on the floor but not to the extent that we have been subjected to by our friends on the other side. Democrats have wasted precious hours of debate with their partisan grandstanding, and the country is worse off because of it. While my colleagues posture and preen for audiences on national TV, dozens of executive and judicial nominations remain unfilled, bringing the important work of government to a halt.

Enough already. Enough of the games. Enough of the disingenuous handwringing. Enough of the Twitter-tailored cable TV meltdowns. Let's set our egos aside for one moment to get done what the American people have sent us here to do.

I look forward to working through August to make up for lost time. That is not to say that recess or instate work periods are unimportant. Indeed,

connecting with constituents back home is the most important part of our jobs.

Despite what some would have you believe, we work just as much during recess as we do here in session, if not more. I travel around the State meeting with as many Utahns as possible, normally breaking just long enough for a quick meal at my favorite all-you-can-eat buffet. In 1 day of recess, I can talk trade and tariffs with a group of Utah cattlemen before meeting with health experts to learn more about medical marijuana research, visiting the family of a Utahn held captive overseas, and convening a panel of education leaders to discuss school safety—all in just 1 day. That is just part of what that 1 day was. As anyone who has served in Congress knows, recess is no respite.

The time we spend at home meeting with constituents is absolutely vital to our jobs, but of equal importance is confirming capable, qualified judges to our courts. Our responsibility in the Senate is to keep the judicial branch up and running. I have participated in more than 1,800 judicial confirmations throughout my term of service, and I look forward to working through August to confirm a few more. There is no time to waste. I call on my colleagues on both sides of the aisle to come together to get this done.

I believe there are really good people on both sides of the floor. I believe most people would like to see us function better than we do right now. I am certainly one of them, and I think there are a lot of others in this body who feel exactly the same way. I just hope that for the remainder of this year we can get together and do what we should do in the best interest of the American people, and if we do that, everybody will be better off. This country will be better off, our functions in government will be better off, almost everything will be better off. I think it is time for us to quit playing games around here and do the work of the U.S. Senate, the greatest deliberative body in the world, some say. I am one of them who does say that because I believe we handle more absolutely crucial matters than any other legislative body in the world, and I intend to see that we continue to do it.

There are some things that folks on the other side or folks on our side might want to fully test and fully work against. That is not bad; that is part of this job, too, but to do it on everything, to make it just miserable around here to get anything done, that discloses the bad faith on whichever side is doing it, and it is just plain wrong. We have to wake up and start acting like adults and do the things that really should be done in this greatest of all legislative bodies.

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

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

Mr. TOOMEY. Mr. President, I am looking forward to proceeding to the National Defense Authorization Act soon. Earlier today, I objected to a unanimous consent request to get on the bill because I am very concerned that I get an opportunity to offer an amendment that I have. Based on the efforts of our chairman and his confidence that I will be able to offer this amendment, I am prepared to agree to allow us to get on the bill, and I look forward to doing that.

I want to address two amendments that I am hopeful will be included, mine and one other. One of them has to do with the tariffs, especially on steel and aluminum, that come under section 232 of our trade laws, and the other is an amendment that I intend to offer with respect to the CFIUS reform. Let me start with the section 232 tariffs.

This is a section of trade law that allows the President to restrict imported goods that threaten our national security. It has been the law of the land for some time. The statute gives very wide latitude to the President and the Commerce Department—but really to the President—to determine, first of all, what imports constitute a threat to our national security and, then, secondly, the existing law does not prescribe what the remedy will be. That is also left up to the President. So there is a great deal of discretion that is in the hands of the President.

In March of this year, after a nearly year-long investigation, the President imposed tariffs on imported steel and aluminum—25 percent on steel, 10 percent on aluminum. Then there was a temporary exclusion. Then there were negotiations to make the temporary exclusions permanent. In some cases that has occurred, as with South Korea and other places, but they were negotiated. The exclusion—the ability of the countries to sell steel to the United States without the American consumers being subject to this tax—had a condition, and the condition was that they would agree to other restrictions on their exports, such as quotas, for instance, on the volume of their exports that would be permitted. Shockingly to some, the President decided to even impose these taxes—taxes on American consumers—when they buy steel that originates in the EU, Canada, and Mexico, which originally had a temporary exclusion but apparently no longer do.

