

plan yet. We hear it is being written in a back room by the so-called Big 6—all Republican—but I haven't seen it, Ranking Member WYDEN hasn't seen it, and no Democrat in the Senate has seen it.

I can tell you one thing: If the President's tax plan repeals or rolls back the estate tax, it will be clear that a lot of this plan benefits the very rich, contrary to all of his words.

I would remind everyone that only 5,200 of the over 2.7 million estates in this country will pay any taxes this year. The estate tax only kicks in when couples with estates of nearly \$11 million transfer their wealth. Go to North Dakota—and I know the Acting President pro tempore has nice family farms out there—and ask how many have an estate worth \$11 million, and if they do, I am willing to exempt from the estate tax a family farm that is over that. But almost no one does.

A study by the Center on Budget and Policy Priorities showed that of the 5,200 estates—here we have 2.7 million estates. Only 5,200 qualify for the estate tax because they are worth \$11 million, and of those, 50 are small farms or businesses—50. Let's exempt those 50. Let's make all of these other guys pay. We need the money. They are rich. God bless them.

So when President Trump says the estate tax is a burden on the family farmer, I honestly don't know what he is talking about. There may be a few. They may make a lot of noise. God bless them. That is their right as Americans. There are very, very few. That is not what the facts say.

Let me show my colleagues the next chart. Of 2.7 million taxable estates, just 50 are farms and small businesses that would benefit from the repeal of the estate tax—2.7 million; 50.

There was an amazing moment last night at the meeting we held at the White House when the estate tax came up, and a few of the President's advisers said: Oh, no one pays the estate tax. There have even been news reports that Gary Cohn has told Members of Congress that "only morons pay the estate tax." What they mean, of course, is that rich people—people rich enough to be levied estate taxes—can find ways around paying them; they can afford all of those lawyers and estate planners.

Well, first, they are wrong. Repealing the estate tax would add \$269 billion to the deficit over 10 years—\$269 billion. So there are a lot of people paying the estate tax. Maybe they are morons, as Gary Cohn once called them, maybe they are not, but there is a lot of money out there that comes in from these very wealthy with the estate tax.

Second, Mr. Cohn and the others who say this bring up an important point. The right thing to do is not repeal the estate tax but close the loopholes. If you have an estate worth that much, you should be paying the estate tax, not finding clever ways to avoid your tax obligation. Again, if you are rich, if

you have a big estate, God bless you. That is the American way. But pay your fair share. Pay your fair share.

Democrats want to participate in reforming our Tax Code. There are lots of good things we can agree on—closing loopholes like this one, cutting taxes for the middle class, helping small businesses, bringing offshore deferred income back into the United States.

We have laid out three principles: no reconciliation—that means do it together, not how they did healthcare, which didn't end up with a great result; second, no tax cuts for the top 1 percent, who are doing just fine, God bless them; third, fiscal responsibility—we should not increase the deficit as we cut taxes, particularly now that we are going to have to spend hundreds of billions of dollars to help the beleaguered States of Texas and Florida.

Some Republicans have characterized those three principles as lines in the sand that show that Democrats aren't serious about tax reform. So I would ask my Republican colleagues, which of the three do you not agree with? Do you think we should cut taxes on the top 1 percent? Do you think we should create deficits by cutting taxes on the wealthy? Do you think you should just go at this alone? If you agree with those, fine. Say so. Don't say that these are lines in the sand. We are offering some policy guidance that has virtually unanimous support in our caucus.

By the way, these three principles guided the 1986 tax reform, which was the most successful tax reform we have had in decades.

It seems to me it is not Democrats who would move the goalpost on tax reform but some Republicans who no longer want to play by the same rules.

Mr. President, I yield the floor to my dear friend, the chairman of the Armed Services Committee, who is doing a great job getting this bill through.

#### RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. SULLIVAN). Under the previous order, the leadership time is reserved.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2018

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2810, which the clerk will report.

The senior assistant legislative clerk read as follows:

A bill (H.R. 2810) to authorize appropriations for fiscal year 2018 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.

Pending:

McCain/Reed modified amendment No. 1003, in the nature of a substitute.

McConnell (for McCain) amendment No. 545 (to amendment No. 1003), of a perfecting nature.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I want to thank my friend from New York. I thank him for the cooperation we have gotten in the consideration of this important legislation.

I would just ask the Democratic leader, is it reasonable to assume that we could finish this up today or set a time for it on Monday?

Mr. SCHUMER. Absolutely.

Mr. MCCAIN. Good. I hope we can do that.

I again thank the leader from New York, who has been very cooperative to me and to the Senator from Rhode Island as we have moved forward with this legislation. I thank him.

#### TRAINING ACCIDENT AT CAMP PENDLETON

Mr. President, I wish to begin by offering my thoughts and prayers to the marines who were injured yesterday when their amphibious assault vehicle caught fire during a training exercise at Camp Pendleton in California. With 15 marines hospitalized and 5 in critical condition, I join all of my colleagues in hoping for a full and speedy recovery for each of these brave young servicemembers.

Last night, unfortunately, the majority leader was required to file cloture on the National Defense Authorization Act for 2018. We have gotten a lot done in the short time this legislation has been on the floor. I know I speak for many of my colleagues when I say that it is my hope that we will be able to do more.

I thank my friend from Rhode Island. I thank Members who have been very helpful and cooperative in this effort, as we have considered a 27-to-0 vote through the committee. It passed unanimously. We have engaged in spirited, thoughtful debate, and we have ultimately adopted 277 amendments from both Republicans and Democrats.

I sound like a broken record, but this is the way the Senate should conduct business. The authorizing committee reports out legislation that has been examined with hearings and debate and amendments, and it appears on the floor, and we have additional debates and amendments, and people can vote yes or no, but they are informed.

It is a violation of our oath of office when we are told that one-fifth of the gross national product—i.e. healthcare—is going to be decided by a "skinny repeal" that none of us had seen until an hour or two before. That is not the way the Senate should do business.

We are not perfect. We are going to have to invoke cloture on this bill. We are not going to have some debate and votes on some very important—at least four—issues. But while we have been on this bill, we have adopted 277 amendments. We had hours and hours of hearings. We had a week of putting this bill

together on a bipartisan basis, and it was reported out by over one-quarter of the Senate, to zero. That is the way we should be doing business.

I will freely admit that national security probably is at a higher level of importance—and should be—than the average legislation, but shouldn't we learn from this that if we sit down together, we argue, we fight, we debate, and then we reach consensus, we come to the floor of the Senate and to the American people with something that we are proud of and that we can defend?

As I mentioned, there are still some issues that we are negotiating on, back and forth—and we are negotiating—and hopefully we can get those done before cloture is invoked. I hope the majority leader and the Democratic leader will agree to a time certain for final passage.

Let me just say that I support beginning to move toward final passage, which will provide our Armed Forces the resources they need.

By the way, again, I want to emphasize that on the Armed Services Committee, we have had dozens of hearings on topics such as the global threat environment, the effects of defense budget cuts, and military readiness and modernization. Those hearings informed the work of the committee as we moved toward the legislation.

I know that all of us from time to time like to take credit for accomplishments that maybe we are not as responsible for as we would advertise, but I want to say that I am not just proud of JOHN MCCAIN and JACK REED, I am proud of the 27 members of the Armed Services Committee who—and the debate was spirited. It is not the Bobbsey Twins. We fight in a spirited fashion. We defend what we believe in. But once the committee is decided, then we move on.

So my colleagues have embraced the spirit of that process, and we have submitted more than 500 amendments for consideration this week. The Senator from Rhode Island and I negotiated a number of very good amendments that have the support of both Republicans and Democrats. We still have some hard issues that are remaining, and I will be talking more about them. We are still negotiating to see if we can find agreement on those, and I am guardedly optimistic we can get most of that agreement done. We will know more later on this morning or early this afternoon.

Let me also point out to my colleagues what we are talking about. We have seen Navy ships, Army, and Marine Corps helicopters, Air Force planes crashing during routine training and operations, and these incidents have cost the lives of dozens of our men and women in uniform. There are many reasons for these tragedies, but the one this body cannot avoid responsibility for is that we are failing to provide our military with the resources they need to perform the missions we are asking

of them. We are asking them to do too much with too little. The result is an overworked, strained force with aging equipment—and not enough of it.

We can point fingers and assign blame all we want, but at the end of the day, the constitutional responsibility to raise moneys and maintain Navies lies with us, with the Congress. That, of course, brings up sequestration, which I will address later on.

I just want to point out, again, the men and women who wear the uniform of our country are the best of our country, and they do everything we ask of them with great courage. It is time for this body to show a similar measure of courage and end the threat sequestration poses to their mission and their lives.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I again thank the chairman for his leadership. It has been critical, as has been demonstrated throughout the process during our subcommittee hearings and our committee hearings, but even before that, the chairman insisted upon hearings that were comprehensive so, as we prepared for this NDAA, we had a sense of the threats we faced, the resources we needed, and, as a result, as the chairman pointed out, we were able to send to the floor, with a unanimous vote, a very strong defense bill.

Since that time, working together, we have been able to incorporate over 100 amendments which improve the bill. As the chairman pointed out, we are still working on issues we hope we can bring forward for either adoption or, through debate, a vote, and I hope we can do that. Again, as the chairman pointed out, this is a rare instance of regular order—of the committee report coming to the floor, moving to it by a strong vote, taking up and working to get amendments that are not controversial into the package, and then going ahead and, we hope, setting up debate, discussion, and votes on more difficult and challenging issues. I was encouraged by Senator SCHUMER's comment that we can anticipate a date for final passage of this bill.

We are confident we will have a national defense bill leaving the Senate and going to conference now. The final outline of that bill is still to be determined, and I hope we can add more to it. That is a very principled process of talking back-and-forth.

Again, I don't think any of this would have been done without the leadership of the chairman and his insistence that we adhere not only to regular order but that we don't forget this is ultimately about the men and women who serve us overseas.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, the Senator from Rhode Island, my dear friend, JACK REED, is too kind. It takes two to tango. The partnership we have

developed over the years has made it possible for us to get to the place we have in the past and we are today. He has not only my gratitude but that of the men and women who are serving because of his advocacy and his leadership.

Mr. President, I yield the floor.

Mr. REED. I thank the chairman.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I first thank Senator MCCAIN and Senator REED for their leadership, a model of bipartisanship at this incredibly important time with the rest of the world and the need to have a strong military. We know that. I think that is why we see this bill proceeding, but this bill will be so much stronger if we make sure that we not only defend our shores and stand by our troops but if we also defend the security of our democracy.

I so appreciate Senator MCCAIN and Senator REED supporting this amendment I have with Senator LINDSEY GRAHAM of South Carolina. This must be included in this bill. We are having a situation where one or two Members on the other side of the aisle are not allowing it to proceed. The timing is critical. The 2018 election is only 400-some days away, which is why you see us pushing this bill and doing everything we can to get it either included in the managers' package or to get a vote.

This amendment is supported by the Freedom Caucus, and in the House is led by the head of the Freedom Caucus. You may ask why. There are a lot of Republicans who would like to see States be able to keep running their own elections. I agree with that. I like the fact that we have decentralized elections, but the hacking was so real in this last election that our intelligence agencies have now established there were 21 States where there were attempts made to hack into their election software. We know this is going to happen again, and we must stand ready. We must protect our democracy.

Instead of having a successful hack attack in this next election, why don't we prepare ourselves so we can keep the decentralized nature of our elections? That is why we see such broad support for this amendment.

I came to the floor yesterday to fight for a vote—a simple up-or-down vote—on the bipartisan Klobuchar-Graham amendment. I also thank Senator LANKFORD of Oklahoma, as well as Senator HARRIS of California, for their bipartisan work and support for this amendment. This amendment has support, but one or two Members are blocking it—an amendment which has the support of the chairman and ranking member of the Armed Services Committee because they understand that election security is national security.

This provision simply says that it is the policy of the United States to defend against and respond to cyber attacks on our democratic system. You

have to have your head in the sand if you don't know that this has been a problem, whether you are in business and have had information stolen, whether you are someone who has been scammed or have had stuff sent to you on your email, or whether you are a voter who is concerned simply that when you are exercising your freedom to vote, someone is going to come in and steal your own private information or—worse yet—change what you did and change the result of an election.

