

to work with the Department of Justice and go through those approvals and those steps. The Mueller investigation and the Cohen investigation in the Southern District of New York are both subject to those same rules. That gives Mr. Benczkowski, if he is confirmed, not just a window into the Russia-Trump collusion investigation but the ability to actually interfere.

What else we know about Mr. Benczkowski is that he was a longtime political operative here in the Senate, on the Senate Judiciary Committee, where he worked as staff director for none other than Senator Jeff Sessions. Well, Attorney General Jeff Sessions has recused himself from the Russia-Trump collusion investigation. It is therefore an obvious question, if this person brings no experience as a prosecutor but plenty of experience as a close political operative for Jeff Sessions, whether that close political relationship is the reason.

That, in turn, presents the obvious question: Since Benczkowski is not there for his experience or for his qualifications, is he being installed as some kind of back channel, either as a trusted intermediary to get information to Attorney General Sessions around his recusal from this investigation perhaps or perhaps, in a worst-case scenario, to be a pipeline to Trump and his lawyers of confidential investigative information—the kind of information that House Republicans are trying to get their hands on? Maybe it is simply to jam the bureaucratic gears whenever Robert Mueller seeks approvals from the Criminal Division.

These are not easy questions, but there is an easy answer to these questions, and that easy answer is, don't worry, Mr. Benczkowski will be fully recused from that investigation. But the Department and Mr. Benczkowski won't say that. There have been no meaningful answers to these questions. Why won't they just say he will be recused? That should be easy.

It gets weirder. Benczkowski has his own Russia-Trump angle. After the election, with his old boss Sessions tapped to become Attorney General, Benczkowski volunteered for the Trump transition team, leading the so-called landing team at DOJ. It was on his way out the door from that role, heading back to his law firm, that Benczkowski told Sessions he was interested in securing a political appointment in the Department of Justice.

Scroll forward 2 months to March of 2017, when Benczkowski got a call from one of his law partners. The firm was representing the Russian Alfa Bank against allegations that Alfa Bank was serving as a back channel to the Trump organization. Alfa Bank is one of Russia's largest banks, and its owners reportedly have longstanding ties to Vladimir Putin. The partner wanted to know whether Benczkowski—fresh off the Trump Department of Justice tran-

sition team—could help the Russian bank. Benczkowski joined the firm's Alfa Bank legal team.

The next month, in April of 2017, Benczkowski was contacted by the Attorney General's office to ask whether he would like this job to head up the Department's Criminal Division. Press reports as early as May 4 indicated that Benczkowski was likely to be tapped for this Criminal Division job. Surely a person of sound judgment at this point would have stopped representing a Russian bank that might be under DOJ investigation for secret ties to the President. Surely. But no. Rather than withdraw from his representation, Benczkowski expanded his portfolio with Alfa Bank to review the now famous and widely verified Steele dossier.

The Steele dossier has been a feature not only in the Russia-Trump collusion investigation, it has also been a feature of Republican political efforts to discredit and besmirch the collusion investigation.

Benczkowski's new portfolio was to advise whether Alfa Bank, the Russian bank, should file a defamation suit against publisher BuzzFeed for disclosing the Steele dossier, which Alfa Bank subsequently did in New York State court.

There is more. Benczkowski's nomination to this position triggered confirmation obligations to disclose information to the Senate Judiciary Committee about his background, publications, and clients. This client was a Putin-tied Russian bank, and Benczkowski's work related to the red-hot Steele dossier. So obviously he disclosed this client relationship—actually, not. Benczkowski's Senate Judiciary questionnaire included no mention whatsoever of the Russian bank. Only when Democratic Senators reviewed Benczkowski's confidential FBI background report did questions arise about his relationship with Alfa Bank and his review of the Steele dossier for this Russian client. Benczkowski explained the troubling omission, telling us that he had been forbidden by his firm's confidentiality agreement from disclosing his work for Alfa Bank.