These three allies—allies, mind you—make up about 40 percent of U.S. steel imports by tonnage, and all three seem intent on imposing retaliatory tariffs, which is what typically happens when tariffs are launched.

More recently, the President has announced that the Commerce Department will investigate whether foreign

vehicles or automobiles sold to U.S. consumers, like my constituents—cars and trucks—represent a national security threat, with the possibility that they will impose a 25-percent tax on Americans who buy those imported cars and trucks.

I think this is a very bad idea. This is a bad path to be going on. It is a bad policy. First of all, most directly, it is a direct tax on American consumers. That is just irrefutable. Consumers—our constituents—will have to pay higher prices for the products that are subject to these taxes. The price of a Honda Civic made in Japan or a Volkswagen Jetta made in Germany will increase by about \$5,000 for a U.S. consumer—a Pennsylvanian or Coloradoan—who wants to buy one of these vehicles. Of course, it is pretty clear to me that these taxes on American consumers will do nothing to safeguard our national security. I fail to see the national security threat when a Pennsylvanian decides to buy a Toyota Corolla. It is not clear to me how that is a threat to our national security.

In fact, there is no real national security threat that these tariffs are a response to. They are an effort to impose a protectionist policy for economic purposes.

In picking steel, it is particularly disturbing that section 232 would be invoked as the justification for taxes on steel imports. Section 232 is explicitly reserved for national security threats, as I mentioned. Let's think about this. Just last year, net steel imports accounted for about 25 percent of America's total steel consumption. In other words, domestically, we produce the large majority, about 75 percent, of all the steel we need to consume. For national security purposes, our military needs about 3 percent of our domestic consumption. We produce 75 percent. How is it even plausible that there is a national security reason why we shouldn't be importing this steel? Well, what about where it is coming from? That is interesting.

The biggest sources of imported steel are Canada and Mexico, where, by the way, we have trade surpluses in steel. Again, using the justification of national security, we have put tariffs—taxes that Americans have to pay—when we buy steel from Canada and Mexico, our close allies and contiguous countries. To suggest that we have a national security need to tax Americans when they buy this small percentage of our total consumption from these close allies and neighbors is not credible. It is not credible.

In fact, for national security purposes, arguably, it undermines our national security because it raises the cost of the steel that we need to build things. We pay more for that steel. How is that good for America?

It is clear to me that the President is using section 232 in a way that was not intended by Congress. It is clear to me, anyway. Prior to this year, section 232 was only invoked five times in all of its

history, but now we have this being invoked on steel and aluminum and maybe automobiles as well.

Here is the thing. It is Congress that has the responsibility for establishing tariffs—taxes—to regulate trade. It is explicit in the Constitution. Article I, section 8, clause 1 reads: “The Congress shall have the Power To lay and collect Taxes, Duties, Imposts and Excises. . . .”

Article I, section 8, clause 3, includes Congress having the responsibility to regulate commerce with foreign nations.

Well, obviously this is an explicit instruction that it is Congress’s responsibility to determine the level of tariffs and whether there will be tariffs. What Congress has done over the years is passed laws that delegate this authority to the President. First of all, I think it is a bad idea for Congress to take constitutional authority that is enshrined in our founding document and just punt it over to another branch of our government. We should not be doing that. We ought to be abiding by the Constitution, following the Constitution, and accepting the responsibility that the Constitution gives to us.

I have long felt that this is a responsibility that Congress should take back, that the prior legislation giving this to the President was a mistake and it is time to take it back.

It is my understanding that Senator CORKER is likely to offer an amendment that would do something that is very simple, and it is an elegant solution to this dilemma with respect to section 232 tariffs; that is, to simply make them subject to congressional assent. It would no longer be allowable, permissible under our law, if this amendment were to be passed and signed into law, for any President to unilaterally invoke section 232 and impose taxes on the American people in response. There would be a period of time during which Congress would review and would have to have an expedited up-or-down vote—not subject to filibuster, not drawn out, but a quick up-or-down vote—to determine whether that would be allowed. I would suggest that this would be completely in keeping with our explicit constitutional responsibility in this very important area.

I am very hopeful and optimistic that Senator CORKER will, in fact, offer his amendment and that it will be allowed and that we will debate it, have a vote, and see how that goes.

