

is making wiser decisions, more cost-effective decisions, and are making decisions that are beneficial in the long term.

Stationing decisions are long-term decisions. They will impact the Army for many years to come. If we have learned anything from recent budget cycles, as the Commandant of the Marine Corps, General Neller, said before our Appropriations Defense Subcommittee several times, it is that the only certainty is uncertainty.

The Army has the benefit of a growing budget right now, but in future years, there will surely be periods of fiscal stress and uncertainty where smart investments today will be paid forward.

Our intent with the amendment is to support the Army in making decisions based on fair, open, and comprehensive data—particularly long-term cost factors—that will help the Army save dollars in future years. Those savings can be put where they are desperately needed—toward training, supporting our soldiers and their families, sustaining our weapons, and increasing the Army's readiness and lethality.

I appreciate the help I have had from the Armed Services Committee, and I appreciate the chairman, Senator McCAIN, and his staff. I also appreciate very much my colleague from Oklahoma, Senator INHOFE, for his efforts in this regard. I appreciate their interest in my amendment.

I will be happy to respond to any questions my colleagues may have on the merits of this amendment.

I yield the floor.

THE PRESIDING OFFICER. The majority whip.

CHINA AND THE STUDENT VISA PROGRAM

Mr. CORNYN. Madam President, I thank my friend from Kansas.

I want to talk a little bit about a hearing I chaired yesterday, a Senate Judiciary Subcommittee on Immigration hearing that was called "Student Visa Integrity: Protecting Educational Opportunity and National Security." The point of the hearing was to raise awareness about a very serious issue and to hear from the Federal agencies responsible for our national security, visa policy, and the vetting of foreign nationals studying in the United States.

We hoped to shed light on policies and procedures that are in place, what should be in place but is not, and to address what has become a growing source of concern; that is, foreign countries taking advantage of their international students studying in the United States and turning them into intelligence assets or otherwise using them to gain information that will help other countries grow their economy and their military in a way that undermines U.S. leadership in both of those areas.

That issue relates primarily to China's aggressive plan to surpass the United States on all fronts—militarily, economically, and technologically—

and to do so by whatever means necessary. We already know that China is perhaps the No. 1 abuser of cyber space to steal intellectual property and to use that to advance its economy or its military. They have been very public about their ultimate goal; that is, to use whatever means they need in order to advance their economy or their military.

It is important to remember that China is not a democracy like ours. China is a Communist country guided by a doctrine that does not recognize the human rights or individual rights that we take for granted here in the United States and in other democracies.

They made it very clear what they intend to do. For example, in its "Made in China 2025" strategy, which is something that has been published—you can read it yourself—China is accelerating its efforts to acquire U.S. intellectual property and sensitive research. That is where our universities in particular come in.

Billions of Federal tax dollars—I think it is \$178 billion in the Omnibus appropriations bill alone—are given to universities to conduct research to benefit the American people and hopefully all of humankind. Some of that research is sensitive because it is classified research. We had, for example, the head of security at the Texas A&M University System talk about the steps they have taken to protect that from prying eyes because of the sensitivity of some of that research.

Universities are ground zero in this threat. This past February, Director Christopher Wray testified before the Senate Intelligence Committee in an open hearing about the security risk posed by certain Chinese students, visiting scientists, and scholars at American colleges and universities. His remarks were brief, and because of the sensitive and classified aspects of some part of what he said, he couldn't provide the full context and breadth in that open setting, but what he did say publicly was alarming. He said that the FBI is "watching warily" and that "naivete" was exacerbating the problem. What I think he meant by that is that people were simply unaware and thus unprepared for what was happening. He also made very clear that the Chinese Government was intent on doing whatever it needed to do—whether it is placing intelligence officers or other agents of the Chinese Government on campuses—to get the information they want.

We are fortunate to have the world's top universities and colleges, and they are known for their open research, which fosters collaboration and innovation across a broad array of industry sectors and academic disciplines. One of the crown jewels of our country is our colleges and universities and the research they do, but our openness is also a vulnerability when being exploited by other countries for their own purposes.

What is happening now, Director Wray says, is that foreign actors have taken advantage of that open environment and are using it to study, learn, and acquire sensitive information to the detriment of U.S. national security—and that is what we are primarily talking about here.