In the words of Bruce Fein, a former Reagan official, “Passing the Klobuchar-Graham amendment is imperative because public confidence in the reliability of elections is a cornerstone of national security.”

I am stunned we weren't simply able to include this amendment. I still have hope that we can. I am here to fight for this amendment so vigorously today because we need to get this done now. We need to get the authorization done now so we can start the process of putting grants out to States so they can upgrade their election equipment, have backup paper ballots, and simply employ the best practices that we believe we need to protect ourselves from the perpetrators in Russia or in any other foreign entity.

We need to make sure our election equipment in every big city and in every small town in America, in every county is as sophisticated as the bad guys who are trying to break into it. That is all this is about. I don't think anyone can go home to their constituents and say they blocked this. How on Earth can we pass a bill which authorizes billions of dollars in spending and refuses to simply authorize a relatively smaller amount of money to upgrade our election equipment?

Predictions are that this would cost about the same amount of money we spend on military bands every year—bands—music bands. I love military bands. There is nothing I like better, and I want to keep our military bands strong, but all Senator GRAHAM and I are saying is, I think maybe the protection of our entire election—guaranteeing the freedom of Americans to pick the candidate they choose, whether Republican or Democratic or Independent—is just as important as the music they hear celebrating our democracy. You can't have music celebrating our democracy if you don't have a fair democracy.

U.S. national securities have been sounding the alarm that our voting systems will continue to be a target in the future. The idea that we would pass the Defense authorization bill and not address this threat is mind-boggling. It is literally congressional malpractice.

According to the Department of Homeland Security, now run by the Trump administration, Russian hackers attempted to hack at least 21 States' election systems in 2016. Earlier this year, we also learned that Russia launched cyber attacks against a U.S. voting software company and

the emails of more than 100 local election officials.

The former Director of National Intelligence, James Clapper, recently testified that Russia will continue to interfere in our political system. This is what he said:

I believe Russia is now emboldened to continue such activities in the future both here and around the world, and to do so even more intensely. If there has ever been a clarion call for vigilance and action against a threat to the very foundation of our democratic political system, this episode is it.

Vigilance, that is what we need right now. This is not about one party or the other. I think Senator RUBIO said it best when he said, well, one election it might affect one party and one candidate; the next election, it is going to affect the other. No one has any idea, when you are dealing with outside foreign entities that are trying to interfere with our democracy and trying to bring down our democracy in the eyes of the world—you don't know who they are going to affect. You just know they are trying to do it. So what do we do? We put in the necessary money in the Defense Authorization Act, an authorization for that to stop this from happening.

In order to safeguard future elections, State and local officials must have the tools and resources they need to prevent hacks and safeguard election infrastructure. They don't need those resources in 2 years. They don't need us debating this for 3 years. They need these resources now. Ask the secretaries of States—Democratic and Republican—who are supporting this bill all over the country, ask the local election officials, and they will tell you they need it now.

The next Federal election in 2018 is just 419 days away. As we know, it takes time for them to plan, it takes time for them to get the right equipment, and it takes time for them to get the information from cyber experts to make sure whether their systems are secure.

Experts agree that if we want to improve cyber security ahead of the 2018 election, we must act now. That is why I am fighting so hard for this amendment. I don't think we can just wait around and see if there is another bill we can attach it to next summer. No, that will not work. In order to protect our election systems, we need to do three things.

First, we must bring State and local election officials, cyber security experts, and national security personnel together to provide guidance on how States can best protect themselves. These recommendations should be easily accessible so every information officer and election official in every small town can access them. As we know, a lot of the States themselves still don't have full information about the hacking in the 21 States. That is a problem.

Many State officials I have talked to say they are still in the dark about threats to their election systems. That

can't continue. We need our national security officials to be sharing information about the potential for attacks—not the day before the election, when they can't do anything, when they have a system that doesn't have paper ballot backups. No, they need that information now, and we need to help them not just get that information but make the changes they need. This means creating a framework for information sharing, which acts as an alarm system against cyber intruders. Our amendment would simply establish that alarm system.

Second, the Federal Government must provide States with the resources to implement the best practices developed by States and cyber security experts. A meaningful effort to protect our election systems will require those resources. As I mentioned before, predictions are that it is about the same amount of money that we spend every year on military bands. I think that is a bargain when you are looking to protect our democracy.

I think most Americans would agree with me—Republicans or Democrats, which is why there is such widespread support for this amendment—when I say that protecting our democracy from foreign cyber attacks and letting Americans have the freedom to decide who they want to elect, instead of someone in Russia, are probably money well spent.

Finally, we need better auditing of our elections. That means voter-verified paper ballot backup systems in every State. That is fundamental to protecting our elections and improving public confidence in the reliability of elections. Our amendment would accelerate the move to paper ballots by providing States with the resources they need to get there. The vast majority of our States simply don't have that system in place.

In short, our amendment would help States block cyber attacks, secure voter registration logs and voter data so that people don't get their addresses in the hands of a foreign government—or maybe even the data on whom they voted for or what party they belong to—upgrade auditing election procedures, and create secure and useful information sharing about threats.

I am not alone in this fight. As I mentioned, Senators GRAHAM, LANKFORD, and HARRIS are also pushing for the Senate to do its job and include this provision. Representative MEADOWS, the leader of the House Freedom Caucus, and Democratic Congressman JIM LANGEVIN have introduced companion legislation in the House.

Again, why is the Freedom Caucus strongly behind this bill? They are behind this bill because they want to preserve States' elections. They want to preserve the rights of States to have their own elections, and they are concerned enough because they have looked at the intelligence reports and have seen that this next election could blow it all up.

Are we just going to look back at it then? People who are holding this up, whose names will be revealed—are they then going to say “Oops, I guess we made a mistake”?

No, it is going to be on their hands. It is going to be on their hands. This is the moment to do it.

I repeat: We need to get the authorization in place, so we can get the grant money out to the States so that they can upgrade their election equipment.

Dozens of former Republican national security officials are pushing for the Senate to pass this amendment. They have written op-eds, called their representatives, and worked to inform the public about the need to take action now.

Michael Chertoff, who served as Secretary of Homeland Security under President George W. Bush, published a piece this month in the *Wall Street Journal*, calling on Congress to take action and pass the Klobuchar-Graham amendment. He noted that our amendment would address the cyber security challenge in a way that is “fiscally responsible, respectful of states’ policymaking powers, and proactive in dealing with the most pressing vulnerabilities.”

As I noted, Bruce Fein, a Reagan Department of Justice official, said: “The amendment would enormously strengthen defenses against cyberattacks that could compromise the integrity of elections in the United States and undermine legitimacy of government.”

A bipartisan group of former national security officials sent a letter to Senate leadership pushing for a vote on this amendment. They noted that attacks on U.S. voting systems threatened the most basic underpinnings of American self-government. These attacks are growing in sophistication and scale.

As we all know, States administer elections. If you talk to the local election officials—call any of them up—you will find that they are adamant about protecting States’ rights in this area.

We want to help them. A bipartisan group of 10 Secretaries of State sent a letter urging the Senate to pass this amendment. They want this amendment to pass because it would provide vital resources.

How do you truly expect someone in a town of 1,000 people to be up on the latest cyber security attacks from some sophisticated hackers in a warehouse in Russia? Really? I don’t think so. That is why we want to keep the decentralized nature of our elections. In some ways, one, we like it; two, it gives us protection because it is not all in one system. We know we have to realize that in these small towns and in these rural areas, they are not going to have the updated, sophisticated cyber security protection equipment unless we tell them how they can do it and give them help to get there.

The National Association of Counties, a group that unites America’s

3,069 counties, also endorses this amendment. Why? Because in our country, most of our elections are run by county officials.

As I noted, our decentralized system is both a strength and a weakness—a strength because we have multiple systems, so all of our information isn’t in one place. American elections are increasingly an easy target because many local election systems are using election technology that is completely outdated.

A survey of 274 election administrators in 28 States found that most said their systems need upgrades. Forty-three States rely on electronic voting or tabulation systems that are at least 10 years old. Whoa. Do you think the Russians and those other foreign entities that want to mess up with our democracy are not aware that this equipment is 10 years old? I am not telling them anything new right now. Of course they are aware of it.

What are we doing? We are letting people in these small towns in Alaska or in Iowa sit there and wait to see if it happens. Guess what. If they get into one locality or if they get into one State, do you think that doesn’t undermine the integrity of our whole democracy in our country? Of course it does.

Local election officials who are passionate about keeping the Federal Government out of State elections support our amendment because it strikes the balance that our Federal system demands when it comes to the administration of elections.

As I said, despite the strong bipartisan support for this amendment—the strong support and leadership of the Freedom Caucus—there are Members of this body who are still blocking a vote. They happen not to be on my side of the aisle, so I implore my friends the other side of the aisle to figure this out and let this either be included in the managers’ package or come up for a vote where I know it would pass.

Republican and Democratic Senators support this amendment. Cyber security experts support this amendment. Republican and Democratic former national security officials support this amendment. State and local officials support this amendment.

I ask you, why is this not included? We don’t have an answer. Actually, there is no good answer, except for a bunch of procedural gobbledygook, which, of course, if it had gone through the regular order and had been allowed a hearing—which it was not—then we would have had a hearing. We were blocked from having a hearing. Now, as is my right, I am bringing this before this body.

The integrity of our election system is the cornerstone of our democracy. The freedom to choose our leaders and know with full confidence those leaders were chosen in free and fair elections—that is something Americans have fought and died for since our country was founded.

Obstructing efforts to improve election security is an insult to everyone

who has fought for freedom and those who work every day to protect our democracy. Members standing in the way of this bipartisan amendment to protect our election infrastructure are literally committing democracy malpractice.

Our attitude must be to roll up our sleeves to get this done. The American people deserve nothing less.

I see my friend Senator MCCAIN on the floor. Again, I appreciate his support and his and Senator REED’s work, not only on this bill but their work to try to include this amendment in the package.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank the Senator from Minnesota. She has been an advocate on this issue for a number of years. Obviously, as she stated with some articulation, we are talking about the fundamental of democracy, and the threat to it has probably never been greater.

She also understands there is an issue of germaneness and committees of responsibility and all that, but I want to tell the Senator from Minnesota that I appreciate her advocacy. This issue is not going away. I look forward to continuing to work with her because this is really—it may be in some ways one of the greatest threats to democracy we have faced, and I know she has been an advocate on this issue for a number of years. I thank her.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I ask unanimous consent that Senators PORTMAN and WARNER be added as cosponsors to the Reed amendment No. 939, relating to a strategy for countering malign Russian influence.

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

Mr. REED. Mr. President, I would like to turn to discuss my amendment to counter malign Russian influence.

Amendment No. 939, sponsored by Senators MCCAIN, PORTMAN, CARDIN, BROWN, WARNER, WHITEHOUSE, DURBIN, and myself, would advance U.S. national security interests by requiring the President to submit to Congress a strategy for countering the threat of Russia’s influence activities intended to undermine democracy in the United States, Europe, and across the world and to disrupt the global international order.

The amendment would require the President to provide Congress a strategy that is comprehensive, using every tool at our disposal to counter Russia’s malign activities. The strategy would direct actions across the whole of government, including the following areas: security measures, the strategy would include actions to counter Russian hybrid warfare operations, building the capabilities of allies and partners to identify, attribute, and respond to Russian malign activities, short of conflict, and supporting the NATO alliance

and other security partnerships against Russian aggression; on information operations—the strategy would seek to counter Russia's use of disinformation and propaganda in social media as well as traditional media and to strengthen interagency mechanisms for coordinating and effectively implementing a whole-of-government response to Russian active measures; in the area of cyber, the strategy would require steps to defend against, deter, and when necessary respond to malicious cyber activities by the Kremlin, including the use of offensive cyber capabilities consistent with policies specified elsewhere in the act; in the political and diplomatic arenas, the strategy would be required to set out actions to enhance the resilience of U.S. democratic institutions and infrastructure and to work with countries vulnerable to malign Russian influence to promote good governance and strengthen democracy abroad; in the area of financial measures, the strategy would address the corrupt and illicit Russian financial networks in the United States and abroad that have facilitated and Russia's malign influence; and finally, on energy security, the strategy would include steps to promote the energy security of our European allies and partners, reducing Russia's ability to use energy dependence as a weapon of coercion or influence.