I intend to offer a separate amendment. My amendment has to do with CFIUS. CFIUS is an acronym that stands for the Committee on Foreign Investments in the United States. CFIUS is an interagency committee—multiple agencies within the executive branch—that reviews the national security implications of foreign direct investments. So when a company that is headquartered in another country wishes to make a purchase of an Amer-

ican company, if there is a national security implication or threat to that investment, which there could be, then, under the existing CFIUS framework, this committee makes a recommendation to the President, and the President has the authority to block the transaction—to forbid the purchase of an American company, say, by a foreign company—if there is a perception that this is a threat to national security.

Senator CORNYN has introduced legislation that would update and modernize the authorities. It would dramatically broaden the power and the authority of CFIUS. I am supportive of what Senator CORNYN wants to do. I voted for his legislation in the Banking Committee. This reform of CFIUS has been put into the national defense authorization bill so that if and when we get on that bill, we will also be contemplating this broadening of the powers of CFIUS.

How does the Cornyn legislation broaden CFIUS? Well, first of all, it dramatically expands the transactions that can be reviewed by CFIUS. For instance, under current law, CFIUS has no legal authority to review if a foreign company chooses to buy real estate that is undeveloped—a raw piece of land somewhere. That is not subject to CFIUS review. But what if an unfriendly government has an investment in a company in their country that wants to buy a big tract of land right next to a sensitive military installation of the United States? That might be a convenient place for them to set up listening devices and other ways for them to spy on our military capabilities, for instance. So I think it is a good idea to give CFIUS the authority to look at real estate transactions.

It would also expand CFIUS’s authority to look at nonpassive investment in critical technology or infrastructure by any foreign person. It would review any change in foreign investors’ rights regarding a U.S. business, and there are many other new categories of transactions.

CFIUS historically, roughly speaking—I think they review something on the order of 200 or 250 transactions per year under existing law. If this new reform is adopted, then the experts believe that CFIUS will likely review something on the order of 2,000 or 2,500 transactions per year. So it is a very, very broad expansion in the power of the government to block foreign direct investment in the United States.

We should be clear about one aspect of this. The reforms to CFIUS are largely a response to very aggressive and in many cases inappropriate behavior by Chinese companies. Companies that are headquartered in China—very often there is some Chinese Government ownership, and there is a long history of the Chinese, through these vehicles, engaging in wholly inappropriate activity, including coerced technology transfer on the part of U.S. companies through a variety of means.

This is a real problem, and expanding the authority of CFIUS is an important element, in my view, in dealing with this problem.

So this is the main reason I am in favor of expanding the powers of CFIUS, but it is also very important that we not, in the process, unduly undermine foreign direct investment in the United States that is not a threat to our national security at all—in fact, that is the vast majority of foreign direct investment in the United States. When Toyota decides to build a new manufacturing facility to make cars in Tennessee, that is not a threat to America’s national security. If they were to make an investment with a car company in the United States and establish a joint venture and start making cars in Michigan, that would not be a threat to national security. The vast majority of transactions are not at all a threat. In fact, they are a source of important jobs. In my State of Pennsylvania, there are 334,000 Pennsylvanians who work for foreign-based companies that have invested in and operate in and create jobs in Pennsylvania, and 186,000 of those jobs are in manufacturing.

Consider this: In 2015, the total amount of foreign direct investment in the United States—so the total amount of money invested by people and companies that are somewhere other than America but choose to invest in America—the total was almost half a trillion dollars, \$465 billion. Do you know how much of that came from China? Less than \$6 billion out of almost \$500 billion. So it is a very small percentage. In 2016, the numbers were comparable—about \$460 billion in total foreign direct investment and about 10 of that from China.

China is not even close to being in the top 10 countries that are the source of foreign direct investment in the United States. That doesn’t mean it is unimportant to consider when Chinese companies are making investments. It is very important. But my point is that the vast majority of the foreign direct investment in our country is good for our economy. It creates jobs and opportunities, and we don’t want to disrupt that. If the implementation of this reform to CFIUS goes badly, it could have a chilling effect on foreign direct investment, and that would diminish our economic growth, our economic strength, and cost us who knows how many jobs. That is what I want to make sure we avoid.

