

that our technological edge is narrowing. One reason is that they are investing a great deal in their research infrastructure and we are not investing as we were in the past, again, partly as a result of these budget caps.

So, my amendment would authorize an additional \$3.5 billion for science and technological investment. Federal research centers like NIH, the National Science Foundation, NASA, and ARPA-E, all provide hope for treatments and cures for life-threatening and debilitating diseases, generate new technology, and make scientific breakthroughs. They are also key in helping to strengthen our economy and maintain our competitive edge—the foundation of our national security.

Again, the technological edge that we enjoyed over our near-peer competitors in the past is narrowing. Every defense official will say that. We are not simply going to fix it by putting some more money into defense-directed DOD research. We have to put money throughout our entire research enterprise. One other area is increasing our basic education. This funding would support full implementation of several bipartisan legislative efforts, including the Every Student Succeeds Act, the Individuals with Disabilities Education Act, the Workforce Innovation and Opportunity Act, and efforts to improve college affordability.

We can never be fully secure if we are not fully providing for the development of the children of this country, because they will eventually rise to positions of leadership, not just in the military but in other critical areas that will make this Nation strong and continue our ability to provide the finest military force in the world.

We have tried to articulate throughout that our national security is much more than simply the funding we give to the Department of Defense. A well-trained and educated workforce, a productive workforce contributes to our economy, and that contributes to our defense. Innovation through scientific research is important to our national security.

The agencies that I cited, particularly the Department of Homeland Security, the Department of State, and all of these agencies have a critical role overseas. They will not be able to play that role if we simply increase funding for the Department of Defense and not for these other agencies. For some time now, the President and Secretaries Carter, Hagel, Panetta, and Gates have implored Congress to end the harmful efforts of the arbitrary spending caps and sequestration.

During last year's debate, I repeatedly and forcefully argued that using the OCO account as a way to skirt the budget caps set a dangerous precedent. That was the reason why I reluctantly had to vote against last year's bill. I was deeply concerned that if we used this OCO approach for 1 year, it would be easy to do it next year and every year after that, ensuring an enduring

imbalance between security and domestic spending. Such an approach would be completely counter to the original rationale of the Budget Control Act, which imposed proportionally equal cuts to defense and nondefense discretionary spending to force a bipartisan compromise.

Ultimately, we must return to an era of budget deliberations in which all discretionary spending, both defense and nondefense, is judged by its merit and not by arbitrary limits. We need to begin working together now to remove the budget caps and the threat of sequestration, not just for the Department of Defense but for all Federal agencies that contribute to national and economic security. Providing relief from the caps to only the defense portion of the budget, while ignoring the very real consequences of continuing to underfund the nondefense portion of the budget, moves us farther away from that goal.

I yield the floor.

I suggest the absence of a quorum.

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

The senior assistant legislative clerk proceeded to call the roll.

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

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

#### JOINT MEETING OF THE TWO HOUSES—ADDRESS BY THE PRIME MINISTER OF INDIA

RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess subject to the call of the Chair.

Thereupon, the Senate, at 10:30 a.m., took a recess subject to the call of the Chair, and the Senate, preceded by the Secretary of the Senate, Julie E. Adams; the Deputy Sergeant at Arms, James Morhard; and the Vice President of the United States, JOSEPH R. BIDEN, Jr., proceeded to the Hall of the House of Representatives to hear an address delivered by His Excellency Narendra Modi, Prime Minister of India.

(The address delivered by the Prime Minister of India to the joint meeting of the two Houses of Congress is printed in the Proceedings of the House of Representatives in today's RECORD.)

At 2:20 p.m., the Senate, having returned to its Chamber, reassembled and was called to order by the Presiding Officer (Mrs. ERNST).

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2017—Continued

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, I thank the distinguished Presiding Officer. What is our parliamentary situation?

The PRESIDING OFFICER. The Senate is considering S. 2943.

Mr. LEAHY. Madam President, I ask unanimous consent to speak as in morning business.

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

INDEPENDENCE OF OUR FEDERAL JUDICIARY

Mr. LEAHY. Madam President, I wanted to speak based on my experience over the years as a member of the Senate Judiciary Committee—as the ranking member, as the chairman—on something very public that has happened.

Many Senators in both parties have appropriately condemned the racist comments recently made by the Republican Party's presumptive Presidential nominee about Judge Curiel. Sadly, these baseless allegations he has made against a distinguished Federal judge come as no surprise. We have seen for months that personal insults are the calling card of the Republican standard bearer. But I would say, similar to what many in both parties have said, anyone seeking the highest office of this great Nation has to understand the fundamental role that judges play in our democracy. The rule of law protects all of us, but only when administered by an independent judiciary.