The amendment would also require that the administration's strategy be consistent with prior legislation relating to Russia's malign activities, including the Russian Sanctions Act that recently passed with overwhelming support in Congress; the Ukraine Freedom Support Act of 2014, and the Magnitsky Act of 2012. This amendment would fill an important gap in our current approach to relations with Russia. To date, the Trump administration has been unwilling, for whatever reason, to articulate and implement an appropriate response to the threat to our democratic institutions and security posed by Russia's malign influence activities. This amendment would address this critical national security requirement.

It is both appropriate and critically important that this requirement for a strategy to counter Russian malign influence be amended to the National Defense Authorization Act because ultimately this is fundamentally an issue of national security. The administration's failure to acknowledge the insidious interference by Vladimir Putin and his cronies for what it really is—an attack by a foreign adversary on Western democracies and the institutions underpinning the global order—has real implications to our national security. The administration's lack of action to counter this malign influence only encourages the Kremlin to continue its aggression against the United States and its allies and partners.

The Russians know they cannot win in a conventional war, so they have adapted their tactics asymmetrically

to leverage their strengths. These tactics pose a real threat, and we need to appropriately posture ourselves, using all tools of statecraft, to counter Russian malign influence.

Before President Obama left office, he ordered an intelligence review of Russian interference in U.S. elections.

On January 6, the U.S. intelligence community released a report on its findings on Russian interference in our democracy. This report included the consensus view of all 17 intelligence agencies, including the CIA, the National Security Agency, the FBI, and the Office of the Director of National Intelligence. Among the key findings were President Putin "ordered an influence campaign in 2016 aimed at the U.S. presidential election"; "Russia's goals were to undermine public faith in the U.S. democratic process, denigrate Secretary Clinton, and harm her electability and potential presidency"; "Russia's influence campaign was multifaceted, combining old-fashioned Russian propaganda techniques with cyber espionage against U.S. political organizations and mass disclosure of government and private data"; "Russian intelligence obtained and maintained access to elements of multiple US state or local electoral boards"; and "Russia's state-run propaganda machine contributed to the influence campaign by serving as a platform for Kremlin messaging to Russian and international audiences."

These findings were made public on January 6—over 8 months ago—with the additional warning from our intelligence experts that "Moscow will apply lessons learned from its Putin-ordered campaign aimed at the US presidential election to future influence efforts worldwide, including against US allies and their election processes."

Furthermore, with each passing week more evidence comes to light about the depths to which the Kremlin went to interfere with our democracy.

Just last week, we learned that a Kremlin-linked troll factory bought \$100,000 worth of Facebook ads which were further disseminated through bot networks as part of Russia's attempt to influence our 2016 Presidential election. The ads traced back to 470 fake accounts and pages on Facebook and mostly focused on pushing politically divisive issues such as gun rights, immigration, LGBT rights, and racial discrimination. Further reporting by the New York Times laid out in lurid detail how these fake accounts amplified other tactics of Russian malign influence and ginned up web traffic to DCLeaks—the site where Russian military intelligence first posted hacked emails.

The New York Times also reported that hundreds or thousands of fake Twitter accounts regularly posted anti-Clinton messages and used Twitter to draw attention to hacked materials during last year's campaign. Cybersecurity firm Fireeye concluded that

many of these Twitter accounts were associated with one another and linked back to Russian military intelligence.

This is just one tactic of influence that Russia is using as part of the wide ranging campaign it is waging against us.

Again and again, Russia has used the range of coercive tools at its disposal—including political pressure; economic manipulation; collaboration with corrupt local networks; propaganda, deception and denials; and, increasingly, military force—to try to intimidate democratic countries and undermine the further integration of NATO, the European Union, and other Western institutions.

It is clear that we need a strategy and we need it soon; yet what is surprising and disturbing is that the White House has failed to direct that a plan be developed to counter this Russian malign threat and to prepare our country for renewed Russian interference in the upcoming 2018 and 2020 elections. Time is running out.

We are now 8 months into the Trump administration.

During this time, numerous administration officials have publicly reinforced the findings of the intelligence community's January assessment of the threat posed by Russia's malign influence activities.

On May 11, Director of Central Intelligence Mike Pompeo said he hoped that we learn from Russian activity in the 2016 election and be able to more effectively defeat it.

On May 14, Secretary of State Rex Tillerson said, "I don't think there's any question that the Russians were playing around in our electoral processes."

On May 23, Director of National Intelligence Dan Coats stated, "There clearly is a consensus that Russia has meddled in our election process . . . Russia's always been doing these kind of things with influence campaigns but they're doing it much more sophisticated through the use of cyber and other techniques than they did before."

On June 13, Secretary of Defense Jim Mattis stated, "We're recognizing the strategic threat that Russia is provided by its misbehavior."

On July 9, 2017, U.N. Ambassador Nikki Haley stated, "Everybody knows that [the Russians] are not just meddling in the United States' election. They're doing this across multiple continents, and they're doing this in a way that they're trying to cause chaos within the countries."

On August 5, National Security Adviser H.R. McMaster described the threat from Russia "as a very sophisticated campaign of subversion and disinformation and—and propaganda that is ongoing every day in an effort to break apart Europe and to pit political groups against each other to sow dissension . . . and conspiracy theories."

Yet, despite the assessment from the intelligence community and these acknowledgements from the President's

own national security team that Russian malign influence and interference in our 2016 election and the elections of our close allies in Europe pose a national security threat, the President has yet to direct that actions be taken to counter Russian malign influence. As far as we know, the Oval Office has not ordered the national security team even to formulate a strategy to address these pressing threats from Putin and his cronies. Time is running out.

In fact, 8 months in, and despite the assessments of his Cabinet, the President can't even clearly admit that the threat is coming from Russia.

On January 11, President Trump stated, "As far as hacking, I think it was Russia. But I think we also get hacked by other countries and other people."

On April 30, President Trump said, "It's very hard to say who did the hacking . . . I'll go along with Russia. Could've been China, could've been a lot of different groups."

On May 11, President Trump said, "If Russia or anybody else is trying to interfere with our elections, I think it's a horrible thing and I want to get to the bottom of it."

On July 6, just prior to his meeting with President Putin, President Trump said, "It could have very well been Russia but it could well have been other countries and I won't be specific but I think a lot of people interfered. Nobody really knows. Nobody really knows for sure."

Let's stop and think about that for a minute. "No one really knows for sure"? That this is even a question runs completely counter to the informed assessments of the entire intelligence community and the President's own national security team. It is time President Trump admits what the rest of us know to be true.

We also know, from multiple administration officials' testimony to Congress, that the President has not directed his Cabinet or senior staff to work on a strategy.

On May 11, when our colleague and vice chairman of the Intelligence Committee Senator WARNER asked DNI Coats where we stand in terms of preparation against a future Russian attack, he couldn't think of a single thing. He replied, "Relative to a grand [Russia] strategy, I am not aware right now of any—I think we're still assessing the impact."

On June 8, when our colleague Senator HEINRICH asked whether the President had inquired about what the FBI Director, our government, or the intelligence community should be doing to protect America against Russian interference in our election system, former FBI director James Comey stated, "I don't recall a conversation like that."

When I asked Defense Secretary Mattis on June 13 whether the President had directed him to begin intensive planning to protect our electoral system against the next Russian cyber attack, he was not able to point to any guidance indicating that the President

recognizes the urgency of the Russian threat or the necessity of preparing to counter it next year during the mid-term elections.

On June 21, officials from the Department of Homeland Security testified that 21 States were potentially targeted by Russian Government linked hackers in advance of the 2016 Presidential election. When I asked these officials whether the President had directed them to come up with a plan to protect our critical elections infrastructure, they also responded no.

On June 28, Representative SHERMAN asked U.S. Ambassador to the U.N. Nikki Haley whether she had even talked to the President about Russian interference in the 2016 Presidential election. She replied that she had not talked to the President about the subject.

On July 7, in a press conference at the G-8 summit after the President's meeting with President Putin, Secretary of State Rex Tillerson stated, "I think the relationship [with Russia]—and the President made this clear as well—is too important, and it's too important not to find a way to move forward."

It is long past the point where anyone can deny that Russia interfered in our election and the elections of our allies and partners in Europe. This should have been a priority on day 1.

We need to formulate a strategy and take action across the whole of government to counter the threat from Russia.

We cannot just ignore this problem or sweep Kremlin attacks on our elections and those of our close European allies under the rug and move forward. We need a strategy to counter Russian malign influence that leverages all our tools of power across the government.

Though President Trump may be unwilling to confront or condemn Russian interference in our democracy, we in Congress have been willing and able to take a stand to put pressure on Russia and push back against Russian malign influence.

As you are all aware, we took an overwhelming bipartisan vote of 98-2 this summer and passed long-overdue Russian sanctions. That was an important first step, but more must be done. We must act because the Trump administration has refused.

I am pleased to be joined in this effort by Members from both sides of the aisle in sponsoring this amendment. As former FBI director James Comey said when he testified before the Senate Intelligence Committee, "It's not a Republican thing or Democratic thing. It really is an American thing. They're going to come for whatever party they choose to try and work on behalf of . . . They're just about their own advantage. And they will be back."

This amendment will ensure the administration does take appropriate action. It will direct the President to formulate a comprehensive strategy to ensure that, when Putin and his min-

ions come back in 2018 and 2020, we will have appropriate measures in place to detect, deter, and counter this serious threat to our democracy.

I urge my colleagues to support the adoption of this important and necessary amendment.

The PRESIDING OFFICER. The Senator from Iowa.

Mrs. ERNST. Mr. President, throughout my time as a Senator, I have heard our Service Chiefs testify time and again to the hollowing of America's military as a result of insufficient and unpredictable funding. Simultaneously, external dangers have grown in size and scope.

Sadly, for the first time in decades, we are forced to confront not one but multiple existential threats to the American way of life. An expressive Russia, expanding China, nuclear North Korea, nefarious Iran, and relentless global terror networks put our lives and the lives of future generations at risk.

America is once again in crisis. Inaction, obstruction, or partial commitment are not options. This year's National Defense Authorization Act provides us an opportunity to fulfill our duty—to provide America's soldiers, sailors, airmen, marines, and guardsmen the tools they need to accomplish all we demand.

I find it particularly fitting that this bill came to the floor the week of September 11, an anniversary of unparalleled adversity but also one of national unity. On that day, and the days that followed 16 years ago, the best of America eclipsed the evil of terror. We came together for the sake of our security, demonstrating to the world America's resilience.

There is no greater symbol of that resilience than those who serve in uniform. Secretary Mattis reminded us of that on Monday when he said: "The men and women of America's armed forces have signed a blank check to protect the American people and to defend the constitution, a check payable with their lives."

The least the Senate can do in return is authorize and prioritize congressional efforts to keep faith with that promise. At the same time, we are under no obligation to fund over-budget, behind-timeline defense programs with a blank check of their own. To the contrary, we have an oversight obligation to the American taxpayers, those in and out of uniform, to ensure proper stewardship of their hard-earned dollars.

That is why I, along with my colleagues on the Armed Services Committee, crafted and passed unanimously the bill before you. In it, we have prescribed a clear and comprehensive plan to rebuild our military to decisively deter or defeat any adversary. However, we are also holding the Department accountable for each dollar it spends.

For my part, as a member of the Armed Services Committee and chair



of the Emerging Threats and Capabilities Subcommittee, I focused on three priorities.

First, I supported our troops and their families by making senior enlisted pay scales commensurate with job requirements, by combating sexual assault and retaliation, and by facilitating Federal direct hiring authority for military spouses. I extended that support to the battlefield by promoting enhanced standards for things like parachutes, aircraft life support systems, and counterdrone technologies.