It is not an isolated problem. Director Wray said that the Federal Bureau of Investigation is actively monitoring universities in all of its 56 field offices across the country, not just in major cities. Nearly all students and visiting scholars come for legitimate reasons. I take that as a given. We are not talking about everybody; we are talking about the isolated few. But the danger still remains. Most are here to learn and share our culture and to contribute their talents to America.

I tend to think that our colleges and universities are the best elements of our soft power as a nation. When people come here and learn more about us and where we share values, perhaps even take those values back to their home country and serve as someone we can talk to and work with in the future, it promotes world peace, promotes mutual understanding, and, as I said, I think it is one of the most important elements of our soft power as a country.

I am not here suggesting that we ought to conflate Chinese Communist Party influence on all students and academics—far from it. Students from across the world are certainly welcome; we welcome them with open arms to come to study at our colleges and universities, and I encourage them to explore opportunities to do so.

What yesterday's hearing was actually about was not them but a small subset of people we should be concerned about—security risks, those who are here to steal and exploit our intellectual property and our national security and economic advantages, people who don't respect the rule of law as we do when it comes to intellectual property rights.

As the FBI Director said, we can't be naive. This theft is occurring. It has been well documented, and we have to take the necessary preventive measures to ensure that it doesn't continue.

By the way, I have mentioned one country, China, but certainly these concerns are not limited to China. There are more than 5,000 Russian students studying in the United States. There are other countries, including state sponsors of terrorism, like Iran, that have foreign students here, actively working to steal U.S. technology and bypass expensive research and development and exploit the student visa program to gain information that will benefit their countries.

I will just pause for a moment to say that we spend untold amounts of money in this country—taxpayers' hard-earned money—to research and develop the newest, most innovative products. That is true in the military sector and in the nonmilitary sector.

But when the American taxpayer pays to produce the necessary weapons and necessary infrastructure to protect us and our security, and other countries are actively trying to steal it and don't have to pay that research and development cost, we can see the obvious problem.

Yesterday's hearing exposed a bigger problem, and that is the issue of competing global visions. Communist China makes no secret of the fact that Karl Marx is, in effect, their national hero. There was a week-long celebration in China just last month, which included a mandatory study session, led by President Xi, of Marx's famous work, "The Communist Manifesto." Events like this show that China, while a rival, in some ways could be a wolf in sheep's clothing when it comes to its most aggressive tactics, which I mentioned just a moment ago. When it tries to present itself as a westernizing economy and a friend of the global community of nations, China conveniently ignores facts about its alternative development model and its state-controlled economy, the fact that it respects no law in pursuit of those policies. It also disguises and downplays its geopolitical aims—to rewrite the rules of our world order and recreate them in China's own image.

Whether it is China's increasing belligerence in places like the South China Sea, its crushing of internal political dissent, its flagrant human rights violations, or its population controls—like the one-child policy, which I understand has now been relaxed, but parents are not free to have all the children they want. It is controlled by the government; you have to ask the government's permission—China has repeatedly shown itself as a power-hungry authoritarian country, willing and able to violate the rights of its own people and dismissive and contemptuous of international norms and international law.

I don't intend to sound hyperbolic about this, but this is the truth. So let's not deceive ourselves into believing otherwise. That is what Director Christopher Wray of the FBI calls naïveté. Let's not be naïve. Let's be wary when China tries to just blend in internationally. Its rosy rhetoric and misleading narrative of cooperation are often camouflaged for its true and more troubling aims.

We know that there are high-level negotiations between the United States and the Chinese Government on the issue of trade, and that is a good thing.

Madam President, how much time do I have remaining?

The PRESIDING OFFICER. There is no time remaining for the majority.

Mr. CORNYN. Madam President, I ask unanimous consent for one minute to wrap up.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. CORNYN. Madam President, I joined a number of other Senators, 27

Senators, to talk about ongoing trade negotiations with China. The main point of the letter was to emphasize that there is no question that China is actively seeking to surpass the United States economically and militarily. It is imperative that neither the Federal Government nor private U.S. companies abet that effort either deliberately or inadvertently.