Some people would have thought his obligations of disclosure to the Senate mattered more than obligations of non-disclosure to such a client. These disclosure issues are customarily waived by clients in these circumstances or the nominee can withdraw. You don't just fail to list such a client, but that is what he did.

Mr. Benczkowski was voted out of the Judiciary Committee on a party-line vote a year ago. Now, with the Russia-Trump investigation heating up, with significant new potential cooperating witnesses, and with millions of pages of new documents available to the Department of Justice from Michael Cohen, now Republicans bring this nomination forward. Particularly this week, when the country has turned its focus to the Supreme Court an-

nouncement—an announcement obviously likely to dominate the news cycle—this bizarre nomination gets called up for a vote. It is almost as if they don't want people watching while this happens.

This is a nomination that should fail on qualifications alone. In the long history of the Department of Justice, there has never been so unqualified a nominee, in my view. In the name of the 700 career prosecutors in the Criminal Division who deserve an experienced and capable leader at their helm, in the name of the crime victims our criminal laws and their enforcement are intended to protect, I urge my colleagues to vote no just on qualifications. But this goes beyond an unqualified nominee; this is a nominee exhibiting a flashing array of warnings that there may be mischief afoot here. No Senator should take this vote unaware of these obvious warnings. Why somebody so unqualified? Why somebody so politically connected to the Attorney General? Why right now, right in the middle of constant interference by President Trump and his legal team and constant interference by House Republicans with this investigation? Now we put someone in who won't say he will recuse himself, who will have a window into this investigation, who will have the power to interfere with this investigation? That seems like a lot to let pass.

In the name of the integrity and independence of the Department of Justice, Senators should vote no because of the contamination risk Mr. Benczkowski poses even if he were qualified for the post. This combination of lack of qualification—a flagrant, flat-out unqualified nominee—and the risk of contamination in an environment in which there are abundant political efforts to interfere with this investigation—that is a combination no Senator ought to accept—not for this man, not for this job, not at this time.

If mischief is afoot and if these dark prospects should come to pass, Senators, we will have been warned. We will have been warned.

I yield the floor and 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. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

ORDER OF PROCEDURE

Mr. McCONNELL. Mr. President, I ask unanimous consent that notwithstanding the provisions of rule XXII, all postcloture time on Executive Calendar No. 639 be considered expired at 2 p.m. tomorrow and the Senate immediately vote on the nomination; that if confirmed, the motion to reconsider be considered made and laid upon the table and the President be immediately

notified of the Senate's action; and that following disposition of the nomination, the Senate vote on the motion to invoke cloture on the Ney nomination.

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

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate resume legislative session for a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

ARMS SALES NOTIFICATION

Mr. CORKER. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive prior notification of certain proposed arms sales as defined by that statute. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Senate Foreign Relations Committee.

In keeping with the committee's intention to see that relevant information is available to the full Senate, I ask unanimous consent to have printed in the RECORD the notifications which have been received. If the cover letter references a classified annex, then such annex is available to all Senators in the office of the Foreign Relations Committee, room SD-423.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEFENSE SECURITY
COOPERATION AGENCY,
Arlington, VA.

Hon. BOB CORKER,
Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 18-03, concerning the Air Force's proposed Letter(s) of Offer and Acceptance to the Government of the United Kingdom for defense articles and services estimated to cost \$650 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

CHARLES W. HOOPER,
Lieutenant General, USA, Director.
Enclosures.

TRANSMITTAL NO. 18-03

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

- (i) Prospective Purchaser: The Government of the United Kingdom.
- (ii) Total Estimated Value:
Major Defense Equipment* \$600 million.
Other \$50 million.
Total \$650 million.

- (iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:

Major Defense Equipment (MDE):

Up to two hundred (200) AIM-120D Advanced Medium-Range Air-to-Air Missiles (AMRAAMs).

Non-MDE:

Also included in this sale are missile containers; weapon system support equipment; support and test equipment; site survey; transportation; repair and return support; warranties; spare and repair parts; publications and technical documentation; maintenance and personnel training; training equipment; U.S. Government and contractor engineering, logistics, and technical support services; and other related elements of logistics and program support.

