

Korea has tested an ICBM that analysts believe is capable of reaching all of the United States, we should move forward on this legislation now. In fact, just yesterday CIA Director Pompeo said that “North Korea is ever closer to being able to hold America at risk” and that its nuclear weapons program had developed at a “very rapid clip.”

We have no time to waste. We should move forward immediately on the BRINK Act and move forward on other legislation that came out of the Foreign Relations Committee on this issue. I think we owe it to the American people to do this right away, without further delay.

#### DETER ACT

Mr. President, I would like to turn now to another security threat to our country—a threat, really, to the core of our democracy—and that is foreign interference in our elections.

We all know we have great divisions and differences on lots of issues around our country and in this body, but one thing that should unite us all and one principle that should bring us all together, Democrats and Republicans alike—in fact, Americans, regardless of political party or political stripe—is that we should protect our democratic process. We should protect the integrity of our elections and our democratic institutions.

We know that our democracy has been under threat by foreign powers that want to interfere in our democratic process. In a declassified report released in January of last year, the intelligence community unanimously assessed that “Russian President Vladimir Putin ordered an influence campaign in 2016 aimed at the U.S. Presidential election.” As part of that campaign, the Kremlin hacked and released emails of the DNC. It could be the DNC yesterday, and it could be the RNC tomorrow. It could be any entity that they would seek to disrupt.

In 2016 they also breached voter registration databases of State and local election boards. They hacked a major voting software supplier and launched an extensive disinformation campaign targeting American voters during the 2016 election cycle. Their goal was not just to disrupt the candidacy of Secretary Clinton. Our intelligence community has assessed that Russia sought “to undermine public faith in the U.S. democratic process.” Even more importantly, the unanimous consensus of the intelligence community was that Moscow will apply its “lessons learned” to future elections in the United States and around the world.

We know that cyber attacks on our electoral system are only going to get more aggressive and more sophisticated over time, and Russia is not the only foreign power capable of waging a cyber war on our democracy. We should expect that other hostile actors will seek to undermine our democratic system, as well.

With this in mind—even as we assess what happened in 2016—it is really im-

portant that we come together to focus on what could happen in 2018 and beyond. We need to work together urgently to prevent these attacks on our democracy. The question is, How do we do that? There are lots of things we can be doing, but one way is to make very clear to any foreign adversary that the costs of interfering in our elections far outweigh the benefits.

In order to effect that calculation, Senator RUBIO and I recently introduced the Defending Elections from Threats by Establishing Redlines, or the DETER, Act. The DETER Act is a bipartisan bill, and it is designed to be forward looking and to prevent foreign interference in our elections. It sends an unequivocal message to any foreign power: If you attack American candidates, campaigns, or voting infrastructure, you will automatically face severe consequences, and we will use the full range of the tools at our disposal to impose those punishments.

To start, the DETER Act mandates regular reporting from the executive branch to the Congress on foreign threats to our elections. Specifically, it requires the Director of National Intelligence to issue a determination to Congress, not more than one month after every Federal election, on whether or not a foreign government or an agent acting on behalf of a foreign government has interfered in that election.

The Director of National Intelligence will talk to all of their colleagues in the intelligence community, make a determination about whether or not there has been interference in an election, and report to Congress as to whether that answer is yes or no.

The DETER Act lays out four redlines—four criteria—that actors cannot cross without retaliation from the United States. If you go over this tripwire, you will face severe penalties.

What are the tripwires?

First, a foreign government cannot hack the infrastructure of elections and campaigns and leak or alter that information. This ensures that a foreign power would pay a stiff price for leaking campaign emails or breaching voter registration databases—all actions Russia undertook in 2016.

Second, a foreign government could not block or disrupt access to the infrastructure of campaigns and emails without tripping the penalty provisions. This means, for instance, that a foreign adversary could not launch distributed denial-of-service attacks on websites providing voters with information on their polling locations. We have seen Russia employ these attacks to undermine elections in parts of Europe, and they could do the same here in the United States in the future.

Third, a foreign government cannot purchase advertising intended to influence an election, including online ads. This is already prohibited by our law. So it makes sense to make this one of the redlines that cannot be crossed without suffering the penalties laid out

in the bill. We know that Russia purchased more than 3,000 Facebook ads during the 2016 cycle to sow divisions among Americans on issues like immigration, gun rights, the Black Lives Matter movement, and Muslim Americans. They targeted these ads to maximize turmoil and polarization.