Second, I advanced policy initiatives to increase cooperation with international partners, to codify a more comprehensive counterterrorism strategy, and to reaffirm America's support for our European friends by putting Russia on notice for its aggression in Ukraine and Crimea.

Finally, I included measures to optimize existing institutions, such as our National Guard's cyber capabilities, and to ease regulatory burdens, so the best ideas and products from our universities and private companies can bolster national security at a lower cost. I have led important efforts to hold DOD accountable by requiring enhanced program management standards and by joining Senators GRASSLEY and PERDUE in demanding that the Department finally meet its 26-year overdue statutory obligation to complete a clean audit.

Colleagues, let's be clear—no one wants America's military to be our first or only option, but we must also acknowledge this truth: It is fundamental to our security that a ready military remains an option. The fiscal year 2018 NDAA is a vital step toward providing that security. Seeing it through to fruition as part of a larger effort to reassert our "power of the purse" is the next step. There will be time to debate nondefense policies and budgets later, and as legislators, our job is to have these very debates.

Let's take the first step now. I urge all of my colleagues to support the NDAA. Follow through in the months ahead. Fulfill our obligation to realize its goal. We can do no less.

Thank you, Mr. President.

I yield the floor.

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. DURBIN. 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. DURBIN. Mr. President, each year the Department of Defense funds billions of dollars in military-relevant medical research—research that offers our servicemembers concrete treatments for the particular diseases and afflictions that impact them the most, research that offers families hope, research that improves lives, and research that saves lives.

Last summer, during consideration of the fiscal year 2017 Defense Authorization Act, there was a question as to whether Congress would permit this lifesaving research to continue or whether instead we would wrap it up in so much redtape that it would basically go away.

I was proud that this Senate Chamber, on a bipartisan basis, voted resoundingly to continue medical research in the Department of Defense by a vote 66 to 32. It was an important, bipartisan vote, especially in a Senate where we have a difficult time finding common ground. When it came to medical research in the Department of Defense for members of the military and their families, we said unequivocally that we are committed to it on a bipartisan basis. I was proud to lead that fight, along with Senator ROY BLUNT of Missouri, a Republican, to protect defense medical research. Altogether, 40 of my Republican and Democratic colleagues co sponsored our effort.

That vote was not just a vote for medical research, it was a vote for the men and women in the military and their families. The vote recognized that right now, we are closer than ever to finding cures for dreaded diseases like cancer; closer than ever to understanding how to delay the onset of neurological diseases like Alzheimer's and Parkinson's; closer than ever to developing a universal flu vaccine. That vote recognized that now is the time to be ramping up our investment in medical research, not scaling it back. The Senate spoke, but unfortunately it didn't end the debate.

This year, the fiscal year 2018 National Defense Authorization Act now pending on the floor of the Senate repeats last year's research-killing provisions and, for inexplicable reasons, adds two more. Just like last year, these provisions in the bill pending on the floor of the Senate would effectively end the Department of Defense medical research program. Like last year, these provisions wrapped this research in more redtape than you could possibly explain. And we face the prospect for the second year in a row of the end of this critical, lifesaving medical research.

These provisions are dangerous, and by cutting medical research, they will cost lives—the lives of our military and their families. So I filed a bipartisan amendment, along with 53 additional cosponsors and my lead cosponsor, Senator ROY BLUNT, Republican of Missouri, to remove these provisions from this Defense authorization bill so that lifesaving research can continue.

The underlying Defense authorization bill has four provisions that, if enacted, will end the DOD's research.

The first provision, section 733, would require the Secretary of Defense to certify that each medical research grant awarded is "designed to directly protect, enhance or restore the health and safety of members of the Armed Forces"—not veterans, not retirees,

not the spouses of military members, not the children of military members.

To make matters worse, after the Secretary makes this certification in writing to the Armed Services Committee, the Defense Department is then required to wait 90 days before awarding the grant. It is not only redtape, it is built-in delay.

In my view, veterans, retirees, and spouses and children of servicemembers are all vital members of the Department of Defense's military community. They use the Department of Defense healthcare system. They deserve to be counted. When a member of the military deploys, the family deploys, and we ought to stand by all of them.

The second provision, section 891, requires that medical research grant applicants meet the same accounting and pricing standards that DOD requires of procurement contracts. That sounds simple enough, doesn't it? But these are regulations that private companies have to meet to sell the Department of Defense goods and services, like weapon systems and equipment.

The third provision, section 892, changes the ground rules for how to handle the technical data generated by this research—information related to clinical trials and manufacturing processes. How does this bill change it? This should sound familiar: by wiping away the existing regulations and imposing overly burdensome and unappealing regulations that would scare off research partners.

I am sympathetic to what this section may be attempting to do. In the face of ever-increasing prescription drug costs, it does make sense for the Federal Government to have more rights when it comes to products and treatments developed with Federal taxpayer dollars. However, we must be more strategic about how to approach this. I look forward to working across the aisle on ways to beef up the government's role in helping to keep drug costs down, especially for products that would not have been possible without Federal investments.

The fourth provision, section 893, requires the Defense Contract Audit Agency to conduct audits on each grant recipient.

For those who aren't familiar with this audit agency, it is currently backlogged with tens of billions of dollars' worth of procurement contracts that it has to audit. This provision in the bill would add to this pile, requiring it to conduct an additional 800 audits per month on medical research grants—more redtape; no real reason.

Taxpayers deserve to know how their money is being spent, and the existing system does that. The grant application must show that the research is relevant to the military. No grant makes it through the first round without showing clear military relevance. If an applicant fails this test, that is the end of the story. If they clear the hurdle, then they are subjected to a long list of critical defense researchers

and issue experts in the disease in question to ensure that their research proposal is worth the investment. But that is not it. Representatives from the National Institutes of Health and the Department of Veterans Affairs also have input at that point to make sure it doesn't duplicate any existing research. These rules are in place to protect taxpayer dollars, and they work.

This year's Defense authorization attempts to add redtape to the program in the name of protecting it but in reality ends it. Simply put, these provisions would strangle the Department of Defense medical research program in suffocating redtape. Don't take my word for it. The Coalition for National Security Research, representing a broad-based coalition of research universities and institutes, said:

[These sections] could jeopardize funding for research activities that have broader relevance to U.S. military, including the health and wellbeing of military families and veterans, and the efficiency of the military healthcare system.

We asked the Department of Defense how the new system proposed in this bill would work. Here is their analysis:

This language would, in essence, eliminate military family and military retiree relevant medical research, inhibit military medical training programs, and impact future health care cost avoidance. Impacts will take place across all areas. . . . [Researchers] would most likely not want to do business with the DOD. . . . [The provisions] may create a chilling effect on potential awardees of DOD assistance agreements.

A "chilling effect" on medical research—is that what we want to go on the record to vote for with this bill? Is that what the Senate wants? Is that what we want to say to members of the military, their families, and retirees? I don't think so.

These provisions are simply put in the bill to erect roadblocks to critical, important medical research.

Let's talk for a minute about the medical research funded by DOD, the real-world impact.

Since fiscal year 1992, the Congressionally Directed Medical Research Programs has invested almost \$12 billion in innovative medical research. This medical research command determines the appropriate research strategy, filling research gaps, and creates a public-private partnership between the Federal Government, private universities, and those who desperately need this research.

In 2004, the Institute of Medicine, an independent organization, looked at the medical research program that I have discussed, and what did they find? "The CDMRP has shown that it has been an efficiently managed and scientifically productive effort." That is a pretty solid endorsement of \$12 billion worth of medical research. They found that this program "concentrates its resources on research mechanisms that complement rather than duplicate the research approaches of major funders of medical research in the United States, such as the National Institutes

of Health." They also found that "the program appears to be well-run, supports high-quality research, and contributes to research progress."

The Institute of Medicine also reviewed the program in 2016. This was their conclusion just last summer about the same program:

CDMRP is a well-established medical research funding organization, covering many health conditions of concern to members of the military and veterans, their families, and the general public. . . . In general—

And this is highlighted—

the committee found CDMRP processes for reviewing and selecting applications for funding to be effective in allocating funds for each research program.

This program has been closely vetted, as it should be. It is a matter of medical research critical to members of the military and their families. It is a matter of life and death. It is a matter of the integrity of spending taxpayers' dollars. It is a good program, a solid program. It has not been wrought with scandal. There is no reason for us to turn it upside down or to turn the lights out in the offices of these researchers.

The Institute of Medicine had this right. We have real results to back up the way we feel about this. What areas have they embarked on with critical successful research? One of the greatest success stories of this program is advances we have made in breast cancer treatment. In 1993, the Department of Defense awarded Dr. Dennis Slamon two grants totaling \$1.7 million for a tumor tissue bank to study breast cancer. He began his work several years earlier with funding from the National Cancer Institute. The DOD kicked in to help.

Dr. Slamon's DOD-funded work helped to develop Herceptin, which is now FDA approved, one of the most widely used drugs to fight breast cancer. This research has not only saved the lives of countless women in the military, but it has had application far beyond the military. The same thing is true when it comes to prostate cancer and Parkinson's disease. What we found over and over is that money invested in this program for medical research is money well spent. Why, then, would we bury this program in redtape?

I am happy that some 54 or 55 Senators from both sides of the aisle are going to stand with me, and I see I have other colleagues preparing to speak. I will return to speak more specifically about the programs of this agency.

Is there a person in this country who believes that America is spending too much money on medical research? Well, perhaps there is, but I haven't met them. What I have found over and over is that Members of both political parties are committed to medical research. The Department of Defense does a great job with the resources given to them.

Let's continue this program as a salute to our men and women in the military, their families, and our veterans.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, let me state the bottom line up front. This year's NDAA, once again, focuses medical research dollars on the needs of servicemembers and military veterans, and it increases transparency on how these taxpayer funds are being spent.

The amendment of the Senator from Illinois would take hundreds of millions of dollars away from defense needs to spend it on research activities totally unrelated to the mission of the military and shield these activities from critical oversight by the Department and the Congress.

Let me state this up front: If these medical research dollars were invested in the proper branch of government, I would be one of its strongest supporters. What we are seeing here—what we see so often—is the Willie Sutton syndrome. They asked Willie Sutton: Why do you rob banks? He said: That is where the money is.

Why do you think medical research for autism, spinal cord injury, prosthetics, or many others have nothing to do with defense? Let's take it out. Let's appropriate the right amount of money to the right branch of government. So while we are watching the defense dollars—thanks to sequestration—going down over the last 20 years, Congress has provided more than \$11.7 billion in medical research.

According to—what is aptly named over in Defense—the Congressionally Directed Medical Research Programs, 12 out of 28 current research programs do not mention the military, combat, or servicemembers and their official mission or vision statements.

So let me repeat this for the benefit of my colleagues. Spending on medical research at the Department of Defense, nearly 15 percent of which has nothing to do with the military, has grown 4,000 percent since 1992—4,000 percent. So in the meantime, the Budget Control Act is constraining the DOD budget. It has done great harm to our military. Every single service chief and combatant commander over the last 5 years has testified to the Armed Services Committee that the budget caps imposed by BCA have hurt our military readiness and have made it more difficult to respond to the Nation's growing threats. Yet, during this time of severe defense budget restrictions, funding for the Congressionally Directed Medical Research Programs has nearly doubled. Is that our priority?

I suggest to the Senator from Illinois: Why don't you go to the right place in the appropriations bill and allocate research funds there? Why don't you do that? You are not going there because it is the Willie Sutton syndrome.

What you are doing is you are taking away from the men and women serving



in the military what they need to defend this Nation.

Mr. DURBIN. Will the Senator yield for a question?

Mr. MCCAIN. No, I will not yield.

The fact is that we have now had a rash of fatal accidents in the military—10 from the USS *McCain* and 17 more. We now have many more accidents due to the lack of readiness, training, and maintenance than we do in combat. So what do we do? Do we stop cutting the military? No, we add \$11.7 billion for medical research.

I am for medical research. I know of no one who opposes medical research, but do we take it out of defense? This is the directed spending on medical research at the Department of Defense.