- (iv) Military Department: Air Force (UK-D-YAM).

- (v) Prior Related Cases, if any: UK-D-YAL, 6 Sep 17.

- (vi) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None.

- (vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Attached Annex.

- (viii) Date Report Delivered to Congress: July 10, 2018.

* As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

United Kingdom—AIM-120D Advanced Medium Range Air-to-Air Missile (AMRAAM)

The Government of the United Kingdom has requested to buy up to two hundred (200) AIM-120D Advanced Medium Range Air-to-Air Missiles (AMRAAMs). Also included in this sale are missile containers; weapon system support equipment; support and test equipment; site survey; transportation; repair and return support; warranties; spare and repair parts; publications and technical documentation; maintenance and personnel training; training equipment; U.S. Government and contractor engineering, logistics, and technical support services; and other related elements of logistics and program support. The estimated cost of the overall possible sale is \$650 million.

The proposed sale will support the foreign policy and national security policies of the United States by helping to improve the security of a NATO ally which has been, and continues to be, an important partner on critical foreign policy and defense issues.

The proposed sale will improve the Royal Air Force's aircraft capabilities for mutual defense, regional security, force modernization, and U.S. and NATO interoperability. This sale will enhance the Royal Air Force's ability to defend the United Kingdom against future threats and contribute to future NATO operations. The United Kingdom will have no difficulty absorbing these missiles into its armed forces.

The proposed sale of this equipment will not alter the basic military balance in the region.

The principal contractor will be Raytheon Missile Systems Company, Tucson, AZ. At this time, there are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to the United Kingdom.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

TRANSMITTAL NO. 18-03

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex Item No. vii

- (vii) Sensitivity of Technology:

1. The AIM-120D Advanced Medium Range Air-to-Air Missiles (AMRAAM) is a guided missile featuring digital technology and micro-miniature solid-state electronics. AMRAAM capabilities include look-down/shoot-down, multiple launches against multiple targets, resistance to electronic countermeasures, and interception of high- and low-flying and maneuvering targets. The AMRAAM is classified CONFIDENTIAL, major components and subsystems range from UNCLASSIFIED to CONFIDENTIAL, and technical data and other documentation are classified up to SECRET.

2. The AIM-120D AMRAAM hardware, including the missile guidance section, is classified CONFIDENTIAL. State-of-the-art technology is used in the missile to provide it with unique beyond-visual-range capability. The increase in capability from the AIM-120C-7 to AIM-120D consists of a two-way data link, a more accurate navigation unit, improved High-Angle Off-Boresight (HOBS) capability, and enhanced aircraft-to-missile position handoff.

3. AIM-120D features a target detection device with embedded electronic countermeasures, and an electronics unit within the guidance section that performs all radar signal processing, midcourse and terminal guidance, flight control, target detection, and warhead burst point determination.

4. If a technologically advanced adversary obtains knowledge of the specific hardware and software elements, the information could be used to develop countermeasures or equivalent systems that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

5. A determination has been made that the Government of the United Kingdom can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This proposed sale is necessary to the furtherance of the U.S. foreign policy and national security objectives outlined in the policy justification.

6. All defense articles and services listed in this transmittal are authorized for release and export to the Government of the United Kingdom.

DEFENSE SECURITY
COOPERATION AGENCY,
Arlington, VA.

Hon. BOB CORKER,
Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 18-24, concerning the Air Force's proposed Letter(s) of Offer and Acceptance to the Kingdom of Denmark for defense articles and services estimated to cost \$90 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

CHARLES W. HOOPER,
Lieutenant General, USA, Director.
Enclosures.

TRANSMITTAL NO. 18-24

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

- (i) Prospective Purchaser: Kingdom of Denmark.
- (ii) Total Estimated Value:
Major Defense Equipment* \$75 million.
Other \$15 million.
Total \$90 million.
- (iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase: