

has been scheduled for tomorrow. Unfortunately, the President has repeatedly dismissed his own intelligence community's assessment of these deeply troubling events. Of course, this is not the first time we have heard this. We heard this with Russia, when every single one of his intelligence heads clearly said that there had been interference in the last elections and that the Russians were emboldened to do it again. But the President again backed away from that, did not embrace that assessment, and then made policy decisions and statements when he was with Vladimir Putin that undermined that intelligence community. This appears to be what we are seeing again.

The President's response stands in stark contrast to the founding principles of our democracy. If the President refuses to defend the values of this country, then this Congress must.

First, we must hold anyone who ordered and participated—including the Crown Prince—in Mr. Khashoggi's death responsible. To do that, the administration must conduct a full, transparent, and credible investigation.

Second, while the sanctions that the administration has imposed on 17 Saudi officials are an important first step, more must be done. I support Senators CORKER and MENENDEZ in calling on the President to report to Congress on whether the Crown Prince is responsible for this murder. That is what they are supposed to do under the Global Magnitsky Act. If, as reports suggest that the CIA has assessed, the Crown Prince was involved, the sanctions must apply to him too. No one is above the law.

Third, I support suspending nuclear energy talks with Saudi Arabia. It has recently been revealed that the administration has been in extensive talks with Saudi Arabia about nuclear energy. I appreciate that five of my Republican colleagues have come out in favor of suspending these talks, and, of course, that is the right thing to do.

Fourth, I will work with a bipartisan group of my colleagues to limit the sale of weapons to the Saudi military. This is our leverage. This is our leverage to ensure that this investigation is completed; to ensure that these sanctions are implemented and followed; to ensure that this never happens again; and also to send a message to the rest of the world—all of the authoritarian regimes who are watching what happens here—that you don't do this to journalists for American newspapers, that you don't do this to American residents who are simply going back to get their marriage completed.

I previously voted against arms sales to Saudi Arabia, and I will continue to oppose the sale of certain weapons—particularly offensive weapons—to the Kingdom.

The Saudi Armed Forces are so reliant on U.S. military equipment that this argument that they are going to immediately shift to Russia and Chi-

nese suppliers—that would be extremely difficult. So we should exert the leverage that we have now.

There is no question that the United States and Saudi Arabia have common interests in the region and that for many, many years, Saudi Arabia has been our partner. But partnership doesn't require sacrificing our values in exchange for promises of arms sales, oil, or other financial gain. We must be able to cooperate with our partners in the region, while at the same time making clear that we will not overlook human rights abuses or the suppression of peaceful dissent.

The recent actions of the Crown Prince, who many hoped would be a forward-looking reformer, have raised serious questions about our relationship with our partner Saudi Arabia. From expelling the Canadian Ambassador because of a tweet, to the suppression and murder of political dissidents, to what happened with Mr. Khashoggi, to ruthlessly pursuing a war that has resulted in countless civilian casualties in Yemen—the brazen actions of the Saudi leadership must be confronted head-on.

The ongoing war in Yemen has created one of the world's worst humanitarian catastrophes that will impact the safety, security, and stability of the country for decades to come. All you have to do is look at the photos of those little children starving to know that this is wrong.

While I support the administration's recent decision to suspend U.S. aerial refueling for the Saudi coalition, I am concerned that the administration lacks a comprehensive strategy for ending the conflict, including effectively countering Iranian influence. I believe it is very important, by the way, that we put this suspension into law.

I supported a resolution that would have ended U.S. support for the Saudi-led coalition military action in Yemen. I supported that when we voted on it last time and voted for the McCain National Defense Authorization Act, which included a provision that prevented the U.S. military from supporting the Saudi-led coalition's operations unless Saudi Arabia takes steps to alleviate the humanitarian crisis and end the war in Yemen.

I also support the comprehensive, bipartisan legislation introduced by my colleagues to ensure effective oversight of the U.S. policy on Yemen and demand meaningful accountability for the murder of Mr. Khashoggi. Provisions of this legislation, including the suspension of weapons sales to Saudi Arabia, imposition of mandatory sanctions on people involved in the death of Mr. Khashoggi, and a prohibition on U.S. refueling of the Saudi coalition aircraft engaged in the civil war, are very important.

Our response to this murder and the Saudi regime's ruthless suppression of dissent will serve as a lesson to other nations that would do the same.

I have really appreciated the Presiding Officer, Senator FLAKE, standing up for the freedom of the press. Mr. Khashoggi was a journalist. He was simply doing his job. He was doing it with grace. He did it all over the world. And he loved his home country, and look what happened to him.

We must demonstrate that it is unacceptable to suppress, to imprison, and to violently target peaceful opponents of any regime or reporters and that the United States will always defend human rights and hold anyone guilty of violating those rights accountable. Strong, bipartisan congressional leadership will help us demonstrate our resolve. I urge my colleagues to join me in supporting our colleagues' resolution that will come before the Senate, I hope, later this week.

I yield the floor.

The PRESIDING OFFICER (Mr. FLAKE). The Senator from Arizona.

INF AND NEW START TREATIES

Mr. KYL. Mr. President, today, along with several other colleagues from the Senate, I wrote to the President on the subject of the possible extension of the New Strategic Arms Reduction Treaty, or New START.

Several people have been encouraging the President to begin studying whether we should extend New START, which expires in 2021. That is a couple years from now, but obviously, if one is going to consider renewing something of this import, it is good to be thinking about it early. In this regard, we offered to the President suggestions of things that he should take into consideration in determining whether to extend New START with Russia and whether to begin negotiations with the Russians. We suggested three things that he should consider in deciding whether to proceed with these discussions. I am going to discuss one of them in great detail, but the first two are also important because they represented factors that were considered by the Senate at the time that it ratified the first START agreement.

The Senate declared in the New START resolution of ratification that "the United States is committed to proceeding with a robust stockpile stewardship program and to maintaining and modernizing the nuclear weapons production capabilities and capacities that will ensure the safety, reliability, and performance of the United States' nuclear arsenal at the New START treaty levels." That was our commitment. That is what we said in the resolution of ratification, and President Obama had written a letter to the Senate confirming that it was his intention, as long as he was President, to follow this program of work.

Regrettably, what we posited as an underpinning requirement for participation in New START has not been maintained as the years have gone by. The infrastructure and weapons capabilities that were pledged at the time that the Senate gave its consent to the treaty have been significantly delayed

or reduced in scope, and the result of this is a risk that the symmetry that potentially existed between Russia and the United States as a result of the New START treaty will be changed and that the United States will be disadvantaged with the continuation of the New START limits.

Another consideration that we brought to the President's attention was also referred to in the resolution of ratification of the New START treaty—and this was in 2012, by the way—we said that the President should “pursue an agreement with the Russian Federation that would address the disparity between the tactical nuclear weapon stockpiles of the Russian Federation and of the United States in a verifiable manner.” We did that because even at the time that New START was ratified, the Russians had a 10-to-1 advantage in tactical nuclear weapons over the United States, and the New START treaty didn't do anything about that. It dealt only with strategic weapons.

We raised the issue with the Russians. We tried to negotiate it as part of the New START treaty, but Russia was not interested. We went ahead anyway, but what we said was that we really ought to try to address this asymmetry between what the Russians have and what we have in terms of tactical nuclear weapons.

By the way, that hasn't been done, either, so we thought it was important for the President to bear that in mind as he considered what to do about talking to the Russians about extending the New START treaty.

The reason it is important is that the Russians, with this enormous advantage in tactical nuclear weapons, have actually changed their doctrine of war to potentially use those weapons—to use nuclear weapons in a military conflict with the United States or our NATO allies. They believe that this might be beneficial to them under what has been called a doctrine of “escalate to de-escalate.”

What that means is, they start some kind of a conflict with little green men or other kinds of hybrid warfare where they can blame it on somebody else. Maybe there are some cyber attacks that are simultaneous and confuse the issue. In the context of all of this confusion, it is very difficult to put the blame anywhere, but the Russians are finally identified, and an actual military conflict breaks out.

Well, in order to dissuade NATO or the United States from stopping the Russian aggression, if that is what is going on here, the Russian doctrine says: We reserve the right here to use tactical nuclear weapons on the battlefield there, which would enable us to win the battle, obviously, and send a signal to the United States that “You had better just let us be. Stop there.” Maybe they will say: We don't intend to go any further, and so don't escalate this conflict because you can already see that we are willing to use nuclear

weapons, and if you escalate it, you can expect Russia to use nuclear weapons.

Obviously, we don't want to use nuclear weapons in a conflict. The reason we possess the nuclear weapons is to try to defer conflict. But our weapons are very large, devastating weapons that were built to be delivered on long-range missiles or bombers to the Russian—or then the Soviet heartland that could do great destruction to Soviet cities and military installations. They weren't designed to offset tactical attacks by another adversary, like Russia. So we don't have the kinds of tactical weapons that Russia has. As a result, we believe that, on this escalation ladder that could occur in a conflict, we are at a disadvantage, which is why we suggest to the President that in order to be sure that Russia doesn't ever miscalculate and determine that it is worth the risk to Russia to actually conduct an attack, including using nuclear weapons—we need to be sure that they don't miscalculate here, and the President should take into account this disparity in nuclear weapon capability between Russia and the United States today in determining whether to extend the New START treaty.