I am deeply troubled by this attack on a sitting Federal judge, but make no mistake—it is not the first, nor will it be the last Republican attack on the independence of our Federal judiciary. This may be the most extreme example, but it is just the latest in a series of Republican actions that seek to undermine and compromise a coequal branch of government.

For more than 7 years, Senate Republicans have tried to block judicial nominations through stalling and delaying. They have even distorted the records of the men and women nominated to serve on the Federal bench. This systematic—and it has been systematic—obstruction has hurt courts across the country. But it is not just the courts I am worried about; it is the American people who go to those courts seeking justice. Judicial vacancies have soared under Republican leadership, even though we have dozens of nominations that have bipartisan support, and they are languishing on the Senate floor.

Earlier this year, Senate Republicans took their obstruction one totally unprecedented step further. Within hours of the news of Justice Scalia's passing, the Republican leader declared his unilateral refusal to allow anyone to be confirmed to the Supreme Court until the following year, even though he said this in February. It was an extraordinarily partisan decision, and there is no precedent for it in the United States Senate under either Democratic or Republican leadership. Since confirmation hearings began a century ago, never, never has the Senate denied a Supreme Court nominee a hearing.

Recently, two law professors extensively analyzed the history of the Supreme Court. They concluded that

there is no historical precedent for this refusal to consider Chief Judge Garland's nomination. In fact, according to their report, there have been 103 prior times in history when an elected President has filled a Supreme Court vacancy prior to the election of the next President and has done so with the advice and consent of the Senate—103 times. The Republicans' unprecedented obstruction—and I quote here—"threatens to damage the appointments process in the future and risks significant harm to the Court."

The Senate Republican leadership has chosen to put the functioning of our highest Court in jeopardy for more than a year. That is the partisan attack on our independent judicial system that more Americans need to understand. When the dust settles on this latest series of accusations by the Republican's standard bearer, I hope the American people remember what this says about his disrespect for the rule of law, what it says about his disrespect for our justice system, what it says about how he will treat those who may disagree with him, and what it says about those who fail to hold him accountable.

Our Founders understood that this great Nation needs an independent judiciary. They designed our courts to be insulated from the political whims of the moment. They designed our judiciary to serve as a check on the political branches, including on the power of the President. Can you imagine a future President who does not respect the role judges play? A President who thinks judges should be disqualified from doing their jobs simply based on their race or their gender?

For the good of the country, I call on my Republican friends to stop diminishing our independent Federal judiciary. It is too important to be treated like an election-year pawn. Our Federal courts, from the Supreme Court all the way down, deserve to be at full strength, and the Senate needs to treat fairly the dozens of nominees before us, all of whom have earned bipartisan support.

It is not fair to attack sitting judges for political gain when they cannot even respond to the attack. It is also not fair to make allegations against judges who, as nominees, cannot respond because Senate Republicans refuse to have a public hearing.

If the Republican leaders of this body want to distinguish themselves from the rhetoric of the campaign trail, they should change course here in the Senate. Actions speak louder than words. They should allow Chief Judge Garland a public hearing and a confirmation vote this month. They should allow an up-or-down vote on the 22 judicial nominees who have been reported favorably by the Senate Judiciary Committee and who just sit here, waiting for a vote.

The American people deserve leaders who respect and support our Federal courts and have the courage to take action.

Let me say from a personal point that I remember the day I stood before the Vermont Supreme Court as though it was yesterday. I took my oath as the newest lawyer in Vermont, and I was the youngest lawyer in the State of Vermont. I was very conscious of that, being both the youngest and the newest. But I remember the senior partner of our law firm, who was a well-known conservative Republican throughout the State, and as a young lawyer he told me: Do the best job you can. Always tell the truth. But you do not criticize the judges. You might not like their decisions. You can always appeal them. Maybe you will win; maybe you will lose. But protect the integrity of our courts. They are above politics. They should not be brought into it.

Frankly, the attacks against a judge born in Indiana, a man who has defended our Constitution, the people of this country, even when his life was threatened—to attack him, to make racist comments about him, to demean the courts, to demean our judiciary, our Federal system, the best in the world—it made my skin crawl. It was puerile; it was wrong. I hope that all of us in both parties will stand above that and protect the integrity of our Federal judiciary.

Madam President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

Mr. MURPHY. Mr. President, I ask unanimous consent to speak about my amendment No. 4299.

