

Right now, we have a President who pushes coal and fossil fuels which, unless their carbon dioxide emissions are captured, must become the energy sources of the past. President Trump's energy policy is backward-looking and puts our economic competitiveness at risk. But presidents serve only for a term or two, which brings us back again to Judge Kavanaugh.

Hopefully, we will be able to recover from the backward environmental policies of the Trump administration. But Supreme Court Justices serve for life, so we cannot afford a Justice who is hostile to our environment and to human health. We cannot afford a Justice who rejects actions to fight climate change. We just don't have the time.

Thank you.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

#### CYBER SECURITY

Mr. GRAHAM. Mr. President, I wish to make a few comments about the topic in the news today and yesterday and, hopefully, will result in some action by Congress; that is, the threats we face as a Nation regarding our electoral system.

First I would like to recognize the Presiding Officer of the Senate, Senator RUBIO, for working with Senator VAN HOLLEN to come up with a piece of legislation called the DETER Act, which I think will serve us well. If the Director of National Intelligence certifies that a foreign power—Russia or anyone else—is trying to attack our electoral infrastructure, they will pay a heavy price.

Today is July 17, 2018. On Friday, last week, I think it was July—I don't know the dates; I just got back from traveling. So on Friday of last week, a few days ago, the Director of National Intelligence said the following: "The warning lights are blinking red again. Today, the digital infrastructure that serves this country is literally under attack."

How much more do we need as a body and as a nation to rally ourselves to act while there is still time?

He indicated that our cyber space strategies emphasize only defense, not offense as well, evoking President Reagan's Cold War approach to the Soviet Union. Mr. Coats suggested that if Russia continues to try to take on the United States in the cyber arena, then the administration should throw everything we have into that exercise.

Every Member of Congress, every Member of the Senate, as well as the President, has an obligation to defend the Nation against all enemies, foreign and domestic. I am 1,000 percent convinced that the Russians meddled in our election in 2016. They did not change the outcome, but they did disrupt our election. The bottom line is they are still up to it.

If you don't believe me, just ask Director of National Intelligence Dan Coats, who is a former Member of this body.

In August of 2001, the 9/11 Commission found statements from the CIA that indicated there was something afoot, that "the lights are blinking red," but they couldn't point to bin Laden specifically. As we look back, how much accountability should the Bush administration have had and how much accountability should Congress have had back then? Did we miss the warning signs regarding the September 11 attack? I would suggest that the chatter was strong and the threat was real, but nobody could really pinpoint it.

Here is what I am suggesting: The chatter is strong, the threat is real, and we know exactly where it is coming from. The question is, Will the House and Senate, working with the President, do anything about it? Senator RUBIO and Senator VAN HOLLEN have chosen to try to do something about it.

We are all eventually going to be in the history books. President Trump said today that he believed our electoral infrastructure needs to be made more secure—not just electoral infrastructure; energy and financial services are under threat, and not just from Russia.

So I want to look forward. I heard Senator MCCONNELL say today that he would like to find some bipartisan legislation that could come forward sooner rather than later to try to harden the infrastructure before the 2018 election. The bottom line here is that we all owe it to every voter in the country and all of those who are serving in the intelligence community and in the military to secure our election the best we can.

I am hoping that we will become "Team America" just for a few minutes. I am not asking my Democrat friends to give President Trump a pass, and I am not asking my Republican colleagues to stop fighting for our agenda. I am asking both parties to calm down and focus on the common enemy. The common enemy is Russia, and countries like Russia, that want to undermine our democracy, pit us one against the other, and they did it in 2016. If you believe Dan Coats, they are going to do it again. This meeting recently with President Trump and Putin—in my view, we missed an opportunity to really put the Russians on notice. But rather than look back, let's look forward.

Today, President Trump expressed confidence in our intelligence community. I am glad to hear that. I trust them far more than I trust Putin. It is not just America that Putin has been trying to interfere with; it is in France and Germany and everywhere else there is a democracy. President Putin is trying to destroy alliances like the European Union, which, I think, has value to the United States. He is trying to break NATO. He is attacking us here at home: fake news—truly fake news—made-up news article to try to pit one American against the other and trying

to steal emails from party officials and dump them into the public domain at critical times in the election.