When it comes to China, national security isn't just a pretext for economic protectionism. It should not be. I, like many of my colleagues, believe strongly in free trade, and we shouldn't use national security as a pretext for economic protection. But the national security concerns are indeed real, for example, in the ZTE matter, which is a subject of some debate—as it should be—and discussion here in the Congress following the negotiation by Secretary Ross of a deal that he is proposing.

For those of us who serve on the Intelligence Committee and on the Armed Services Committee, I assure you, the threat China poses is real, and the dangers we worry about are already taking effect. Our inaction could have only negative consequences, and we need to aim to prevent any future negative consequences for our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, I come to the floor today to speak on the nomination of Kenneth Marcus to lead the Department of Education's Office for Civil Rights, a nomination we are going to vote on in just a few minutes.

First of all, I want to say that I am pleased President Trump and Secretary DeVos have moved away from their original choice for this position. I believe the current Acting Assistant Secretary, Candice Jackson, is unfit for this role and should be removed from her current position, not just because of the callous, insensitive, and egregious comments she made regarding sexual assault on college campuses but also because of the way she has worked to narrow the role of this office and back away from enforcing transgender students' rights and take away the tools and resources it has as an office to protect our students and actually move it away from its core mission. So as I have said before, I am very glad President Trump and Secretary DeVos decided to nominate someone else to replace Ms. Jackson.

Secondly, I want to thank this nominee, Kenneth Marcus, for his service over the years and for his commitment to the goal of halting discrimination on our college campuses, which is certainly an issue the OCR will face in light of incidents of hateful rhetoric and violence occurring on our campuses and in schools.

I respect Mr. Marcus's commitment, but right now, in this administration, it is not enough. We are now just a bit more than 500 days into President Trump's term, and when it comes to his record and his rhetoric on civil rights, I haven't been surprised once.

I want to start with his rhetoric. This is a President who kicked off his campaign by calling Mexicans criminals, who has called for a ban on all Muslims coming to America, who has openly ridiculed a journalist with a disability, who has openly demeaned women, who defended White supremacists rallying in Charlottesville by saying there were "many fine people" among them, who compared immigrants to "animals" and referred to entire countries with an expletive I will not repeat on the Senate floor. Sadly, I can go on.

It goes beyond his hateful rhetoric. President Trump has tried to implement that Muslim ban. He has actually rolled back guidance on enforcing transgender students' rights. He revoked title IX guidance, which protects women and helps bring perpetrators of sexual assault to justice, halted investigations into systemic discrimination, and has pushed his administration to engage in appalling behavior on our border, dehumanizing immigrants and separating kids from their families. That list goes on.

I feel very confident in saying that when it comes to civil rights, when it comes to the rights and safety of women, of people of color, of LGBTQ people, of people with disabilities, this President has purposefully fanned the flames of racism, ableism, bigotry, and sexism in ways that we have not seen in a generation, and anyone who cares about civil rights in America should be able to point that out.

That is why I was so disappointed that President Trump's nominee to lead the Department of Education's Office for Civil Rights could not answer one of my questions at his hearing. When I asked Mr. Marcus to name a single example of something President Trump has said or done that he disagrees with when it comes to discrimination or women's rights or civil rights, he couldn't say one—not a single example, and that is all I was looking for.

He could have talked about how President Trump has stoked hatred and division of Muslims and Latinos; maybe he disagreed with that. He could have talked about how President Trump has downplayed hate crimes against minority communities here in America; maybe he could have said he disagreed with that. He could have talked about how President Trump nominated Jeff Sessions to lead his Justice Department, someone with a record of opposing civil rights protections; maybe he disagreed with that. He could have talked about how President Trump named someone hostile to LGBTQ rights to lead the Office for Civil Rights in the Department of Health and Human Services; maybe he could have disagreed with that. He could have talked about any of the ways President Trump has tried to weaken and has actually weakened the office Mr. Marcus is nominated to lead; maybe he disagreed with that. Unfortunately, in this administration, there is

almost no end to the options Mr. Marcus had when I asked him a simple question, but we do not know where he stands because he wouldn't name a single thing—not one.

He said: "I really couldn't say, Senator." That was his response to my question.