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

Mr. MURPHY. Mr. President, not a lot of Americans know this, but we are at war in the Middle East. We are part of the Saudi-led coalition that is in the middle of a very dangerous and catastrophic war inside Yemen. The Saudi-led campaign inside Yemen began on March 26, 2015. The Houthis, a group within Yemen, had captured the capital in September of 2014. The Saudi-led campaign, of which the United States is a member, had intended to push the Houthis out of the capital.

The war has been absolutely devastating from both a humanitarian perspective and a U.S. national security perspective. Senator PAUL and I have submitted an amendment that I will not call up right now—but I may do so later in the proceedings—which would place some very reasonable conditions on the U.S. participation in this coalition, and in particular on the U.S. transfer of munitions to Saudi Arabia in order to continue this campaign.

What is the status of this civil war inside Yemen today? Well, first of all, as I mentioned, it has been an absolute

humanitarian disaster. The war has left 3,000 civilians dead, and the total number of deaths is 6,200. At this time 80 percent of Yemen's population is wholly dependent on international humanitarian relief because they don't have adequate food, water, or medical care.

The capital, Sanaa, has been without electricity or running water for over a year. The capital of this country has had no electricity or running water for over a year. Nearly the entire population of an entire country, Yemen, is now dependent on international humanitarian aid in order to subsist.

During this time, the U.N. has documented 101 attacks on Yemeni schools and hospitals, 48 of which were attributed to this coalition-led bombing campaign that the United States is a part of. Hundreds of health facilities have closed due to damage and lack of fuel for generators, supplies, and shortage of medical personnel.

There have been multiple reports of cluster bombs—U.S. made cluster bombs being used in or near civilian populations. The United States has enabled this campaign. It would not happen without U.S. participation. There would not be a Saudi-led bombing campaign in Yemen without the United States. Why? Well, first of all, it is billions of dollars in U.S. weapons and U.S. munitions that are being dropped inside Yemen, including those cluster bombs. It is our intelligence that is providing the basis, the foundation, for all the targeting that is being done. One can argue that targeting has been dramatically insufficient given the number of civilian casualties, but there would be little way for the Saudis to do targeting at all without U.S. intelligence. It is Air Forces Central Command that has flown 709 air-to-air refueling sorties, offloading 26 million pounds of fuel to coalition aircraft. It is American refueling missions that allow for the coalition planes to fly. So the United States is an indispensable part of this coalition; thus, the United States is at war inside Yemen today, and very few people are talking about it. But we should, because in addition to a U.S. and Saudi-led coalition resulting in the death of thousands of civilians inside Yemen, this war is in direct contravention with U.S. national security interests.

First, the damage done to U.S. credibility in the region and amongst Muslim populations should be obvious to all of us when it is our bombs that are killing civilians. If you talk to Yemeni Americans, they will tell you that in Yemen this is not a Saudi bombing campaign; this is a U.S.-Saudi bombing campaign, so every death inside Yemen is attributed to the United States. We need to accept that as a consequence of our participation in this campaign.

Secondly, this coalition has made a very purposeful decision to target the Houthis instead of targeting terrorist groups, such as AQAP, which have used this civil war to expand their base of

operations. The coalition has made a very purposeful decision to target the Houthis instead of targeting ISIS, which had virtually no footprint in Yemen before this bombing campaign and now is growing by the day.

Here is what the State Department's annual counterterrorism report states about the civil war inside Yemen:

AQAP benefitted during 2015 from the conflict in Yemen by significantly expanding its presence in the southern and eastern governorates. . . . The group was able to increase its recruiting and expand its safe haven in Yemen. It also insinuated itself among multiple factions on the ground, which has made it more difficult to counter.

I almost want to read that again because what our own counterterrorism report has told us is that the U.S. intervention in Yemen has resulted in the dramatic growth in the strength of AQAP, an element of Al Qaeda, a named enemy of the United States.

We don't have a resolution that commits the United States to war against the Houthis. We have never given the administration the power to fight the Houthis. We have given the administration the power to fight Al Qaeda. There is still a pending effective authorization of war against Al Qaeda. Inside Yemen, there are the Houthis and there is Al Qaeda. A Saudi-led campaign, with participation from the United States, is fighting the Houthis—not a named enemy of the United States—while largely ignoring AQAP, which has grown in scale and scope.

The State Department further affirms that both AQAP and ISIL have “carried out hundreds of attacks” in Yemen last year, including suicide bombings, car bombings, assassinations, et cetera, et cetera.

So why are we doing this? Why is the United States relatively quietly facilitating a Saudi-led bombing campaign in Yemen that is in contravention to our national security interests? Well, there are a lot of guesses as to why.