It may be that in renegotiating this, we need to take all of this into account. These are changed circumstances in doctrine since 2012; they are not changed circumstances in terms of the asymmetry of weapon possession.

There is a third thing that has changed—although in one respect it hasn't changed—that we also asked the President to consider, and that is the fact that a treaty is obviously only as good as the willingness of the parties to abide by it. In the case of the New START treaty, we would expect the Russians to abide by that, as we would expect them to abide by any other treaty. Well, it turns out that at the time that the New START treaty was ratified by the U.S. Senate, the Russians had been in gross violation of another treaty—the INF Treaty—and the government didn't make that clear until after the New START treaty was adopted.

The Intermediate-Range Nuclear Forces Treaty is a treaty of several decades long now that prohibits either Russia or the United States from developing or deploying a missile that has a range between 500 and 5,500 kilometers. This is a treaty that only binds Russia and the United States. It doesn't bind China, for example, which does possess these weapons. So both Russia and the United States would be at a disadvantage in a conflict with China, for example.

We were simply asking that the President consider whether Russia abides by the treaties that it signs, and in that regard, whether it has violated the INF Treaty. Well, it is a question that has already been answered. The U.S. Government has already confirmed—and others have as well—that

Russia has been in violation of the INF Treaty at least since the year 2008.

The onsite inspections regime of the INF Treaty terminated in 2001. It hasn't been particularly easy to verify, but the State Department's 2014 annual compliance report found that Russia was in violation of the INF Treaty. This is the first time we actually made our knowledge of this public.

In April of 2016, the U.S. Government, again, in more detail, revealed Russia's violation of the treaty, and it did so very explicitly, pointing to the particular type of weapon the Russians had been developing—a ground-launched cruise missile. In November of that year, the United States convened a meeting of the Special Verification Commission of the INF Treaty, and through this and other engagements with the Russian Federation, we provided detailed information to Russia about the nature of the violations of which we were aware. This is important because the *modus operandi* of the old Soviet Union was to say: We are not in violation of the treaty. If we are, prove it to us. Then the United States would have to come forward with information we had gathered through intelligence sources that would demonstrate how we found out they were in violation, thus compromising our so-called sources and methods. We thought this violation was important enough to do that, and therefore we informed the Russians through the Commission of what we understood about their program, including information pertaining to the missile, the launcher, Russia's own internal designation for the mobile launcher chassis, and the names of the companies involved in developing and producing both the missile and the launcher. We gave information on the test history of the ground-launched cruise missile program—the GLCM—that we were aware of, including the coordinates of the test and Russia's attempts to obfuscate the nature of the program. We provided all of this information.

We also provided knowledge about the range—between 500 and 1,500—and the fact that violating the treaty with this missile was actually distinct from two other missiles that Russia had developed. I will not give you the descriptions of them, but we have them, and we made all of that public.

We even gave, in a subsequent report, the 2018 annual compliance report, the specific designator for this missile, the 9M729.

We continued to raise these issues throughout 2017, 2018, and in fact it wasn't just the United States. In December of 2017, the North Atlantic Council urged Russia to address the serious concerns raised by its missile system “in a substantial and transparent way, and actively engage in a technical dialogue with the United States.”

Just a couple of weeks ago, on November 12, NATO Secretary General Stoltenberg stated in a speech that

“the deployment of new Russian missiles is putting this historic treaty in jeopardy.”

He was talking about the New START treaty. He completed his thought by saying: “Russia now acknowledges the existence of a new missile system.”

If Russia cannot be trusted to comply with treaties and if we have this long history of violation of the INF Treaty and now the President is being asked to consider reupping the New START treaty, we urge him to consider this in the context of Russia's current violations. Clearly, at a minimum, this would call for additional verification and enforcement with respect to the New START treaty.

It seems to me it calls for more than that because Russia has clearly believed it is in its country's best interests to blatantly violate the INF Treaty and take whatever the consequences are rather than abide by the treaty. If it believes that with respect to the development of a new cruise missile, it could very easily conclude the same with respect to violations of the New START treaty irrespective of any sanctions or other punishment the United States would mete out.

There is very little one can do to a country that chooses to unilaterally violate a treaty. You can point it out, you can say they shouldn't do it, and you can pull out of the treaty itself, but that doesn't fix the problem; namely, their violation in the first place.