There are reasons to oppose this nomination, but for me, this non-response to what should be an easy question was enough for me. We have to have someone in this position who is not only able to say that he disagrees with President Trump when it comes to civil rights; we need someone who is prepared to stand up to him. We need someone who is not only able to say they stand on the side of civil rights in the face of constant attacks; we need someone who is actually willing to disagree with their bosses—President Trump and Secretary DeVos—when civil rights are being threatened. But Mr. Marcus could not commit to me that he would do either, and that is something I simply cannot support.

I will be opposing this nomination, and I encourage my colleagues to do the same.

Thank you.

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.

Mrs. MURRAY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mrs. MURRAY. We yield back our time.

The PRESIDING OFFICER. All time is yielded back.

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

Mrs. MURRAY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

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

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from Delaware (Mr. COONS), and the Senator from Illinois (Ms. DUCKWORTH) are necessarily absent.

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

The result was announced—yeas 50, nays 46, as follows:

[Rollcall Vote No. 118 Ex.]

YEAS—50

Alexander	Boozman	Cassidy
Barrasso	Burr	Collins
Blunt	Capito	Corker

Cornyn	Hoever	Risch
Cotton	Hyde-Smith	Roberts
Crapo	Inhofe	Rounds
Cruz	Isakson	Rubio
Daines	Johnson	Sasse
Enzi	Kennedy	Scott
Ernst	Lankford	Shelby
Fischer	Lee	Sullivan
Flake	McConnell	Thune
Gardner	Moran	Tillis
Graham	Murkowski	Toomey
Grassley	Paul	Wicker
Hatch	Perdue	Young
Heller	Portman	

NAYS—46

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

NOT VOTING—4

Blumenthal	Duckworth
Coons	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 Senator from Oklahoma.

UNANIMOUS CONSENT REQUESTS— H.R. 5515

Mr. INHOFE. Mr. President, I ask unanimous consent that the Senate resume legislative session and resume consideration of the motion to proceed to H.R. 5515; further, that the motion be agreed to and Senator INHOFE—myself—or his designee be recognized to offer the substitute amendment, No. 2282, which is the text of the Senate-reported bill. I further ask that it be in order for Senator BOOZMAN or his designee to call up amendment No. 2276 and for Senator REED or his designee to call up amendment No. 2284 and that the amendments be debated concurrently, with the time equally divided until 2 p.m.; finally, that at 2 p.m., the Senate vote in relation to the Boozman and Reed amendments, in the order listed, with no second-degree amendments in order to the amendments prior to the votes.

The PRESIDING OFFICER. Is there objection?

The Senator from Kentucky.

Mr. PAUL. Mr. President, reserving the right to object, two bedrock principles of American jurisprudence are the presumption of innocence and the right to have a trial by jury. I have one amendment that I would ask unanimous consent be included in this bill. This amendment would ensure that no American would ever be held indefinitely in prison without having a trial by jury. I can't imagine why we can't have this. One Republican Senator has been blocking this for 6 years.

I object to this unanimous consent request.

The PRESIDING OFFICER. Objection is heard.

Mr. PAUL. Mr. President, I ask unanimous consent that we allow my amendment to be heard and voted on in the upcoming bill.

The PRESIDING OFFICER. The Senator from Oklahoma has the floor.

Mr. INHOFE. Mr. President, reserving the right to object, first of all, I agree with Senator PAUL's amendment and have agreed with his amendment, and I have made it very clear for a long period of time. Procedurally, I want to get to it, and it is my intention to have a vote on it. That will have to come after we are on the bill. We need to get on the bill first.

So I do object.

The PRESIDING OFFICER. Objection is heard.

LEGISLATIVE SESSION

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

Mr. INHOFE. Mr. President, I ask unanimous consent that the Senate resume legislative session and resume consideration of the motion to proceed to H.R. 5515. I further ask that notwithstanding rule XXII, the Senate vote on the motion to invoke cloture on the motion to proceed to H.R. 5515 at 1:45 p.m. today.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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. INHOFE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

HONORING NEBRASKA'S SOLDIERS WHO LOST THEIR LIVES IN COMBAT

Mrs. FISCHER. Mr. President, I rise to continue my tribute to Nebraska's heroes and the current generation of men and women who have given their lives while defending our freedom in Iraq and Afghanistan. Each of these Nebraskans has a powerful story of answering the call to serve.

SERGEANT FIRST CLASS TRICIA JAMESON

Today I honor the life of Nebraska Army National Guard SFC Tricia Jameson.