In the course of the implementation, the way this is going to happen under the law is that the reformed CFIUS—the legislation that we are going to consider as part of NDAA requires this CFIUS committee to develop the rules that will basically define the terms of their own operations. So, for instance, they will have very broad discretion. If their discretion is too broad—I should say, if they exercise it too broadly, if they end up applying CFIUS restrictions too broadly, we will lose the foreign direct investment that is good for

us. If they define it too narrowly, then there is a chance we won't catch bad actors whom we should catch.

Let me give a few examples of how the rulemaking is going to determine how CFIUS applies. One of the key terms throughout the legislation is "critical infrastructure and technology companies." Those are the companies with technologies that we don't necessarily want to end up in the hands of an adversarial country like China. Well, guess who defines what is a critical infrastructure and technology company? CFIUS does. We don't here in the Senate. Congress doesn't. We empower the committee, CFIUS, to decide what constitutes a critical infrastructure technology company.

We also empower CFIUS to decide when a company is attempting to circumvent the rules. That is an important issue because following the rules strictly so as not to be caught up in this could be deemed to be a circumvention, so that is an important factor.

There are lots of other rulemakings that we require of this committee, and it is the way they make those rules that will determine exactly the extent to which we continue to foster constructive foreign direct investment or we choke it off.

My concern is that Congress should not simply blindly hand this off to the executive branch and hope for the best. That would not be fulfilling our obligation to enact the legislation as it should be enacted. So I intend to file an amendment, and my amendment is very simple. It is just going to provide Congress with the opportunity and the requirement to review the major rulemakings—the big parts, the important parts—defining the terms and circumstances under which CFIUS will operate before they can go into effect. So CFIUS will go ahead, promulgate these rules, and before they become operative, there has to be an up-or-down vote by Congress.

We have written this so that there will be an expedited procedure. It will pass with a simple majority. There has to be a vote. The vote actually has to happen in almost the exact same timeframe as the rule's implementation. In other words, after a rulemaking is finished, there is a 60-day delay before it becomes operative. It is during that window that Congress would have its vote. It cannot be filibustered. It cannot be delayed. But what it would do is it would ensure that we are involved in this process, that we have the oversight we are supposed to exercise to make sure it is done properly, and it ensures that we would work with the administration.

If Congress were to reject one or more of these rules, that wouldn't stop the administration. They would then work with us to address whatever concerns led to the objection and then submit a new rule.

It is modeled somewhat after the REINS Act that is very broadly sup-

ported on this side of the aisle. I should point out that it is much more limited because this congressional review of the rulemaking under my amendment applies only to the rules made by CFIUS under this legislation. So it is a very narrow application. There were 39 Republican cosponsors of the REINS Act. If that were the law of the land, if that had been adopted, we wouldn't be having this discussion because it would automatically apply to the rulemaking of CFIUS. So it is hard to see why anyone who supports the REINS Act would oppose this.

I am certainly hoping that my Democratic colleagues will support this as well. Let's be honest—they have not been big fans of the Trump administration. Many of them have voted against the Cabinet and agency leaders whom President Trump has nominated who will be responsible for carrying out these rules. For them to vote no on this amendment would be for them to insist that they not have the opportunity to review the work of the Trump administration. Given their obvious and vocal skepticism about the Trump administration, why in the world would they refuse the opportunity to have veto power over very important rulemaking? I can't imagine why they would. So I hope they will support this, and I hope my Republican colleagues will as well.

Another important point, just to reiterate, the congressional approval applies only to the rulemaking of CFIUS when it is done. It certainly does not apply to the individual transactions that would subsequently be reviewed by CFIUS under these rules; it applies just to the rules themselves. And it certainly would not result in killing CFIUS reform. Congress has demonstrated a very broad, bipartisan consensus that we need to broaden the authority of CFIUS, so I am quite confident that when these rules are done, if they are done in a sensible fashion, Congress is going to agree to them because Congress wants CFIUS to have this new authority. I will point out, it would almost certainly have the effect of encouraging the administration to work closely with Congress to make sure they are in fact developing rules that are consistent with congressional intent. That is exactly the way it should work.

If this amendment passes, I foresee greater collaboration between the administration and Congress on the implementation of this CFIUS reform. I think that will likely lead to a better product, one that ensures we will catch the bad actors who are trying to make investments in the United States for the purpose of acquiring technology we don't want them to have and allow for the good, constructive, helpful foreign direct investment we all benefit from.