We have actually acted on some things with regard to the INF violation. In December of 2017, the United States imposed economic sanctions on the two Russian companies that were involved in the design of this prohibited missile. We also began examining the range of military options for the United States, both that were INF Treaty-compliant and also what would happen were we to leave the INF. By the way, the President has unofficially said that in view of the Russian violation, the United States will leave the INF Treaty. He hasn't made that public announcement formally yet, but it is clear this is what he intends to do. Under the circumstances, one can hardly blame him when the Russians have gone ahead to develop a missile that threatens both Europe and U.S. interests, and we need to react to that in various ways.

One of the things we have done is for Congress to authorize the administration to study what we ought to do in response, both in terms of potential active defenses and potential offensive capabilities to match what the Russians have done. In the 2018 National Defense Authorization Act, we authorized \$58 million to develop active defenses to counter ground-launched missiles of the prohibited range and counterforce and countervailing capabilities to prevent attacks from these missiles and also to establish a program of record to develop an intermediate range, conventional, road-mo-

bile, ground-launched cruise missile of our own. There are additional potential military response options that obviously come to mind, but the point is, there are two countries to an agreement, and when one country deems it important enough to violate the agreement, even to suffer whatever consequences may exist, then the President ought to take this into consideration in deciding to extend yet another nuclear weapons treaty; in this case, the New START treaty.

There are some other things I think the United States would want to consider doing that it can only do if it leaves the INF Treaty, and that is why I think the President is wise to, in effect, give the Russians notice that this is what we intend to do. Russia can still try to come back into compliance, I suppose, by destroying not only the weapon itself, the cruise missiles it has already deployed, and destroying the launchers on which these missiles would be launched because they too would be in violation of the INF Treaty. They have time to do this.

By announcing in advance his intentions, the President has also given us an opportunity to think about our future. It doesn't do any good for defense planners to think about potential weapons or defenses that the United States could develop if there is never a prospect, in the case of the offensive weapon, of ever actually building it or deploying it. That is a career-ender to be sure. The INF Treaty would currently prohibit that. So nobody is going to spend any time planning activities for the United States that would themselves be a violation. By letting Russia know we are now willing to consider doing that, Vladimir Putin should understand that the President is serious about potentially withdrawing from the treaty. Hopefully, that would give him time to think about the consequences and decide to come into compliance, but it may not.

If it doesn't, and he remains out of compliance, then not only could the United States potentially develop weapons of our own to counter the Russian violation, but we could also begin thinking about what this means in terms of other treaties we have with Russia, changes that we would want to make in order to ensure that these treaties are worth complying with.

The New START treaty only applies to the United States and Russia. What it says is, we will both maintain an existing level of nuclear weapons—a little over 15,000 each. The United States had to bring our stockpile down to meet that level. Russia did not. So the practical effect of the New START treaty, at the time, was for the United States to reduce its nuclear weaponry and Russia basically to do nothing.

What Russia has done in the meantime, however, is to continue to work on the modernization of its strategic missile and nuclear weapons programs. It has developed new missiles. It has tested. It has developed new doctrine,

as I said, in the potential use of nuclear weapons, and it has a capability for nuclear warhead production that the United States does not have.

It is not known today, but we don't have a nuclear weapon warhead production capability. We couldn't do it. We could build one in a lab or two over time. Russia has a production line, and it is constantly replacing the warheads it has with new warheads and developing new missiles, as I said. Now, I think all of that is relevant to the consideration of whether we should stay in the New START treaty. If we think Russia will comply with the terms, maybe we would conclude again that it is wise to stay in that treaty. This is a little hard to conclude, however, if Russia remains in violation of the INF Treaty.

For all these reasons, we thought it important to recite a little bit of the history of the New START treaty and to quote from the resolution of ratification so the President could see what the Senate's intention was when that treaty was ratified at the end of 2012 and to think about what those factors mean in today's world if the President has an intention to think about potentially extending the terms of the New START treaty.

Again, it doesn't happen until 2021. It is smart to start thinking about it now, but in thinking about it, instead of just blindly considering that it is a wonderful thing and we need to move forward with it without expressing an opinion against extending it, the signers of this letter wanted the President to appreciate some of the background and to understand what we thought the intentions were and what we hoped would occur after the New START treaty was adopted and ratified and how we thought it would improve the relationship between Russia and the United States at the time. If anything, conditions have gotten worse, not better. As a result, these are factors the President should take into consideration when determining whether to consider extending the New START treaty.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. JOHNSON). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

NOMINATION OF THOMAS FARR

Ms. WARREN. Mr. President, for decades powerful interests have been working to take over our courts and tilt the scales of justice in favor of billionaires and giant corporations. President Trump has been all in, nominating extreme and partisan judges to the Federal judiciary at lightning speed.

Trump's judges can easily fill a “Who's Who” of radical, rightwing, pro-corporate lawyers, but today I