You may see that in 1992 it was a small amount of money for breast cancer research. Like other government programs, it has grown and grown and grown. If you will take a look at the pink side here, you will see that what also has grown is those programs that have no relevance to the military. I want to say it one more time. No, I will say it again and again and again. If the Senator from Illinois wants this money spent for medical research, then, take it out of the right place. Don't be Willie Sutton. Take it from where it belongs, instead of taking it from the men and women in the military who are undermanned, undertrained, under-equipped, and in harm's way.

So you have a choice here, my dear friends. Yes, who could be against medical research? Nobody who I know. But who could be in favor of taking money from the men and women and their training, equipment, and readiness, when every single service chief has testified before the Armed Services Committee that we are putting the lives of men and women serving in the military at greater risk? So we are going to see these billions of dollars taken out of defending the Nation and the arms, the training, and the equipment that the men and women in the military need.

Now, if the Senator from Illinois wants to fund those that are militarily relevant, I would be glad to go along with that, but see what has grown and grown and grown from 1992, when it was \$25 million. Now it is billions of dollars. Let's see. Funding has increased by 4,000 percent from \$25 million in 1992 to over \$1 billion last year.

Spending on medical research—nearly 50 percent of which has nothing to do with the military—has grown 4,000 percent since 1992. So let's not say that we are shorting the men and women in the military when that spending has increased by 4,000 percent.

Again, I would like every one of my colleagues to listen to the leaders of our military and to the men and women who are serving. They don't have enough training. They don't have enough equipment. They are not ready, and it is being reflected in these kinds of accidents where we are killing more members of the military in training than we are in combat, and every one

of the service chiefs will tell you that it is because of lack of funding for training and readiness and maintenance. This has to stop.

The NDAA this year prohibits the Secretary of Defense and the service Secretaries from funding or conducting a medical research and development project unless they certify that the project would protect, enhance, or restore the health and safety of members of the Armed Forces. Is that an outrageous requirement that we should spend tax dollars that are for defense that would actually be used for defense? Wouldn't that be outrageous?

So it requires that medical research projects are open to competition and comply with other DOD, or Department of Defense, cost accounting standards. So we are not only asking them to be responsible but to comply with other Department of Defense cost accounting standards. So why that should be unacceptable, I don't know.

So the Senator from Illinois has submitted an amendment that would strike these requirements—it would strike these requirements—to adhere to the Department of Defense cost accounting standards. Why? Why would you not want to go along with cost accounting standards?

So it is certainly not an accident that the largest spike in congressionally directed medical research funding coincides with the tenure of the Senator from Illinois as chairman and ranking member of the Appropriations Committee Defense Subcommittee, in which, I say, he has done an outstanding job. Hundreds of millions of dollars in the defense budget will be used for medical research unrelated to defense, and it was not requested by the administration.

If this amendment passes, hundreds of millions of dollars will be taken away from military servicemembers and their families. If this amendment passes, hundreds of millions of dollars will not be used to provide a full 2.1-percent pay raise for our troops. It will not be used to build up the size of our Army and Marine Corps. It will not be used to buy equipment so that our airmen don't have to steal spare parts of airplanes in the boneyard to keep the oldest, smallest, and least ready Air Force in our history in the air.

So I say to my friend and colleague from Illinois, it is not that he is wrong to support medical research. We all support medical research. It is that he has proposed the wrong amendment to support medical research. Instead of proposing to take away hundreds of millions of dollars from our military servicemembers, he should be proposing a way to begin the long overdue process of shifting nonmilitary medical research spending out of the Department of Defense and into the appropriate civilian departments and agencies of our government.

I want to emphasize again that this debate is not about the value of this medical research or whether Congress

should support it. I, of all people, know the miracle of modern medicine and am grateful for all who support it, and I am sure every Senator understands the value of medical research to Americans suffering from these diseases and to the family and friends who care for them and to all those who know the pain and grief of losing a loved one. But I will repeat again that this research does not belong in the Department of Defense. It belongs in civilian departments and agencies of our government.

So I say to my colleagues that the National Defense Authorization Act focuses the Department's research efforts on medical research that will lead to lifesaving advancements in battlefield medicine and new therapies for recovery and rehabilitation of servicemembers wounded on the battlefield. This amendment would harm our national security. The amendment of the Senator from Illinois would harm our national security by reducing the funding available for militarily relevant medical research that helps protect servicemen and servicewomen on the battlefield and for military capabilities they desperately need to perform their missions. It would continue to put decision-making about medical research in the hands of lobbyists and politicians, instead of medical experts where it belongs.

I would like to repeat for at least the fifth time that I strongly support funding for medical research. I do not support funding for medical research that has nothing to do with the Department of Defense. The dollars are too scarce. You can see the way that it has gone up and up and up. So what we are trying to do is to preserve medical research where it applies to the Department of Defense and not use it for every other program, which should be funded by other agencies of government. I am very aware of the power and influence of the lobbyists who lobby for this kind of money, knowing full well that this is the easiest place to get the money.

I just hope that some of us would understand that 10 sailors just died onboard the USS *John S. McCain*. They died because that ship was not ready, not trained, not equipped, and not capable of doing its job because they didn't have enough funding. Let's get our priorities straight.

I yield the floor.

Mr. DURBIN. Mr. President, I ask unanimous consent for 2 minutes.

Mr. MCCAIN. I object.

Go ahead.

The PRESIDING OFFICER. The majority whip.

Mr. CORNYN. Mr. President, I ask unanimous consent that the Senator from Illinois be recognized for up to 2 minutes and then, following that, that I be recognized, and then, following that, Senator GILLIBRAND.

Mrs. GILLIBRAND. Mr. President, I object. I was next in line.

Mr. CORNYN. Mr. President, I believe I am recognized and have the floor.

The PRESIDING OFFICER. The majority whip is recognized.

Mr. CORNYN. Mr. President, the men and women of our military defend us on a daily basis without a doubt, but now, today, is our time to do the same for them.

One thing I cannot defend is how we continue to tie our own hands when it comes to funding the U.S. military.

This week we are considering, of course, the Defense Authorization Act that will help ensure that our military has the resources it needs to achieve the mission of today and rise to the challenges of tomorrow, but there is a fundamental problem with the way we equip the men and women we task with defending us. It is called sequestration. The sequester was called for by the Budget Control Act, which puts annual caps on defense and nondefense discretionary spending, and enforces those caps with a kind of budget cleaver. In other words, any spending that exceeds the caps automatically gets axed.

That sounds like a good idea in the abstract. Who doesn't want to treat our addiction to spending? Who doesn't want to put the Federal Government on a diet? I certainly do, but I am not willing to sacrifice our national security and the No. 1 priority of the Federal Government when it comes to providing for our mutual defense. In the words of the junior Senator from Arkansas, himself a veteran, he said: "Rather than attack America's spending problem at its root, the law only clipped a few stray leaves off the branches."

If we are going to be serious about reducing our deficit, we must address our budget priorities by looking at and addressing all government spending, not just the 30 percent or so that is discretionary. The reason we are not serious about dealing with our looming deficits and debt is not because of defense spending, it is because of mandatory entitlement spending, which is the political third rail of our government, and politicians are so afraid to deal with that mandatory spending that we cut defense spending into the muscle, to the bone, and it leads to the sort of dangers the Senator from Arizona talked about, in terms of a lack of readiness and training.

The caps in sequester, mind you, do not represent any defense policy; instead, they were driven by our failure to get serious about the real budget threat: explosive growth in government-funded entitlement programs. Appropriated necessary funding for our Armed Forces should not be held hostage because of our inability to tighten our belts in other areas where the real runaway growth has occurred. It is past time to annually pass appropriations to fund the Department of Defense. It is past time to objectively assess and fund the actual and ever-changing defense needs of our country.

What are the results of the Budget Control Act? Well, we are not really saving money, but we are wasting

time. We repeatedly raise the Budget Control Act's budget caps at the last minute, meaning they really don't keep spending down. Meanwhile, our military's ability to plan and forecast is severely hampered. When you can't plan, you are not ready, and it is no exaggeration to say that we now find ourselves in a true state of a readiness crisis. Our military, already under great stress and stretched thin around the world, has suffered from 15 years of continued operations, budgetary restrictions, and deferred investment.

According to General Walters, the Assistant Commandant of the Marine Corps, more than half of the Marines' fixed- and rotary-winged aircraft were unable to fly at the end of 2016—more than half of the Marines' fixed- and rotary-winged aircraft were unable to fly at the end of 2016. That is outrageous. The Navy fleet currently stands at 277 of the 350-ship requirement.

The Air Force had 134 fighter squadrons in 1991, when we drove Saddam Hussein out of Kuwait. Now it has only 55—in 2017, 55, and in 1991, 134, and we have 1,500 fewer fighter pilots than we need.

Heather Wilson, Secretary of the Air Force, put it earlier this week, when she said, "We have been doing too much with too little for too long." We need to hear these words, and we need to remember how they spell out in the real world—how they affect our sailors, our pilots, and our troops on the ground.

This summer, the Nation mourned 42 servicemembers who died in accidents related to readiness challenges. Mr. MCCAIN, the Senator from Arizona, the distinguished chairman of the Armed Services Committee, pointed out the death of 17 sailors aboard the USS *John S. McCain* and USS *Fitzgerald* alone, plus other separate actions claimed the lives of 19 marines and 6 soldiers.

Meanwhile, the world has not become a safer, more peaceful place. We keep trying to cash that peace dividend, but there is no peace. In fact, when our adversaries see us retreating from our commitment to fund, equip, and train our military, it is a provocation. They see an opportunity, whether it is Vladimir Putin in Crimea, Ukraine, or China in the South China Sea, or Kim Jong Un in North Korea, they see our retreat, in terms of our financial commitment to support and train our military, as a provocation and an invitation for them to fill the void.

I am reminded of a sobering quote from the former Director of National Intelligence during a hearing last year. Former Director James Clapper said: "In my time in the intelligence business"—and he served for 50 years in the intelligence business—"I don't recall a time when we have been confronted with a more diverse array of threats."

In 50 years, he didn't recall us being confronted with a more diverse array of threats. On top of these threats, never before has our country been at war for such an extended period of

time, and never before have we done so much with an All-Volunteer military force strained by repeated deployments while defense spending was cut nearly 15 percent over the last 8 years under the previous administration.

So here is what I say. Let's pass the national defense authorization bill, which authorizes \$700 billion for our Nation's defense. Let's give our troops the pay raise they deserve. Let's address our readiness problems by authorizing increases in the overall number of soldiers and marines. When doing that, let's also do away with the sequester on defense spending. Reductions to defense spending should be targeted—think scalpel, not meat cleaver—and our focus on cutting should be where the bulk of our spending is: outside of the military on mandatory spending, growing at a rate in excess of 5 percent a year, out of control and threatening the solvency of these important safety net programs.

Colleagues, while we take the fight to ISIS, while we seek to deter aggression in the Pacific and support our emergency responders here at home, including the military, we can't postpone our problems. Our challenges can't be postponed and are not disappearing.

As I said a moment ago, our adversaries are watching closely and modernizing while at home our readiness wavers. Sequestration causes our aircraft to age, our soldiers to tire, and our national security to deteriorate. Trouble is not going to wait on us getting our act together. Whether our military is ready or not, here it comes.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BLUMENTHAL. 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. BLUMENTHAL. Mr. President, I thank the leaders of the Armed Services Committee. I know the Presiding Officer serves on that committee so he is well aware of the extraordinary work and service done by Chairman MCCAIN and Ranking Member REED and our colleagues on the committee who have cooperated so collegially, in a bipartisan way, to produce a defense bill that supports our military men and women and their families and, more importantly, supports the United States of America in continuing to be the greatest and strongest power ever on the planet.

I want to talk about some of the specifics of that measure but first want to honor the 17 sailors who perished on the USS *McCain* and USS *Fitzgerald*. Two of them were sailors from Connecticut, and I want to pay tribute to ET2 Dustin Doyon of Suffield and ST2 Ngoc Truong Huynh of Watertown, CT. They were true patriots. Their families

should be proud of them. All of Connecticut celebrates their extraordinary service and sacrifice to our Nation, even as we are struck by the grief and share the sadness of their families as best we can.