My hope is, we will get on this Defense authorization bill soon, that these and many other amendments will be debated and voted on, and we will be able to pass this with a very strong affirmative vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, I ask unanimous consent that I be allowed to use a prop in my presentation.

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

REMEMBERING ROBERT F. KENNEDY

Mr. MERKLEY. Mr. President, today we remember Robert F. Kennedy, whose life was brutally, savagely cut short 50 years ago.

Robert Kennedy was a Presidential candidate, a U.S. Senator, a Member of this Chamber, an Attorney General, a naval officer, a father, a son, a husband, and a brother, but more than all of that, he was a beacon of hope amidst turbulent and difficult times in our Nation, and he was an inspiration to generations of Americans.

Speaking at his brother's funeral, our former colleague Senator Ted Kennedy said that Robert Kennedy "need not be idealized, or enlarged in death beyond what he was in life; to be remembered simply as a good and decent man, who saw wrong and tried to right it, saw suffering and tried to heal it, saw war and tried to stop it."

I was inspired by his efforts to right wrong, heal suffering, and stop war—inspired enough that when I became a U.S. Senator and was assigned an office that happened to be the former office of Robert F. Kennedy in the Russell Building, I proudly pointed out to visitors that here, in my office, once sat the great Robert Kennedy, who did in fact see wrong and tried to right it, suffering and tried to heal it, and war and tried to stop it.

In May 1968, I was in sixth grade. I was an 11-year-old out in Oregon, and Bobby Kennedy, as we affectionately refer to him, was campaigning in my State. He was going very quickly from community to community, delivering speeches in one high school after another. My sixth grade teacher announced that he was going to give a speech at David Douglas High School—my future high school, except I was only in sixth grade, and I had never set foot in the halls of that high school. He was going to give a speech the next night.

My father was a mechanic. He worked very hard. He was off in the evening, quite happy to settle in, watch the national news, read the newspaper, and reflect on the news of the day.

I came to him, and I said: I understand Robert Kennedy is giving a speech, and we can go see him.

My father said: It is the end of the day, Son. I just don't feel like going out again.

At that moment, I wish so much that I had said: I think I will go down to that high school, find my way down to that high school I had never been to, and see him speak, but I didn't, and it is one of the things I have regretted all my life.

When he was campaigning in Oregon and going from high school to high

school, he went also to some iconic places.

Here he is in the surf near Fort Stevens. Fort Stevens is a place I used to camp as a kid. It has a historic shipwreck, the wreck of the Peter Iredale. Now it is pretty much rusted into the sand and disappeared, but I can imagine Robert Kennedy walking and seeing that wreck as he was on this beach.

He went out to Baker County, OR. This is an iconic photo of him on the runway, with the mountains in the background, with his dog. There is a version of this picture that Ted Kennedy gave to me the month before he passed away, and you can see here the snow-covered mountains in the background and walking down the runway in one of those few moments of peace and reflection in between his speeches all across the State.

When Senator Ted Kennedy gave me this picture, he also wrote me a letter. This was in July, a month before Ted Kennedy passed away. He said:

I've always loved this photo of Bobby and his dog Freckles taken in Baker City, Oregon, on May 22, 1968.

He said he has a copy of it hanging in his office. He knew a little bit from our conversations that Bobby had been an inspiration to me, and he wrote:

I know that Bobby played an important role in shaping your political views, and I thought you'd like to have a copy of the photograph for your Senate office as well. I only wish I could give it to you in person.

I do have that photo proudly displayed on my Senate office wall, and it is a reminder of the very special feelings we had about the campaign. We had war abroad in Vietnam in 1968. We had riots at home over the war. We had deep, deep civic tensions between the generations. There was a sense that his leadership and his ability to bridge the divides among races and genders and classes could, in his words, "bind up the wounds among us and to become in our hearts brothers and countrymen once again." Those words have resonance for today, where our divisions are so deep.

Anyone who spent much time paying attention to Robert Kennedy's life knows that his life was full of contradictions. He was a man of wealth, well educated, and could quote poets like Tennyson and philosophers but who also had an unmatched ability to touch the hearts of, and fight for, the poorest among us. He was a ruthless enforcer of the law who never thought twice about taking on organized crime or foreign dictators but had a heart of tenderness and could spend hours playing with young children. He was a younger brother who stood in the shadow of his older sibling, but he stepped out of that shadow to inspire us and to run for the Presidency of the United States.