Finally, the bill sets up another redline—another tripwire—where a foreign government cannot use social or traditional media to spread significant amounts of false information to Americans. We know that Russia mobilized an army of bots and trolls to promote false information to Americans during the 2016 cycle. In fact, the Kremlin even established a troll farm in St. Petersburg with staff dedicated to spreading this false and divisive content in the United States. Under the bill I introduced with Senator RUBIO, those actions would not go unpunished.

So those are the tripwires. Those are the redlines that are established in the bill, and the Director of National Intelligence has to report after an election whether or not Russia or any other foreign power tripped over those redlines. The bill is very clear. It says that if Russia crosses any of those redlines in a future election, a series of sweeping sanctions would be triggered within 10 days of the determination by the Director of National Intelligence. The bill lays out those sanctions very clearly.

Major sectors of Russia's economy, including finance, energy, metals, and mining, would be subject to automatic, mandatory sanctions. Every senior Russian political official or oligarch would be barred from entering the United States and would have their assets blocked. These sanctions are far, far stronger than any action taken to date with respect to Russia. The DETER Act conveys to Putin and others in Moscow, in unequivocal terms, that the United States will not tolerate attacks on our democracy. If it does, and the Director of National Intelligence reports that to Congress, then these automatic sanctions will be imposed.

So if you are Vladimir Putin and you are trying to decide whether you want to mess around in the U.S. election, you have to recognize that if you get caught—and they got caught in 2016; it is just that when they got caught, there were no automatic penalties. But if this legislation passes the House and the Senate and is signed by the President, this time, they have to consider that if they get caught, they will face very severe penalties. So, in my view, the costs of getting caught are huge and are something that would greatly deter Russia or any other foreign power from tripping over those redlines.

To the extent we can, we should impose these costs in partnership with like-minded nations, especially our European allies, which have long been subject to Russia's cyber attacks on their democratic processes. That is

why the DETER Act requires the administration to work with the European Union to take strong and collective measures against Russia for its cyber meddling.

As we know, Russia is not the only adversary capable of launching these kinds of attacks to disrupt our democracy. Other hostile powers or other adversaries may look at what Russia did in 2016 and what it has done in Europe and they, too, may seek to exploit American vulnerabilities in future elections. They will certainly look at that possibility if they know they can get away with it without paying any consequences. In fact, in testimony to Congress last May, the Director of National Intelligence identified China, Iran, and North Korea as other major foreign governments that have the capability today to launch those kinds of cyber threats against our democracy. So this legislation urges the administration to present Congress with a deterrence strategy for each of these countries and any other foreign government likely to interfere in our elections going forward.

The bill that Senator RUBIO and I have introduced would have automatic sanctions take place against the Russian economy immediately upon a determination by the DNI or within 30 days of a determination by the DNI that they went over and crossed these redlines. It also asks the administration to set up a similar regime with respect to these other countries so they would also face automatic penalties if they interfered in our elections.

Let me end with this: There is nothing more important to our democracy than making sure we protect the integrity of that process. That should be something we agree on, and I know we agree on that. I know we agree on it as Republicans and Democrats. In fact, stepping back from party labels, we all want to make sure we have free and fair elections that are free of interference and intrusion from any adversary seeking to disrupt the democratic process.

We also know both in our gut and from our intelligence agencies that Russia and other foreign powers will continue to seek to interfere in our elections unless—unless—they are deterred from doing so. The only way to deter them from doing so is to make it absolutely clear in advance—in advance—that if they interfere and get caught, there will be an automatic penalty, and that is a tripwire that is automatically triggered upon a finding by the DNI that they have interfered in our elections.

That is why it is so important to set this up right now, before the November 18 elections and before future U.S. elections, to put this regime in place, to put this structure in place that says to Vladimir Putin—and to develop methods to make sure we have it in place with respect to other countries that have a high risk of interfering in our elections—if you meddle, if you try to

undermine our democracy, you will pay a penalty. Don't do it.

I hope we will move together on a bipartisan basis to take this step to protect our democracy.

Thank you.