One is that as a consequence of the Iran nuclear agreement, we have to make a renewed commitment to the Saudis to push back on Iranian influence in and around the region. There is no doubt that there is a very direct connection between the Houthis and the Iranians. Houthis are not an Iranian proxy, but there is a link, and there are going to be times where I would support U.S. efforts to push back on Iranian influence in the region. But in this instance, there is an indirect connection between the Houthis and the Iranians and all sorts of damage done to U.S. credibility and national security interests by participating in this coalition in the way that we are today.

The second argument is that if the United States weren't involved, the targeting would be even worse. There wouldn't be 3,000 civilian deaths; there would be 20,000 civilian deaths if the United States were not helping. Well, that may be true, but that is not an in-

itation to be involved in a civil war, because U.S. intelligence and targeting could probably always mean that fewer civilians would be killed. The fact is that it is likely that Saudi Arabia wouldn't engage in this conflict or bombing campaign at all if it weren't for U.S. support.

I think it is time for this body to do some oversight on a conflict that has been raging for over a year with billions of U.S. dollars at stake, the consequence being the dramatic increase of the power of terrorist organizations that have plots against the United States. Remember, AQAP is the most lethal and most dangerous element of Al Qaeda when it comes to potential threats directly to the U.S. homeland. It is AQAP that sits at the pinnacle of Al Qaeda's potential ability to strike the United States. Yet this Congress has remained almost completely silent as a bombing campaign funded and orchestrated in part by the United States has allowed for AQAP to get stronger.

God forbid that AQAP is successful in attacking the United States and that they do it from a base in Yemen that was made possible by U.S. paid for and directed bombs dropped on that country.

I think the White House has recently recognized the danger of continuing along this same pace. There are reports that the White House recently placed a hold on a pending arms transfer of U.S.-origin cluster munitions to Saudi Arabia over concerns about their use in Yemen in areas inhabited by civilians. But we have to do our due diligence and our oversight as well. If we are really serious about upholding our article I responsibilities to oversee the foreign policy of this Nation, then we have to add some conditions as well.

The amendment that I have helped offer to the NDAA would place two pretty simple conditions on our support for the Saudi-led coalition. Importantly, my amendment doesn't prohibit the United States from continuing to fund this effort. If I had my druthers, I certainly would argue that we at least take a pause, but I understand that the consensus may not be here in this body to temporarily or permanently halt our support for this campaign.

All I am suggesting is that we place effectively two conditions on our financial support and logistical support for this campaign inside Yemen:

No. 1, that the Saudi-led coalition make a commitment that it is doing everything necessary to reduce civilian casualties and that they are conducting this campaign in concert with international humanitarian law. I can't figure out why anybody would oppose that. Let's just say that if we are going to fund this bombing campaign, those we are funding should make a commitment to try to kill fewer civilians instead of more civilians.

Second, those in the coalition should make a commitment to use U.S. support to fight terrorist groups—Al Qaeda and ISIS—instead of just fight-

ing the Houthis. The United States isn't at war with the Houthis. We haven't declared war on that group. We have declared war on Al Qaeda, and Al Qaeda is growing in its lethality, influence, and territorial control inside Yemen.

Another condition, as contemplated by our amendment, is to simply have the President certify as a condition of continued support for the bombing campaign that the coalition is fighting terrorist groups alongside the Houthis.

I think if I had 100 different conversations with Members of the Senate, I can't imagine there would be a lot of objection because of course we want to fight terrorism. Of course that is our priority, not the Houthis. And of course we want to do everything possible to reduce civilian casualties.

I am grateful to Senator MCCAIN, Senator REED, and also Senator CARDIN and Senator CORKER, who have some jurisdiction here, too, that they are willing to take a look at this amendment. I am not offering it today because we are contemplating ways to structure the language to make it acceptable to the chair and to the ranking member.

I will end this with a plea for the Senate to get back in the game when it comes to the oversight of this administration's foreign policy, in particular in places like Yemen. We have been out to lunch when it comes to authorizations of military force for a long time. There is no authorization right now to fight ISIS, but we are doing it. There is a decade-old authorization to fight Al Qaeda that we should renew. If we are going to be involved in spending all of this money and all of this time putting our soldiers and airmen at risk in the Yemen campaign, then we should authorize that, too, and if we don't authorize it, then the administration shouldn't do it.

So this is not an authorization I am proposing; it is simply a couple of commonsense conditions. I hope we can find a pathway to get a vote on this amendment, and I hope this body has the courage in the future to step up and call a spade a spade and do our constitutional duty, perform our constitutional responsibility to provide oversight of the foreign policy by this administration.

Thank you very much, Mr. President, and 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.