What do I say to my Republican colleagues? It was the Democrats last time; it could be us next time. It was Russia last time, and they are still up to it this time, but Iran, North Korea, China—fill in the blank—we are all exposed.

Article 5 of the NATO Charter says that an attack against one is an attack against all. So I would ask my colleagues tonight to think about that in terms of our democracy. An attack on one party should be an attack on all parties.

The Republican Party should take no comfort or glee in the fact that our Democratic friends were compromised in a very embarrassing way that hurt them. Nobody changed vote totals. But can you imagine how we would feel if the inner circle of the President was hacked and, at a crucial time in the election, the information was exposed?

To my friends in the media, you have to make a hard decision: How much do you empower this? How much do you aid a foreign government by publishing this information?

I believe we are at war in many ways. We are not at war in a direct way with Russia, but these cyber attacks are, to me, a hostile act against our country just as much as if they had launched a conventional attack. They are going to continue to do this until they pay a price.

I would like for us to come together to not only harden our infrastructure to make sure that 2018 cannot be compromised by a foreign power but also to make countries like Russia pay a price.

Senator VAN HOLLEN and Senator RUBIO have a very good piece of legislation which basically says that if the Director of National Intelligence certifies that a foreign power like Russia is continuing to interfere in our election, then we will up sanctions. We will make it harder, not easier, on that foreign power. It is Russia today; it could be somebody else tomorrow, and it probably already is.

So rather than taking the moment and dividing us about what President Trump said or didn't say, why don't we use this as an opportunity to listen to the professionals, not the politicians.

Senator RUBIO is on the Intelligence Committee. I am very proud of the work they have accomplished. They made a bipartisan finding that Russia did meddle in the 2016 election with the view of trying to help Trump over Clinton, but there is no evidence it changed the outcome.

The bottom line for me is that if we don't come together now—this is the end of July, July 17—we have precious days left to take action that could protect the 2018 election cycle.

The worst thing that could happen in a democracy is if somebody's vote could be stolen or the information provided to the public could be tainted in a fashion by some foreign entity to pit

one American against another. We do enough of that ourselves; we don't need anybody else's help. And the record is clear, in terms of 2016, that Russia was all over the place spreading disinformation, trying to create conflict within the Democratic primary, within the Republican primary, and during the general election.

November will be here before we know it. Here is what we have to ask ourselves as a body—and eventually be held accountable by the public and history. What did we do in July to answer the alarm raised by Director Dan Coats about the warning lights blinking red? I see attacks on critical infrastructure going on today, and I will expect them to continue. We need to up our game as a nation.

I don't know how any of us can go to our constituents in November and say that we answered Dan Coats' call if we do nothing. So I hope that Senator MCCONNELL and Senator SCHUMER can find a way to come up with a common agenda—maybe starting with the Rubio-Van Hollen bill—to see if there is common ground to deal with a common problem.

I would ask President Trump not to look backward, but to look forward. I have no doubt that you won the election, Mr. President, in 2016. The Russians didn't beat Ms. Clinton; you did. But what they are up to now can jeopardize our democracy.

We are just a stone's throw away from their changing vote totals. Senator RUBIO knows this better than I because he is on the Intelligence Committee. They are already infiltrating voter registration files. It would not be much of a leap to have some votes flipped through cyber attacks. So we have a chance in the coming days—working together, not against each other—to find solutions to this problem. I am sure whatever we come up with will not be perfect, but at least we tried. The one thing I cannot live with is not trying.

I have known Dan Coats for well over a decade, Secretary Pompeo, the entire national security team, Senator BURR, Senator WARNER, Senator RUBIO—they all tell us the same thing: Our critical infrastructure is under attack by foreign powers, Russia being the leader. The question for us is, What do we do about it?

I am hoping that next week the President will call the Congress together, in a bipartisan fashion, to come up with some preventive measures to protect our infrastructure, when it comes to the November election, and that we, as a nation, try to figure out what the rules of engagement are going to be, not to just defend ourselves from aggression but punish the aggressor.