Bobby was raised in a family that recognized the privileges it had, the advantages it had from its history, its affluence, its connections, but also recognized that with all that they had, they

had an extra responsibility—a sizable responsibility—to use those advantages to help others. That, too, is something that is worth all of us thinking about.

Whether it was the fight for civil rights, championing the poor and destitute living in Third World conditions in Appalachia and the Mississippi Delta, challenging South Africa's students to stand up against apartheid, or organizing the end of war in Vietnam, his life was dedicated to helping others.

When our Nation seemed poised on the brink of tearing itself apart, there was Bobby Kennedy, preaching a message of love, wisdom, and compassion toward one another—a message of reunification, a message of reconciliation. But with all of this, his efforts to take that vision to the Presidency—that vision of wisdom, compassion, and reconciliation—never happened because that opportunity was cut short by an assassin's bullet. That happened just after Bobby Kennedy left Oregon and flew to California, just 2 weeks after I had the opportunity to see him speak in a high school gymnasium and didn't seize the moment to do it.

As Bobby Kennedy said in his speech to the City Club of Cleveland, "Our lives on this planet are too short and the work to be done too great," but we cannot let that stop us from working together to seek and build a new world.

We will never know whether Robert Kennedy would have succeeded in his election to be President or exactly what would have flowed from a second Kennedy administration. We can only speculate on how our Nation's history might have been changed and how different our country might have been with his vision, his inspiration, his effort to tackle the issues of poverty, the issues and challenges of war, the issues and challenges of division in our Nation.

One thing we know for sure, the world has been a lesser place these last 50 years because Robert F. Kennedy is not in it, but his thoughts live on. In this institution, Members of the Senate should carry those thoughts forward on these important issues he addressed—of war, poverty, bigotry, discrimination, and ensuring opportunity for all.

In his speech to students in Cape Town, South Africa, Robert Kennedy said: "Each time a man stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope, and crossing each other from a million different centers of energy and daring, those ripples build a current which can sweep down the mightiest walls of oppression and resistance."

That is advice we need now more than ever—that we need to work to create those ripples that together can create a mighty current to set our Nation back on track. When it comes to war, we now have not one but many—a war in Afghanistan based on false assumptions, a war in Iraq based on false information, wars in Africa, Syria, and Yemen for which the issue of author-

ization has never been debated on the floor of this Senate, despite the constitutional call to do so.

When it comes to prosperity, despite our Nation's enormous growth and wealth over the last four decades, we still have people suffering in Appalachia, in Mississippi, in our inner cities, and in our rural towns. Because income equality has surged over four decades, we have seen that workers' wages are flat or declining while the cost of everything goes up from healthcare to housing to the cost of a child attempting to attend college.

While we may have come a long way from the firehoses and dogs turned against peaceful protesters demanding voting rights and civil rights, a long way since Attorney General Kennedy crusaded for civil rights, calling in the National Guard to register the University of Alabama's first African-American students—while we may have come a long way on that trail, we still have a long way to go, as we saw in Charlottesville last year, as we have seen through the last several years of campaigning, an administration in which the temptation too often has come from the Oval Office to denigrate different groups of Americans, whether they be African Americans or Haitian Americans or Latin Americans or women Americans or Americans with disabilities or Muslim Americans. When we hear that, let us remember the vision of America, of equal opportunity, and stand with our brothers and sisters in any given group, arm to arm, hip to hip, and say: Here in America, we believe in the vision that is indivisible, that we cite in our Pledge of Allegiance, that recognizes we come from a tremendous number of backgrounds, but together, with those talents, those differences, we have a nation of greater strength, greater beauty, and greater opportunity for the future.

Fifty years after his passing, I think it is of value to all of us to reflect on the lessons of the life of Robert F. Kennedy—his hope, his optimism, his fierce determination to fight the battles to make the world a better place.

RFK was famous for regularly quoting the Irish playwright George Bernard Shaw, saying:

Some men see things as they are, and ask why. I dream of things that never were, and ask why not.

I think it is up to all of us, each and every day, to dream of the things that have never been here in America but could be a greater, more beautiful, stronger, more prosperous, more hopeful America and say "Why not?"

The PRESIDING OFFICER (Mr. LEE). The majority leader.

#### 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.