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

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

AMENDMENT NO. 4549

Ms. BALDWIN. Mr. President, it is no secret we are living in a dangerous time. We face a variety of threats to our security at home and abroad. We all agree we need to make investments

in a strong military to protect and defend our national security. We have also come together in agreement on the need to take on our national security challenges and our challenges here at home in a balanced way.

The bipartisan budget agreement that we passed into law last year was far from perfect, but it provided much needed certainty for our economy by preventing the ongoing threats of a government default or a government shutdown. It restored investment in both our national and our economic security, ensuring that every dollar of investment in defense was matched by a dollar of investment in a stronger economy and a stronger middle class.

A balanced approach has served us well. It was a necessary compromise grounded in fairness that should guide our bipartisan work going forward. I understand that the chairman would like to give the Defense Department \$18 billion more than they currently have from the American taxpayer, but I also know the American people need stronger investments in the challenges they face each and every day just trying to get ahead.

If we are going to spend more on our military, then it is only fair that we also invest more in education, in job training, and workforce readiness to raise incomes and create a stronger economy for all. If we are going to spend more on the Pentagon, then it is only fair we also invest more in putting people to work and rebuilding our crumbling infrastructure and transportation and water infrastructure.

I also know we have unfinished business in the Congress to bolster our vulnerable cyber security and to boost TSA security and to better support our law enforcement needs. We also have a responsibility to act on the public health crisis posed by Zika. We simply must do more and approve the necessary funding to prevent, protect, and respond to this serious and dangerous threat.

We need to provide relief to the people in Flint, MI, who are still suffering from the impacts of lead contamination.

I understand the military has asked for more helicopters and more fighter jets, but I also know that the American people need Washington to be stronger partners in the fights we are confronting in communities across our country today. That is why I am pleased to support Senator REED's amendment to invest \$18 billion to help our middle class, to keep our country safe, and to respond to the Zika virus, lead contamination, heroin, opioids, and the crisis that we are facing with drug abuse throughout our Nation.

As I have traveled in Wisconsin, it is clear that we face a heroin and opioid epidemic. I know that many of my colleagues in the Senate face that same crisis in their home States.

In Wisconsin, it is a big problem, and it demands a bold response from Washington. We are in the midst of a crisis

that is touching far too many across our State. I have heard stories from family members who have tragically lost loved ones to addiction, and I have heard from people who are on the path of recovery.

At one of my community meetings in Pewaukee, a father came up to me to courageously share a story of tragically losing his youngest son to addiction right after Christmas a couple of years ago.

Recently, I heard from Leonard, from Colfax, WI, whose grandson Nathan was killed in a car accident when he was just 16 years old. The driver of the other car was under the influence of heroin at the time.

I have also heard from a mother from South Milwaukee whose son suffered from addiction for 20 years. While he is now in recovery, at one point she found him on their bathroom floor, unconscious from a heroin overdose.

Another mother from Mukwonago wrote to tell me that her own son's life was saved by paramedics who administered the drug naloxone during his overdose, allowing him to survive.

The message is clear. Families simply cannot afford to wait any longer for help from Washington. It should not be easier for Wisconsinites to get their hands on opioids or heroin than it is for them to get treatment for their addiction.

Today, as we consider increasing our spending for our military, let's not forget American law enforcement, first responders, health care providers, and citizens fighting on the frontlines to combat our opioid and heroin crisis. Let's not forget those struggling to get sober and to stay healthy.

As communities continue to confront this epidemic on a daily basis, Washington needs to step up and needs to be a strong partner with State, local, and nonprofit efforts.

The first place we can start is by making emergency investments for prevention, crisis intervention, treatment, and recovery efforts. I was proud to support bipartisan legislation that provides this funding because these resources are vital as we continue to respond to this national emergency. Unfortunately, this funding was blocked by congressional Republicans. This epidemic knows no political party, and it should be an issue that unites us all.

We must do more because fighting this nationwide epidemic is a shared responsibility. Everyone has a role to play in addressing this crisis, and Congress should be no exception. The communities we represent need the resources necessary to win this fight.

From talking to the people I work for in Wisconsin, I know that the opioid and heroin epidemic is a problem that neither law enforcement nor the health care system can tackle alone. The Federal Government cannot solve this problem by itself, just as we cannot expect State and local communities to address it by themselves.

Together we must continue our fight and rise to this challenge. Let's work

together to help our communities recover from this epidemic and stay healthy.

The Senate will soon vote on the Reed amendment. This amendment would provide \$1.1 billion to respond to the opioid and heroin crisis. The amendment would invest a total of \$18 billion, equal to the amount of funding that my Republican colleague, Chairman MCCAIN, is proposing to spend on the Department of Defense.