I don't have all the answers. I am not suggesting this is my area of expertise, because it is not, but I am smart enough to know Russia is going to continue what they did in 2016, until somebody makes them pay a heavy price, and it is just not Russia; be it Iran,

China, North Korea, or other bad actors.

I don't know how, as a body, we can live with ourselves if we don't try to heed Dan Coats' warnings. They are not just given by him but by those who work for him, who are nonpolitical, who have made it their life's work to find ways to protect this Nation.

So, Mr. President, we have a chance to bring the Congress together. Challenge us to work with you to find solutions to this looming threat, better ways to defend America's critical infrastructure when it comes to our 2018 election, and challenge us to work with you. I hope we will be smart enough to meet that challenge, and I hope you will issue that challenge. You are the most special person in our constitutional democracy when it comes to national security. You are the Commander in Chief. You rightly criticized President Obama for being slow when it came to reacting to Russian interference in 2016. I am sure that was a hard call for President Obama, but there is no doubt in my mind that you, the Senate, and the House are now on notice—by your own intelligence services—that Russia is interfering now and will continue to do so up to 2018 and beyond unless somebody stops them. At a minimum, we should come up with defensive measures available to us. As a nation, we need to deal with this threat.

I am not worried about a foreign power taking over our country in a conventional military fashion. I am worried about foreign powers and terrorist organizations using cyber attacks to cripple our country, our economy, our finances, and our energy, but, most importantly, the heart and soul of democracy, which is free and fair elections. Putin wants no part of free and fair elections. All of us should very much want to have a free and fair election in 2018. We are not going to have one unless we push back together and push back now.

I yield the floor.

## LEGISLATIVE SESSION

### MORNING BUSINESS

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

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

### NIGER

Mr. LEAHY. Mr. President, as vice chairman of the Appropriations Committee, I want to draw the Senate's attention to the plight of civil society leaders in Niger, where political and civil rights have been deteriorating over the last several years. This disturbing trend threatens the U.S.-Niger partnership and should concern each of us.

Mahamadou Issoufou was elected President of Niger in 2011 and, in the following years, worked cooperatively with Niger's international partners, including the United States, to make progress toward the restoration of democratic governance in that country. Our countries have partnered together on health, development, and humanitarian assistance programs, and as we all know, we have suffered tragic losses together in the fight against terrorism.

Progress toward democratic governance has been significantly eroded. Since the run up to President Issoufou's reelection in 2016, the government has increasingly persecuted opposition politicians, journalists, peaceful protesters, and civil society leaders in a manner that has undermined progress and stability in the country.

This trend has not gone unnoticed. The State Department noted in its most recent Human Rights Report that Niger's significant human rights issues include harsh and life-threatening prison and detention center conditions, detention of opposition politicians, and restrictions on freedom of assembly. In November 2017, Niger withdrew from the global Extractive Industries Transparency Initiative after being suspended for failing to meet good governance standards, including for its repression of civil society.

An example of this disturbing trend involves the arrest of several dozen civil society leaders between March and April of this year, in connection with demonstrations against the country's new finance law. Many of these individuals, like Ali Idrissa, the coordinator for the Network of Organizations for Budgetary Transparency and Analysis, are affiliated with Publish What You Pay and are advocates for transparency and accountability of Niger's revenues in order to combat corruption. That effort should be a shared goal in Niger. Peaceful public assembly and calls for accountability should not result in imprisonment.

I urge the Trump administration, other donor governments, including the EU, and the international financial institutions to hold the government of Niger accountable for respecting its citizens' right to freedom of expression and assembly and to join me in calling on President Issoufou to release the detainees and to dismiss the charges against these individuals. This is now a matter of urgency, as four civil society leaders reportedly face jail sentences at a judgment hearing on July 24.

Doing so would be a positive step by the government of Niger toward proving that it is serious about upholding the values that underscore our partnership, including to maintain its eligibility under the recently initiated Millennium Challenge Corporation Compact. That Compact is now subject to heightened scrutiny by the Appropriations Committee, which provides the funding for it.