I know we also feel we owe it to them, their families, and all families of the men and women in uniform to be safe. The investigation is proceeding into the circumstances surrounding the crash that caused their deaths. I will be interested, and I hope that investigation will be expedited.

The NDAA is a vital measure that preserves our national security in an uncertain era of unprecedented threats and delivers support necessary to sustain our servicemembers and our national defense. A number of the provisions I helped craft in this measure will improve opportunities for veterans, military sexual assault survivors, help with the Ukrainian soldiers, and extend the Afghan special immigrant visa program. Those measures, among others, I am proud to have participated in crafting and supporting.

This year's bill invests billions of dollars in submarines, helicopters, and the Joint Strike Fighter engine, all produced by Connecticut's highly skilled and dedicated workforce.

The bill includes over \$8 billion for Virginia and Columbia class submarines, including over \$1 billion above the President's request for Virginia funding and full funding for the Columbia class program following a successful amendment I led to secure our undersea superiority and grow Connecticut jobs. Nothing is more important to our national defense than our undersea superiority. The stealth, strength, and power of our submarine force is vital to our national security.

The measure also includes \$25 million for undersea research and development partnerships which Electric Boat and the University of Connecticut are well poised to take part in.

This defense measure provides, as well, \$10.6 billion for 94 Joint Strike Fighters across the Air Force, Navy, and Marine Corps, adding 24 above the budget request submitted by the President. Those 24 are necessary, and they are important now.

It includes \$1 billion for 48 Army Black Hawks, \$1.3 billion for six Marine Corps CH-53Ks—two more than requested—and \$354 million for the Air Force Combat Rescue Helicopter Program.

Today our Active and Reserve components are deployed together in Afghanistan, and the National Guard brings unique capabilities to the fight. I am very proud of the Connecticut National Guard. I am proud to be a supporter, to work to protect and secure their vital mission as they work for us.

This year's NDAA authorizes \$7 million in military construction for a new base entry complex, bringing the 103rd Airlift Wing into compliance with the Department of Defense's antiterrorism and force protection requirements to support their C-130 mission.

For all of these reasons, I urge my colleagues to support this bill. For these reasons and many others, this bill keeps faith with our military men and women. It secures our national defense. It provides the assurance going forward that we will remain as strong as we need to be as the world's only superpower, guaranteeing not only our own freedom but that of others around the world.

As we consider amendments on the floor, I urge my colleagues to reject the new BRAC proposal that was introduced by Chairman MCCAIN and Ranking Member REED as McCain amendment No. 933. With all due respect, I support the intent. Again, I thank them for all of their work on this bill, as it has been an extraordinary accomplishment to bring it this far and to, hopefully, within the next few days, get it over the finish line. The intent is good. Our military is capitalizing on future savings where they exist, and it must continue to do so. Base closings will be necessary, as that is a stark fact of life, but I cannot support the BRAC effort they have proposed.

The BRAC amendment would set in motion a long and time-consuming and convoluted base closure process. Connecticut is all too familiar with that process. We had a near-death experience with our base not all that long ago. It was an experience that should sound alarm bells not only for Connecticut but for other States my colleagues represent. As a Senator who represents one of the last military bases in New England, I am deeply concerned that there may be harm to civil-military relations and harm to our national security that will be caused by closing bases in our region.

The first obligation of Congress is to do no harm to these military bases. Connecticut has seen this process before. It took almost a decade for the Connecticut Air National Guard to be assigned the C-130 flying mission that was the outcome of the last BRAC round. To carry out this mission, the Connecticut Air National Guard began deploying in support of operations in the Middle East this year.

I know personally about that BRAC process. I was involved in the BRAC Commission proceedings, and afterward I was involved in literally suing the Secretary of Defense to preserve the flying mission of our base at the Air National Guard in Connecticut. Closing that base to the Air National Guard, to the C-130, or to other planes like it would have been a disgraceful outcome, but we succeeded in reaching a result, through settlement, that preserved it.

The submarine capital of the world, also known as the "First and Finest Submarine Base," is in Connecticut. The fate of that base, the Naval Submarine Base of New London, was unnecessarily put in jeopardy in 2005 as it endured unnecessary questions over its viability and military value that delayed investments and the home-

porting of submarines there. Given the importance and prominence of our submarine fleet today, as well as the \$17 million since 2005 that the State has invested in this base—\$17 million invested by the taxpayers of the State of Connecticut—it is inconceivable that we would close this asset. It is home to 16 submarines as well as to a submarine training school.

BRAC is long on unrealized returns and short on increased readiness. In 2005, BRAC was anticipated to cost \$21 billion and save over \$35 billion in the next 20 years. In reality, costs have ballooned to \$35 billion, and savings will be less than one-third of what was initially projected—just \$10 billion. That is the 2005 BRAC verdict; that it costs more than it saves. Simply put, BRAC cuts capabilities, and we can never get those capabilities back. At a time of global uncertainty and an expanding threat environment, we should be investing more, not less, in our readiness.

As a first step, I would welcome an independent study on where excess capacity exists today, but I am concerned that this amendment sets into motion a BRAC authorization before Congress is provided with the justification for doing so and where and how it should be set in motion. I am concerned this amendment employs a force structure baseline that has not been adequately assessed by the Department of Defense. That force structure baseline is the lifeblood of our future military, and moving forward without it provides a distorted view of where excess capacity may exist.

The BRAC amendment eliminates the independent commission that was previously designed by Congress in an effort to take politics out of the process. I deeply respect my colleagues who support this measure, but I have no confidence that they will be able to set aside the impact closures will have on their individual States. Let's be very blunt. This measure will exacerbate the role of politics in this process, not diminish it.

While an independent commission is by no measure completely above politics, removing it will aggravate the roles that parochialism and politics play in deciding the future of military installations. Under the rules of the Senate, this body stripped itself of the ability to even make requests for individual military construction projects at specific bases. It follows that deciding the fate of entire military bases should also be a power we keep from ourselves.

I urge my colleagues to reject this amendment, for our own sake, as Members of a body that should support our national defense, keep it as free as possible from politics and parochialism, and make sure we insulate it as much as possible from the currents and forces of special interests. I admire and respect the time and effort our committee leaders have devoted to this amendment. If it is defeated, I will

work with them to address the issues I have outlined. Base closing must be considered. There are bases that can and should be reduced and perhaps completely eliminated, but I cannot support the BRAC amendment before us, and I urge my colleagues to reject it.

Again, I thank the chairman of the committee, Senator MCCAIN, and the ranking member, Senator REED, for all of their great work on this very important measure, which I hope will be passed shortly.

Thank you.

I yield the floor.

The PRESIDING OFFICER (Mrs. FISCHER). The Senator from Alaska.

Mr. SULLIVAN. Madam President, this week, we are debating the National Defense Authorization Act of 2018. It is very important, and Members of both sides have contributed to this very important legislation we pass every year. It funds our military and authorizes its spending and training. It is really one of the most important things we do in the Senate.

As have many others, I thank the members of the Armed Services Committee. I have the privilege of serving on that committee. I thank Chairman MCCAIN and Ranking Member REED for the hard work they and all of the members of the committee have put into this and for how seriously we take this responsibility.

You have heard the discussions. This bill is needed now more than ever. We are seeing accidents, in terms of training, that are killing the lives of young men and women who are serving in the military, and a lot of it is due to readiness. In fact, in the past 8 years, the U.S. military has seen its budget decline by almost 25 percent. It is a huge decrease—just pick up the paper and see what is going on in the world—when we know that the national security threats to the United States have dramatically increased. We have decreasing budgets and increasing national security challenges, and this NDAA begins the much needed process of changing that.

I would like to focus on one such threat that we need to address right now that is at the doorstep of our great Nation and what the NDAA is doing specifically about that threat. The threat is North Korea's nuclear intercontinental ballistic activity and capability. As the Presiding Officer knows, that has now literally become a threat to every city in the United States, not just to frontline States like mine, which is the great State of Alaska, or Hawaii, as they are closer to Asia than is any other place in the United States. This threat is now on the doorstep of every American city.

For years, a lot of the "experts" and intel officials were saying: Hey, don't worry about this. They are trying, but this threat is a long way off into the future.

Some of us were skeptical of those estimates, and now we know those esti-

mates were wrong. It is no longer a matter of "if" but "when" the North Korean regime will have the capability of launching a nuclear intercontinental ballistic missile that will be aimed at the United States of America.

Recently, there was a disturbing article written in the Washington Post, the lead paragraph of which reads:

North Korea will be able to field a reliable, nuclear-capable intercontinental ballistic missile as early as next year, U.S. officials have concluded in a confidential assessment, that dramatically shrinks the timeline for when Pyongyang could strike North American cities with atomic weapons.

This assessment was leaked by someone within the Pentagon's Defense Intelligence Agency, and it shaves almost 2 full years off of what we thought North Korea's capability was. Right now, the threat is here. Think about this threat with regard to who is leading North Korea—an unstable dictator who has shown that he is not rational.

Let me go into a little bit more of the threat here. When you look at the different regimes—Kim Il Sung, Kim Jong Il, and Kim Jong Un, who is the current dictator of North Korea—in just the 5 years since he has come to power, he has conducted more than 80 missile tests and over twice as many nuclear tests as both his father and grandfather did in their 60 years of ruling North Korea. Look at this chart. It shows missile tests, nuclear tests—5 years—way more than his father and grandfather ever did.

And while several of these missile tests have been failures, we have obviously seen clear successes. In fact, while many Americans were celebrating the Fourth of July holiday—our patriotism, our liberty, our military—Kim Jong Un launched a successful test of an intercontinental ballistic missile.

On the nuclear side, we have seen activity even more recently, allegedly a test of a hydrogen bomb with an estimated yield of 120 kilotons—their third nuclear test since January 2016. It was eight times more powerful than their last test.

The bottom line with regard to this threat from a very unstable regime is they are making very significant progress.

So that is the threat. It is very real—on our shores—led by an unstable dictator who has threatened to use these weapons.

What are we doing about it? Well, we have the capability to defend against this threat, and that capability is through much more enhanced missile defense for the homeland of the United States—for our cities. That is what this National Defense Authorization Act does.

Unfortunately, over the past several years, the Federal Government has not taken homeland missile defense very seriously. One study recently found that in its history, our homeland missile defense has been characterized by a "trend of high ambition followed by increasing modesty."

The "high ambition" has been largely driven by the threats to our Nation, but the modesty component has been largely a function of decreasing budgets for the Missile Defense Agency. In fact, from 2006 to 2016, the Missile Defense Agency's budget has declined nearly 25 percent. Homeland missile defense testing has declined by nearly 83 percent. So when our adversaries are testing and advancing, we have been going in the opposite direction.

I am glad to say that this year's NDAA reverses this long-term trend of homeland missile defense neglect.

Earlier this year, with a number of my colleagues in this body, we introduced the Advancing America's Missile Defense Act of 2017. This is a bill that we worked on for months, with experts in missile defense, the military experts, the civilian experts, to say: What do we need to better protect the United States of America? What are the key elements? We put this together in a bill that we introduced several months ago, focusing on the following key areas:

First, the Advancing America's Missile Defense Act would dramatically increase our capacity for what are called our ground-based missile interceptors—up to 28 more interceptors—and require our military to look at fielding 100 more—up to 100 missile interceptors—to fully protect the United States.

Second, our bill would advance the technology to not only have more ground-based missile interceptors but the kill vehicles on top of those missiles—the bullets from which the missiles could shoot additional warheads. This is technology that is advancing, but it needs to advance much more quickly.

Third, our bill looks at integrating the different missile defense systems throughout the world. So in theater, for example, in South Korea, we have the THAAD system, and we have that on Guam. We have Aegis systems with our Navy ships, and then we have our ground-based system back home, in the homeland of the United States. Our bill looks at integrating these systems with a space-based sensor, to have an unblinking eye, in terms of the technology, that can track and shoot down missiles coming to the United States and integrate with regional defenses and our homeland defenses.

Fourth, our bill focuses on more testing for missile defense.