The vote is about fairness and priorities. I believe that, if we are going to provide more funding to the Pentagon, we should also invest in our middle class, ensure our security here at home, and step up to the plate and provide the resources Americans need to respond to the serious emergencies they face here at home.

I yield back the remainder of my time.

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

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

The Senator from Arizona.

AMENDMENT NO. 4229

Mr. MCCAIN. Mr. President, on Monday I came to the floor to speak about the important provisions of the NDAA, sweeping reforms to the organization of the Department of Defense, to the Defense Acquisition System, and to the Military Health System. But I noted there was one challenge the Committee on Armed Services could not address in the NDAA: the dangerous mismatch between growing worldwide threats and arbitrary limits on defense spending in current law. This mismatch has very real consequences for the thousands of Americans who are serving in uniform and sacrificing on our behalf all around the Nation and the world.

From Afghanistan to Iraq and Syria, from the heart of Europe to the seas of Asia, our troops are doing everything we ask of them, but for too long we in Congress have failed to do everything we can for them.

Shamefully, our military is being forced to confront growing threats with shrinking resources. This year's defense budget is more than \$150 billion less than fiscal year 2011, before the Budget Control Act imposed arbitrary caps on defense spending. Over the last 5 years as our military has struggled under the threat of sequestration, the world has only grown more complex and dangerous.

Since 2011, we have seen Russian forces invade Ukraine, the emergence of the so-called Islamic State and its global campaign of terrorism, increased attempts by Iran to destabilize U.S. allies and partners in the Middle East, growing assertive behavior by China and the militarization of the South China Sea, numerous cyber attacks on U.S. industry and government

agencies, and further testing by North Korea of nuclear technology and other advanced military capabilities. Indeed, the Director of National Intelligence, James Clapper, testified to the Armed Services Committee in February that over the course of his distinguished five-decade career, he could not recall “a more diverse array of challenges and crises” than our Nation confronts today.

The Bipartisan Budget Act of 2015—or BBA—provided our military servicemembers with much needed relief from the arbitrary caps on defense spending in the Budget Control Act. The BBA was a credit to the congressional leadership, and many of us supported it as a necessary compromise that provided our military with vital resources for fiscal year 2016 but was more constrained in the resources it could provide for fiscal year 2017. The fact remains that despite periodic relief from the budget caps that have imposed those cuts, including the BBA, each of our military services remains underfunded, undersized, and unready to meet current and future threats.

By the end of this fiscal year, the Marine Corps will be reduced to 182,000 marines, even though the Commandant of the Marine Corps, General Neller, testified last year that the optimal size for the force is 186,800. Facing a shortage of eight amphibious ships, the Marine Corps has been forced to examine options for deploying forces aboard foreign vessels, and a recent news report revealed the crisis in Marine Corps aviation. Years of budget cuts have left us with a Marine Corps that is too small and has too few aircraft. The aircraft it does have are too old and can barely fly—and only by cannibalizing parts from other aircraft. Pilots cannot train and receive fewer flight hours a month than their Chinese and Russian counterparts. Young marines are working around the clock to keep planes in the air with shrinking resources, knowing that if they fail, their comrades flying and riding in those aircraft could pay a fatal price.

Another news report showed what it means to have the oldest, smallest, and least ready Air Force in history, as our Nation now does. The service is short 700 pilots and 4,000 maintainers for its fleet, which is smaller than its mission requirement and lacks the spare parts it needs to keep flying. It is so bad that airmen are stealing parts from retired aircraft in “the boneyard” in my home State of Arizona and even museum pieces just to get their planes back into combat. Our aircraft are aging, but even worse, our airmen are left “burnt out” and exhausted. This is the predictable consequence of years of relentless operational tempo combined with misguided reductions in defense spending. Today, less than 50 percent of the Air Force’s combat squadrons are ready for full-spectrum operations. The Air Force does not anticipate a return to full-spectrum readiness for another decade, and this will only grow worse

as budget cuts force the Air Force to retire more aircraft than it procures.

The story is similar in the Army. The Army has been reduced by 100,000 soldiers since 2012, bringing the Army to a size that Army Chief of Staff Mark Milley testified has put the Army at “high military risk.” As the size of the Army has shrunk, readiness has suffered. Just one-third of Army brigade combat teams are ready to deploy and operate decisively. Indeed, just two—just two—of the Army’s 60 brigade combat teams are at the highest level of combat readiness. To buy readiness today, the Army is being forced to mortgage its future readiness and capability by reducing end strength and delaying vital modernization programs, and the result of budget cuts, force reductions, and declining readiness is clear. In an unforeseen contingency, General Milley testified in March that the Army “risks not having ready forces available to provide flexible options to our national leadership . . . and most importantly, [risks] incurring significantly increased U.S. casualties.” I repeat, “significantly increased U.S. casualties.” U.S. casualties are the men and women who are serving.