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

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

Mr. MENENDEZ. Mr. President, I come to the floor to express my concerns over the nomination of Sam Brownback to serve as Ambassador at Large for International Religious Freedom at the State Department. I do not take my vote against a former colleague's nomination lightly nor do I question Governor Brownback's devotion to his own faith. Indeed, as a person of faith myself, I admire it.

I firmly believe, however, that anyone seeking to represent the United States of America must actively champion the rights of all people to worship freely and without fear. The right to religious freedom is enshrined in our Constitution, and it is a value that we must champion at home and abroad.

Having devoted my life to serving the people of New Jersey—a State enriched by incredible diversity—I believe religious freedom is part of what makes America exceptional. Even in the 21st century, we live in a world where governments and nonstate actors still use religion as a tool of oppression. They cloak their authoritarianism in the guise of divine inspiration, using their faith to justify the persecution of anyone they choose.

The U.S. Ambassador for International Religious Freedom must commit to defending the rights of all religious minorities around the world—Christians and Muslims, Jews and Sikhs, Hindus and Baha'i. Unfortunately, Governor Brownback's career has been defined by a lack of tolerance for those who do not share his own beliefs. I fear he will focus solely on protecting Christian minorities, while we must acknowledge publicly that people of all faiths are persecuted and demand equal representation.

Additionally, his own personal record on important issues gives me concerns. Consider his troublesome record on protecting the rights of LGBTQ individuals. I was deeply disturbed that when pressed during his confirmation hearing, Governor Brownback could not even bring himself to muster a resounding “no”—that it is never acceptable for a government to imprison or execute an individual based on their sexual orientation. Condemning such horrific human rights abuses should never be a heavy lift for anyone who seeks to represent our Nation on the global stage.

I cannot in good faith support the confirmation of someone as Amba-

sador at Large for Religious Freedom who does not believe that all individuals are created equally in God's image.

During his hearing, Governor Brownback also declined to say whether political leaders should be able to use religion to deny women access to healthcare and deprive them of their basic human rights. His silence spoke volumes.

At a time when the Trump administration continues to expand the scope of the global gag rule to the effect of preventing healthcare workers from doing their jobs and providing lifesaving care, we need a leader who recognizes that women's rights are human rights and who knows that the oppression of women by religious zealots is a hallmark of despotism.

During his time as Governor and here in the Senate, Mr. Brownback often used religion to push policies that undermine the rights of women to access healthcare, control their own bodies, and determine their own destinies.

As much as I know the people of Kansas wish to see Governor Brownback sent abroad and out of their State, I cannot support his confirmation today. In these uncertain times, in a world rife with challenges, our Ambassador at Large for International Religious Freedom must be a champion for people of all faiths and a warrior for the human dignity of all of God's children.

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

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

All postcloture time is expired.

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

Mr. RISCH. Mr. President, 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 Senators are necessarily absent: the Senator from Tennessee (Mr. CORKER) and the Senator from Arizona (Mr. MCCAIN).

The yeas and nays resulted—yeas 49, nays 49, as follows:

[Rollcall Vote No. 23 Ex.]

YEAS—49

Alexander	Cotton	Grassley
Barrasso	Crapo	Hatch
Blunt	Cruz	Heller
Boozman	Daines	Hoeben
Burr	Enzi	Inhofe
Capito	Ernst	Isakson
Cassidy	Fischer	Johnson
Cochran	Flake	Kennedy
Collins	Gardner	Lankford
Cornyn	Graham	Lee

McConnell  
Moran  
Murkowski  
Paul  
Perdue  
Portman  
Risch

Roberts  
Rounds  
Rubio  
Sasse  
Scott  
Shelby  
Sullivan

Thune  
Tillis  
Toomey  
Wicker  
Young

John Barrasso, Richard Burr, John Cornyn, Thom Tillis, John Hoeven, Tom Cotton, Joni Ernst, James M. Inhofe, Steve Daines, Mike Crapo, James Lankford, Roy Blunt.