As I mentioned, the decline of the testing has inhibited the development of these systems. It focuses on the testing but also doing the testing with our allies that are also advancing missile defense in different areas of the world.

As I mentioned, we worked on this bill for months. One of the key elements I am most proud of in this bill is the strong bipartisan support it has received in the Senate and in the House. Importantly, when we introduced it as part of the NDAA markup, we had over one-quarter of all of the Members of the U.S. Senate who were already cosponsors—Democrats and Republicans

from literally every region of the United States.

This is a first and important development in a long time with regard to missile defense. Unfortunately, for years, that has been viewed as a partisan issue, not a bipartisan issue. And what we were trying to do as we developed this bill was to say this shouldn't be partisan. This is a threat that every city in America is going to have to deal with. Let's work together and get a bipartisan bill together.

I was proud when the Wall Street Journal editorial wrote about this bill and emphasized that bipartisan nature. A few months ago they wrote:

[The Advancing America's Missile Defense Act] has united conservatives such as Ted Cruz and Marco Rubio and liberal Democrats such as Gary Peters and Brian Schatz, no small feat in the Trump era. . . . Mr. Sullivan's missile-defense amendment would be a down payment on a safer America in an ever more dangerous world.

Why did they write this? Because they understand the importance of having bipartisan support for missile defense but also the importance of making sure that Congress leads on this important issue. Thankfully, that is what the NDAA does this year—both versions—the Senate version and the House version.

The vast majority of our bill that we introduced we debated in the markup for the NDAA this year. Again, I thank Senators MCCAIN and REED and other members of the committee for the way in which the broader NDAA came together. But we debated this bill, and the vast majority of our bill on advancing America's missile defense is now in this NDAA—one of the many reasons I am encouraging all of my colleagues in the Senate to vote to pass it.

Something else that I think is important for my constituents to know but also for all Americans to know is the role that Alaska plays in America's missile defense. For those of my colleagues who sit on the Armed Services Committee, they have heard me say this many, many times. There is a famous quote in congressional testimony back in the 1930s by the father of the Air Force, Gen. Billy Mitchell. His quote in front of Congress was: Alaska is the most strategic place in the world because of its location on the top of the world. Whoever owns Alaska literally controls the world.

Fortunately, the United States owns Alaska. So we are, because of that strategic location, the cornerstone of our Nation's missile defense. If there were a missile launched from North Korea or Iran or anywhere else in the world, the trajectory would take it over Alaska. It would be tracked by radars in Alaska. It would be shot down by missiles based in Alaska. The 49th Missile Defense Battalion located at Fort Greely, AK, is a National Guard unit. They have a fantastic motto: 300 protecting the 300 million—young men and women serving in the Guard on duty 24/7, protecting the entire country—300 of them

protecting the entire United States. That is a worthy mission that we are glad is done so well by the members of the Alaska National Guard.

So this bill does a lot. The NDAA this year, which we are debating on the floor now, finally takes seriously this important mission of missile defense. As I have noted, it does a lot to advance it.

We have a couple of additional amendments that we are working on and hopefully are going to get passed out of the managers' package that would make even more advances to missile defense. We are going to continue to work those, and, hopefully, we will continue to have the bipartisan support that we did when this bill was marked up.

I remain hopeful that we are finally starting to reverse the trend in missile defense that, as I noted earlier, was one of high ambition followed by increasing modesty.

Today we need ambition, and we need action. The threat warrants it. The American people demand it. The Congress must step up and deliver it. That is what is happening in this NDAA, along with many other important and critical provisions for our Nation's military. I encourage all of my colleagues to vote in favor of passage of this important bill.

TRIBUTE TO MICAH MCKINNIS

Madam President, Micah McKinnis began working for me 2 years ago as my military legislative correspondent. He is actually sitting with me right now, and today is his last day in my office. It is a sad day for everyone in my office, but Micah is going on to do bigger and better things with that unit I just talked about, the Alaska National Guard.

While in my office he has done amazing work, including championing my India policy and fighting for more resources for our combat rescue squadrons and playing an important role in helping us develop this missile defense bill. I am genuinely happy for him and his wife, and I look forward to seeing them up in Alaska, as he is getting ready to go join the military himself. He is going to head out for training. He is looking to be a pararescue member of the military. It is some of the toughest training we have in the U.S. military, but I know he is going to do very well.

So Micah, thanks for all you have done, all the things you have done for Alaska. You will always be part of our family. Good luck to you and your family.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mrs. GILLIBRAND. Madam President, I rise to urge my colleagues to vote for a bipartisan amendment, No. 1051, to protect transgender servicemembers in our military.

I want to thank my dear friend and colleague, Senator MCCAIN, the chairman of the Armed Services Committee

and his staff, for working with us on this bipartisan amendment to protect transgender servicemembers and for agreeing to support it here on the floor today.

The amendment, which I was so proud to write with my Republican colleague from Maine, Senator SUSAN COLLINS, would prohibit the Department of Defense from discharging members of the military or denying them reenlistment opportunities because of their gender identity. It is essential that this Congress does not break faith with these brave servicemembers who have served their country honorably and with great sacrifice.

As Members of the Senate, one of our most serious responsibilities is to stand up for the men and women who serve in our armed services. We have an obligation to represent their interests, to value and respect their service, and to give them the tools and resources they need to defend our country. Kicking out thousands of servicemembers simply because of their gender identity doesn't make our military stronger, it makes our military weaker. It doesn't save taxpayer money, it wastes taxpayer money. We have spent millions recruiting and training these highly skilled servicemembers.

I want to be clear to those who misunderstand our U.S. military members, to those who somehow think our military cannot handle diversity among its servicemembers: Do not underestimate the men and women who serve in uniform. They represent the best and strongest among us.

An argument against diversity in the military is wrong. We heard this argument during the fight to end racial segregation. We heard it during the fight to allow women to serve. We heard it during the fight to end don't ask, don't tell, which I was proud to work on with the Republican Senator from Maine once again. And here, once again, this argument is wrong. Our military is strongest when it represents the Nation it serves.

Rather than shrinking the talent pool and telling patriotic Americans that they cannot serve, we should be doing everything we can to encourage and support them. We should thank them for their devotion to service, for their willingness to leave their families for months at a time and risk their own lives and safety to protect us.

This transgender ban affects individuals who were brave enough to join the military, men and women who were tough enough to make it through rigorous military training, men and women who love our country enough to risk their lives for it, to fight for it and even die for it. To suggest these brave, tough, and selfless transgender Americans somehow don't belong in our military is harmful to our military readiness, and it is deeply insulting to our troops.

Don't tell me that U.S. Air Force SSgt Logan Ireland, who deployed to Afghanistan and has earned numerous

commendations since the ban on transgender service was lifted, should be kicked out of our military. Don't tell me a young recruit like U.S. Marine Aaron Wixson, who left college to enlist in the field artillery and worked diligently with his chain of command during his gender transition to meet every requirement asked of him, should be kicked out of the military. Do not tell me that Navy LCDR Blake Dremann, who identified as transgender while serving in Afghanistan and has deployed 11 times and won the Navy's highest logistics award and now shapes our military policy at the Pentagon—don't tell me he should be kicked out of the military. Any individual serving in our military today who meets the standards should be allowed to serve, period.

I urge my colleagues to join me, the Republican Senator from Maine, and Senator JOHN MCCAIN, on our bipartisan amendment to allow transgender men and women to stay in the military and continue to serve our country and keep us safe.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Ms. WARREN. Madam President, I rise today to urge my colleagues to support my bipartisan amendment with Senator LEE calling for a "think first" assessment of recent Russian violations of the Intermediate-Range Nuclear Forces Treaty and the response of the United States.

The INF Treaty has been the bedrock of European security for nearly three decades, and Congress must ask a few reasonable questions before we fund a missile research and development program that our military leaders have not asked for, that our allies do not want, that would undermine the spirit and intent of our longstanding treaty commitment, and that would make the world a more dangerous place.

No one is more concerned about Russia's recent aggression than I am. From their annexation of Crimea to their meddling in our election and the elections of our allies, Russia's behavior must be met with a firm and unequivocal response.

Last month, I traveled to the Baltics to see firsthand the threat Russia poses to NATO allies and to meet with senior U.S. Army officials and local political leaders. On that trip, one thing was abundantly clear: We need to be tough in the face of Russian provocation, but we also need to be smart. That is what our amendment is about today. It isn't about playing politics; it is about smart, strategic, informed toughness that advances the interests of the United States of America.

The INF treaty, negotiated and signed by President Reagan nearly 30 years ago, erased an entire class of nuclear weapons from the European continent. It eliminated ground-launched missiles with a range of 500 to 5,500 kilometers—roughly up to twice the distance between Moscow and Paris. This

is also the same class of missile that Russia deployed earlier this year, in violation of the treaty.

Russia's treaty violations have been widely reported. There is no question that bringing Russia back into compliance with the treaty must be a top priority. Russian compliance is in the best interest of the United States, it is in the best interest of our European and Asia Pacific allies, and it is ultimately in the best interest of the Russian Federation. But this is a tough job. Our military leaders have told us they see no indication that Russia plans to resume honoring its treaty obligations anytime soon.

In the short term, we must ensure that Russia does not gain a military advantage from its violation and that Russia—Russia—takes the blame on the world stage for breaking this treaty. We cannot accomplish these goals by signaling to the world that we have lost faith in the very treaty we seek to preserve. But that is exactly what section 1635 of the NDAA would do. This section calls for the "establishment of a research and development program for a dual-capable, road-mobile, ground-launched missile system with a maximum range of 5,500 kilometers"—or, in plain language, the development of a new nuclear missile that we have publicly sworn never to test or deploy.

The proposed R&D program is in itself not a violation of the INF treaty, which only bans testing and deployment, but there is no denying that such a missile program is a violation of the spirit and intent of our treaty commitment, and that is exactly how our allies and adversaries alike will see it.

The reality of this proposal is crystal clear: Either we are authorizing millions of taxpayer dollars to be wasted on research and development of a missile we never intend to build or test, or we are pushing the door wide open to an upcoming violation of the INF Treaty.

In opening that door, we would be signaling not only to the Russians but also to our treaty partners around the world that the United States is preparing to walk away from a nuclear treaty commitment. In sending that signal, we are basically giving Russia the excuse it is looking for to shed remaining international constraints, to justify an acceleration of its intermediate-range nuclear program, and to spark a new contest of nuclear escalation. Such a move can quickly increase the number of nuclear weapons deployed throughout the world and send the globe into a second cold war reality—a reality where we live with the constant threat that one preemptive move, one miscalculation could wipe away everything we hold dear.

Supporters claim that a new missile is needed not only to compete with Russia but also to counter a more assertive China, which is not bound by the agreement. But I have seen no evidence to support these arguments. If anything, a tit-for-tat response is more

likely to embolden Putin to up the ante by deploying some more missiles and perhaps withdrawing from the INF Treaty altogether.

The Vice Chairman of the Joint Chiefs of Staff, Gen. Paul Selva, has already told us that a new intermediate-range missile is not necessary to hold targets in China at risk.

To ensure that our response to Russian treaty violations is based in international strategy rather than just in knee-jerk responses, Senator LEE and I are offering a commonsense amendment requiring that before we spend a dime of taxpayer money on the proposed missile program, the Secretary of Defense and Secretary of State should work together to address a few critical questions.

First, what is the status, capability, and threat posed to our allies by Russia's new ground-launched cruise missile?

Secretary Mattis has stated that Russia's treaty violation would not provide Russia with a "significant military advantage." Is this still the Secretary's assessment? General Selva has said: "Given the location of the specific missile and the deployment, [the Russians] don't gain any advantage in Europe." Is this still the general's assessment? We should not blindly commit taxpayer money and undermine our treaty commitment without understanding the threat.

Second, does our military believe that a new ground-launched, intermediate-range missile that is not compliant with our treaty obligations is our most effective response to Russia?

The Pentagon did not request funding for a new intermediate-range missile. According to a report by the Pentagon just last year, there are multiple options on the table to pressure Russia back into treaty compliance, including enhancements to the European Reassurance Initiative and additional active defenses. That is in addition to the other available tools of national power that could strengthen, rather than weaken, the INF Treaty.