By any measure, the fleet of 272 ships in the Navy today is too small to address critical security challenges. Even with recent shipbuilding increases, the Navy will not achieve its current requirement of 308 ships until 2021, and there is no plan to meet the bipartisan National Defense Panel’s unanimous recommendation for a fleet of between 323 and 346 ships. A shrinking fleet operating at a higher tempo has forced difficult tradeoffs. Extended deployments have taken a heavy toll on our sailors, ships, and aircraft, and the Navy is no longer able to provide constant carrier presence in the Middle East or the Western Pacific.

In short, as threats grow, and the operational demands on our military increase, defense spending in constant dollars is decreasing. The President’s defense budget is \$17 billion less than what the Department of Defense planned for last year. In order to make up for that shortfall, the military was forced to cut things it needs right now: Army fighting vehicles, Air Force fighters, Navy ships, Marine Corps helicopters, and critical training and maintenance across the services. As a result, the military services’ unfunded requirements total nearly \$23 billion for the coming fiscal year alone.

Then there is a massive and growing defense bill that we keep pretending does not exist. Over the next 5 years, the Department of Defense says it needs a minimum of \$100 billion above the Budget Control Act caps on defense spending, add to that nearly \$30 billion in base budget requirements that are currently hiding in the emergency account for contingency operations—or OCO. That is another \$150 billion over 5 years.

Put simply, according to our own Department of Defense and our own mili-

tary leaders, our Nation needs an additional quarter of a trillion dollars over the current Budget Control Act caps over the next 5 years just to execute the current defense strategy—a strategy that I think many of us would agree is not doing enough to address the many global threats we face. My colleagues, we are fooling ourselves and we are misleading the American people about the true cost of defending our Nation. This makes no sense, and it is time to put a stop to this madness. That is what my amendment would begin to do.

This amendment would increase defense spending by \$18 billion. These additional resources would be used to restore military capabilities that were cut from the President’s defense budget request; address unfunded requirements identified by military commanders, especially those aimed at restoring readiness in the military services; and support national security priorities consistently identified by military leaders and defense experts in testimony and briefings before the Senate Armed Services Committee.

This amendment would increase the pay raise for our troops to 2.1 percent. The President’s budget request sets pay raises at 1.6 percent, which would make this the fourth year in a row that pay raises for our troops were below inflation. Our troops deserve better, and if this amendment passes, a 2.1-percent pay raise would match the employment cost index and keep pace with private sector wage growth.

This amendment prioritizes restoring military readiness. Over the past 5 years, the combination of expanding threats, high operational tempo, budget cuts, shrinking forces, and aging equipment have created a growing readiness crisis in our military. Indeed, of the \$23 billion in unfunded requirements identified by the military services, almost \$7 billion were directly related to readiness. The NDAA took a first step in addressing these requirements by redirecting about \$2 billion in targeted savings toward improving readiness. My amendment would add an additional \$2.2 billion to help alleviate the readiness crisis and mitigate the growing risk posed to the lives of our servicemembers.

This amendment would stop misguided cuts to the size of our military that are based on outdated assumptions about the world. For example, cuts to the size of the Army were set in motion before the Russian invasion of Ukraine and the rise of ISIL. There is simply no strategic logic for continuing these cuts now and placing a dangerous burden on the backs of our soldiers. That is why my amendment cancels the planned reduction of 15,000 Active Army soldiers. It also restores end strength in the Navy, Marine Corps, and Air Force, as well as the National Guard and Reserve. The amendment also prevents cutting a 10th carrier air wing.

Our military confronts an ongoing strike fighter shortfall, which is especially severe in the Navy, and a readiness crisis across aviation in the services. This amendment would begin reversing this dangerous trend by increasing aircraft procurement, including 14 F/A-18 Super Hornets and 11 F-35 Joint Strike Fighters.

The amendment also accelerates Navy shipbuilding to mitigate a looming funding crunch in the next decade. My amendment provides the balance of funding necessary to fully fund an additional Arleigh Burke-class destroyer. It also replaces funds for a third Littoral combat ship in the next fiscal year.

This amendment supports the recommendations of the National Commission on the Future of the Army. In order to support combat aviation across the total Army, including the Guard and Reserve, the amendment includes funding for 36 additional UH-60 Black Hawks and 17 LUH-72 Lakotas, 5 CH-47 Chinooks, and 5 AH-64 Apache helicopters. The amendment also includes advanced procurement funding for 10 more Apaches.