#### NAYS—49

Baldwin  
Bennet  
Blumenthal  
Booker  
Brown  
Cantwell  
Cardin  
Carper  
Casey  
Coons  
Cortez Masto  
Donnelly  
Duckworth  
Durbin  
Feinstein  
Gillibrand  
Harris

Hassan  
Heinrich  
Heitkamp  
Hirono  
Jones  
Kaine  
King  
Klobuchar  
Leahy  
Manchin  
Markey  
McCaskill  
Menendez  
Merkley  
Murphy  
Murray  
Nelson

Peters  
Reed  
Sanders  
Schatz  
Schumer  
Shaheen  
Smith  
Stabenow  
Tester  
Udall  
Van Hollen  
Warner  
Warren  
Whitehouse  
Wyden

#### NOT VOTING—2

Corker

McCain

The VICE PRESIDENT. On this vote, the yeas are 49, the nays are 49. The Senate being equally divided, the Vice President votes in the affirmative, and the nomination is confirmed.

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 PRESIDING OFFICER (Mr. TILLIS). 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.

#### PAIN-CAPABLE UNBORN CHILD PROTECTION ACT—MOTION TO PROCEED

Mr. MCCONNELL. Mr. President, I move to proceed to Calendar No. 294, S. 2311.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 294, S. 2311, to amend title 18, United States Code, to protect pain-capable unborn children, and for other purposes.

#### CLOTURE MOTION

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

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

The senior assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to S. 2311, a bill to amend title 18, United States Code, to protect pain-capable unborn children, and for other purposes.

Mitch McConnell, John Boozman, Jerry Moran, Marco Rubio, Deb Fischer,

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I move to proceed to executive session to consider Calendar No. 622, David Stras. The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of David Ryan Stras, of Minnesota, to be United States Circuit Judge for the Eighth Circuit.

#### CLOTURE MOTION

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

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

The senior assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of David Ryan Stras, of Minnesota, to be United States Circuit Judge for the Eighth Circuit.

Mitch McConnell, Pat Roberts, Roy Blunt, Tim Scott, Todd Young, Richard C. Shelby, Chuck Grassley, John Boozman, Marco Rubio, Mike Crapo, Steve Daines, Jerry Moran, David Perdue, Tom Cotton, John Cornyn, Roger F. Wicker, John Thune.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the mandatory quorum calls for the cloture motions be waived.

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

#### EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 552, R.D. James.

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

The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of R.D. James, of Missouri, to be Assistant Secretary of the Army.

#### PAIN-CAPABLE UNBORN CHILD PROTECTION BILL

Mr. MCCONNELL. Mr. President, last week Americans from all across the country—including many from Kentucky—came here to Washington to speak up for unborn children whom our legal system has denied the right to life. Now Congress has an opportunity to take a step forward.

The United States is currently one of just seven countries—just seven—in-

cluding China and North Korea, that permits elective abortions after 20 weeks. It is time we began to remedy this obvious and tragic moral wrong. The long-overdue legislation that we will be voting on soon would do just that.

I am pleased to have filed cloture on this bill to protect unborn children who are capable of feeling pain. I am proud to cosponsor it, along with many of my colleagues, and I look forward to voting for it early next week.

#### LEGISLATIVE SESSION

#### MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to 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.

#### REMEMBERING TIM O'CONNOR

Mr. LEAHY. Mr. President, I would like to take a moment to remember a remarkable Vermonter, Tim O'Connor, who passed away last week.

For those of us who knew him, Tim was unforgettable. He had a terrific sense of humor, especially when it involved the Irish. Marcelle and I have been friends with Tim and his wife, Martha, since I was a young lawyer starting my practice. We fondly remember meals at their home and how they cared for us and our children as I was first running for Senate.

Tim loved Vermont and was committed to making a difference, both in Brattleboro and statewide. He set an example for the importance of public service, serving in positions as humble as town moderator, to those as important as speaker of the Vermont State House. He served as a Democrat in the Vermont House of Representatives from 1969 to 1981. Throughout his career, Tim embodied bipartisanship above all else, reaching across the aisle to put Vermonters first. In what surely sounds like a fairytale in this hyperpartisan era, when Tim served as speaker of the house, Republicans controlled the chamber.

The only thing that Tim loved more than our State was his family. Marcelle and I have them in our hearts, and our prayers go out to Martha, Kerry, Kate, and Kevin. I called Martha to tell her how I will miss him, but that I will look, every day, at the walking stick Tim brought me from Ireland.

I ask unanimous consent that Bob Audette's article in the Brattleboro Reformer be printed in the RECORD.

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