The Pentagon advocated for just such a multipronged approach, writing that "Russia's return to compliance with its obligations under the INF treaty remains the preferable outcome, which argues against unilateral U.S. withdrawal or abrogation of the INF treaty at this time."

With the Pentagon reviewing options, Congress's proposed playground approach of "if you build a ground-based missile, I will build one too" is not the strategic response of generals and statesmen. In fact, the administration has said that this new program would "unhelpfully" tie them "to a specific type of missile system . . . which would limit potential military response options" at a time when DOD, State, and Treasury are "developing an integrated diplomatic, military, and economic response strategy to maximize pressure on Russia." We must let our military leaders and our diplomats



do their jobs and inform Congress before we act.

Third question: Will our NATO allies stand with us in this response, and will any of our allies even be willing to host such a missile system if we decide to deploy it?

Given our geographic advantages, a missile of this range does no good on U.S. soil; it only works if it is installed on the ground of our NATO allies.

The last time the United States weighed a land-based escalation in Europe, millions of citizens took to the streets in protest, and in the 21st century, that call for nuclear disarmament of the European continent has only grown. As General Selva recently acknowledged, we don't even know whether any of our European allies would permit the deployment of a nuclear-capable ground-launched missile on their territory.

During the Cold War, Russian deployments of land-based cruise missiles targeting Europe were, in part, a ploy to cause division among the NATO countries, and the same could be said today. It is critical that we respond as one indivisible NATO coalition, unshaken by Russia's provocations.

So that is it—three must-ask questions deserving of must-have answers: What is the nature of the threat? What is the Pentagon's recommended military response? What action unites us with our NATO allies? Until we have those answers, heading down the path of destroying the INF Treaty is grossly irresponsible.

Support to reduce the number of nuclear weapons and prevent their spread to more nations has always been a non-partisan issue.

When President Reagan signed this treaty into law, he said that "patience, determination, and commitment made this impossible vision [of the INF Treaty] a reality." Ever since then, the treaty has served as the bedrock of our efforts to build a safe and peaceful world in a nuclear age; to build a world where schoolchildren spend their days learning to read and write, not practicing duck-and-cover drills; to build a world where families live in hope for what tomorrow may bring, not in fear that a flash of light may sweep away everything they love; to build a world that looks to the United States to steadily lead toward sustained peace and security. This amendment continues in that spirit.

I thank Senator LEE for his leadership on this bipartisan effort. When we announced this amendment, he said that the amendment "would set the precedent that the [United States] should not immediately react to an adversary's treaty violation by violating the same treaty ourselves. That's not how working in good faith in the international community is done." He is right.

I want to acknowledge Senator CARDIN, the ranking member on the Senate Foreign Relations Committee, and Senator FEINSTEIN, a longtime

arms control champion, and thank them for their leadership to prevent nuclear proliferation and ensure that America upholds its international obligations. I thank Senator REED, the ranking member of the Armed Services Committee, for his strong support on this issue. We are all grateful for his efforts.

On the 30th anniversary of the treaty, we must give no cause to doubt that the United States stands by its word, that it is committed to this treaty, and that it is committed to working with allies to bring Russia back into compliance.

The INF Treaty removed thousands of nuclear weapons from the face of the globe, and we must be certain that we have exhausted all options before we walk away from it.

Rather than simply dusting off a nuclear escalation play from the early 1980s, I ask my colleagues to join us in allowing the Secretaries of Defense and State to do their jobs, to weigh the options, and to recommend a course of action. I ask them to join us in allowing information and strategy to guide our policy. I ask them to join us in supporting this amendment to the NDAA.

Madam President, I yield the floor.

Mr. TILLIS. Madam President, I would like to express my support for the ongoing deliberative process to address the very valid concerns raised with sections 881 and 886 of the fiscal year 2018 National Defense Authorization Act. Earlier today, I filed an amendment that seeks to clarify the committee's intent with respect to open source requirements and intellectual property rights and protections for U.S. technology vendors who collaborate with the Department of Defense. I want to be clear that this language does not represent the ultimate fix, but rather a step in the right direction as we embark on a longer policy discussion in conference.

I want to thank the chairman, my colleagues on the Senate Armed Services Committee, and my counterparts on the House Armed Services Committee for their commitment to continue this conversation in conference. It is essential that we provide both the Department and industry the proper tools, protections, and incentives necessary to continue these mutually beneficial partnerships on the commercial off-the-shelf and the custom-developed software side. I am confident we can reach consensus and send the President language that clearly articulates a fair and sustainable model for existing and future contracts.

Madam President, as chairman of the Senate Armed Services Subcommittee on Personnel, I would like to make a statement for the record about an item of special interest related to the Department of Defense's use of its intellectual property rights in certain drug products within the committee report on the National Defense Authorization Act for fiscal year 2018.

The committee report contains language that directs the Defense Depart-

ment to exercise its rights under the Bayh-Dole Act "to authorize third parties to use inventions that benefited from DOD funding whenever the price of a drug, vaccine, or other medical technology is higher in the United States" as compared to prices in foreign countries.

This language is of concern to me for several reasons. The DOD and other Federal agencies face significant obstacles such as low procurement quantities, high regulatory risk, and complex Federal contracting regulations when working to attract the top vaccine and drug developers as partners in medical countermeasure development to protect the warfighter and America's citizens. Diluting intellectual property protections as a means of price control will not only fail to meet its objective, but it could significantly hamper the government's efforts to develop these critical medical capabilities. The report language could lead to decreased investments in medical countermeasures development and a drop-off in industry partnerships with DOD that can ultimately result in few new drugs, vaccines, and diagnostics.

Bayh-Dole has created a fragile ecosystem of collaboration among Federal agencies, public research institutions, and private industry, resulting in the commercialization of inventions for use by the American people, especially in the area of medical countermeasures often developed specifically for our servicemembers and veterans. The idea of regulating the price of a commercialized invention was never contemplated by Congress when passing the Bayh-Dole Act.

I have concerns that the committee report language could chill medical innovation by raising the risk of a Federal partnership to a level that is unacceptable for many private entities. This is problematic for small businesses that have less capital to risk on products subject to unpredictable price controls. While the availability of medical innovations to the American public remains an area of great interest to me, I strongly believe that we should pursue more appropriate and effective ways to achieve this goal without stifling innovation or discouraging public private partnerships.

The PRESIDING OFFICER. The majority leader.

Mr. MCCONNELL. Madam President, I have just spoken with Chairman MCCAIN about the status of the Defense bill. He and Senator REED have already processed more than 100 amendments to the bill with broad bipartisan input. Unfortunately, the two sides have now reached an impasse on further amendments. Senator MCCAIN has offered a reasonable list that could have been voted on this afternoon, but it appears we are not able to enter that agreement because of issues unrelated to NDAA. Therefore, it is my hope that we can move to finish the bill sooner rather than later and vote to invoke cloture this afternoon.

The Senate will vote on a critical HUD nomination after lunch, and it is my hope that we can move the cloture vote on NDAA to occur in that stack after lunch.

Our next order of business will be, following the Defense authorization bill, the nomination of the Solicitor General. This is the person in the Justice Department who argues before the Supreme Court, and the Supreme Court October term begins shortly.

#### ORDER OF PROCEDURE

Madam President, I ask unanimous consent that at 1 p.m. today, the Senate proceed to executive session for the consideration of Calendar No. 109, as under the previous order, and that following disposition of the nomination, the Senate resume legislative session and consideration of H.R. 2810.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### EXECUTIVE SESSION

##### EXECUTIVE CALENDAR

Mr. McCONNELL. Madam President, I move to proceed to executive session to consider Calendar No. 105, Noel Francisco.

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 Noel J. Francisco, of the District of Columbia, to be Solicitor General of the United States.

#### CLOTURE MOTION

Mr. McCONNELL. Madam 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 assistant bill 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 Noel J. Francisco, of the District of Columbia, to be Solicitor General of the United States.

Mitch McConnell, John Kennedy, Lamar Alexander, Johnny Isakson, Mike Rounds, Tom Cotton, Roy Blunt, John Barrasso, Patrick J. Toomey, Cory Gardner, John Hoeven, Rob Portman, Bill Cassidy, John Cornyn, Orrin G. Hatch, Lisa Murkowski, Thom Tillis.

Mr. McCONNELL. Madam President, I ask unanimous consent that the mandatory quorum call be waived.

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

#### LEGISLATIVE SESSION

Mr. McCONNELL. Madam President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2018—Continued

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCain. Madam President, I thank the majority leader for all the support and assistance we have been given on this issue. Of course, I regret that we finally had to turn to cloture. The fact is that we have incorporated over 100 amendments offered by Senators of both parties, and it means the NDAA becomes stronger as a result of including these amendments. Second, the process took a step in the right direction, as Senators were able to have their voices and opinions heard and reflected in this legislation.

I wish we had never had to come to voting for cloture, but I wish to say that we have made enormous progress. We have had debate. We have had amendments. We have had votes. All of these are the "regular order" that some of us have been arguing for that the U.S. Senate—in accordance with the Constitution of the United States.

I am very appreciative of the cooperation of Members on both sides, including Senator REED. I believe we can be proud of our product. It came down to about four amendments on which we could never get agreement to move forward—that compared to the over 100 amendments we were able to adopt.

I still wish we had been able to go completely through this process without having to resort to cloture, but I do want to thank Members on both sides—as we approach cloture—for their cooperation, for their involvement, for their engagement, and for their dedication to the men and women who are serving us in the military.

We look forward to the next hours. We will have debate and hopefully some amendments proposed, vote cloture, and have it completed sometime early next week. The work that needs to be done will be done, accomplished before then.

I thank all my colleagues for their participation. I thank them for their engagement and involvement. I am proud of this product, which comes after hundreds of hours of hearings, of negotiation, of discussion, and of debate, because it proves that the first priority of Members on both sides of the aisle is the men and women in the military and their ability to defend the Nation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Madam President, I want to join the chairman with respect to noting the progress we have made with respect to 100 amendments. They have been bipartisan. They have been carefully weighed by the staff.

We are still continuing to work together to see if there are additional

amendments we can incorporate before we conclude this bill. I think the amendments have strengthened the bill. I think it does reflect the bipartisan effort.

Also, along with the chairman, we would have liked to have been able to do more and have more debate, more votes, but at the end of the day, we are going to have a national defense authorization bill that responds to current threats, that responds to the stresses and demands on our personnel across the globe, and also be well positioned to go into conference and hopefully further improve this legislation in the conference process.

Once again, I will say this is in large part the result of Chairman McCain's leadership—creating an atmosphere of bipartisan cooperation, of thoughtful debate, and doing it in a way that brings out the best in all of us. I thank him for that.

Madam President, I yield the floor.

#### EXECUTIVE SESSION

##### EXECUTIVE CALENDAR

The PRESIDING OFFICER (Mr. Sasse). Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Pamela Hughes Patenaude, of New Hampshire, to be Deputy Secretary of Housing and Urban Development.

The PRESIDING OFFICER. There will now be 40 minutes of debate, equally divided between the two sides in the usual form.

The Senator from Oregon.

#### HEALTHCARE

Mr. Merkley. Mr. President, the most important words in our Constitution are the first three words: "We the People." That is the mission statement for the United States of America. It is written in big, bold, beautiful letters so that even from across the room, if you can't read the details, you know what our Nation is all about. As President Lincoln summarized, a Nation "of the people, by the people, for the people."

What we have seen this year is quite an assault on this vision of government of, by, and for the people. It came in the form of President Trump's plan to rip healthcare from millions of Americans in order to deliver billions of dollars to the very richest among us—plan after plan, version after version, wiping out healthcare for 24 million, wiping out healthcare for 23 million, wiping out healthcare for 32 million, and so on and so forth, always over 20 million, and always delivering this enormous gift of hundreds of billions of dollars to the richest Americans.

You look at this from a little bit of distance, and it is just incredible to imagine that this could have occurred—that any member, a single member of our Nation would possibly