Despite the fact that our troops are still in harm's way in Afghanistan, where the Taliban is making steady gains and ISIL is now present on the battlefield, the President's budget request funds less than two-thirds of the current level of U.S. forces in Afghanistan. Both Republicans and Democrats on the Armed Services Committee have recognized that U.S. troop levels in Afghanistan should be based on conditions on the ground. That is why this amendment provides full funding for the current level of 9,800 troops in Afghanistan to help our Afghan partners preserve the gains of the last 15 years and take the fight to terrorists who seek to destabilize the region and attack American interests.

This amendment supports the European Reassurance Initiative by modernizing 14 M1 Abrams tanks and 14 M2 Bradley fighting vehicles for deployment to Eastern Europe to deter Russian aggression.

The amendment also provides vital support for our allies and partners. My amendment provides \$150 million in security assistance for the Ukrainian people to defend themselves against Vladimir Putin's aggression. It also provides an additional \$320 million for Israeli missile defense programs, including cooperative programs with U.S. industry in order to protect one of our closest allies from a growing missile threat.

In short, my amendment gives our troops the resources, training, and equipment they need and deserve to rise to the challenge of a more dangerous world.

I would also add one important fact about this amendment. Whatever some of my colleagues on the other side of the aisle may say, this amendment is completely compliant with last year's budget agreement, the Bipartisan

Budget Act. That legislation set binding spending caps on defense and non-defense discretionary spending, but the BBA set what the Congressional Research Service called nonbinding target levels of funding for overseas contingency operations, or OCO. In other words, the BBA gave Congress the flexibility to increase OCO spending to meet current and future threats if it saw fit. There is no doubt that this additional spending is needed, and this amendment provides it in full compliance with last year's budget agreement.

That said, I understand that some of my colleagues on the other side of the aisle believe we also need increases in nondefense spending. That is why the Senator from Rhode Island has offered a second-degree amendment that would add \$18 billion in nondefense spending. This amendment has some laudable programs.

I have long said that national security is not just the Department of Defense. I agree that we should provide additional funding for the Department of Homeland Security, the FBI, and the Coast Guard. I would have added the CIA and some of our other intelligence agencies. But I do not believe there is any national security justification for adding billions in taxpayer dollars to a defense bill to pay for infrastructure, national parks, affordable housing programs, or agricultural research.

While the Senate may not reach full agreement on the amendment by the Senator from Rhode Island, what I believe his amendment does show is that we all agree our military needs the additional resources my amendment provides.

I do not know whether the amendment by the Senator from Rhode Island will succeed or fail, but if it does fail, my Democratic colleagues will be left to answer a simple question: Will you vote to give our military servicemembers the resources, training, and equipment they need and deserve? This vote will be that simple.

Let's be clear what voting no would mean.

Voting no would be a vote in favor of another year where the pay for our troops does not keep pace with inflation or private sector averages.

Voting no would be a vote in favor of cutting more soldiers and marines at a time when the operational requirements for our Nation's land forces—from the Middle East and Africa to Europe and Asia—are growing.

Voting no would be a vote in favor of continuing to shrink the number of aircraft that are available to the Air Force, Navy, and Marine Corps at a time when they are already too small to perform their current missions and are being forced to cannibalize their own fleets to keep our Nation's pilots flying at far higher risk.

Voting no would be a vote in favor of letting arbitrary budget caps set the timelines for our mission in Afghanistan instead of giving our troops and

our Afghan partners a fighting chance at victory.

In short, voting no is a vote in favor of continuing to ask our men and women in uniform to perform more and more tasks with inadequate readiness, inadequate equipment, an inadequate number of people, and unacceptable levels of risk to their missions and themselves. This is unfair, and it is wrong. It is wrong.

For the sake of the men and women in our military who, as we speak, are putting their lives on the line to defend this Nation, I hope my colleagues on both sides of the aisle will make the right choice.

For 5 years we have let politics, not strategy, determine what resources we give our military servicemembers. If we keep doing this, our military commanders have warned us that we risk sending young Americans into a conflict for which they are not prepared. I know the vast majority of my colleagues on both sides of the aisle recognize that the mistakes of the past 5 years have created this danger. Yet this is the reality our soldiers, sailors, airmen, and marines are facing. It is our urgent and solemn task to confront it.

I say to my colleagues, Republican and Democrat alike, it doesn't have to be this way. We don't have to tolerate this anymore. Let's stop allowing politics to divide us when we should be united in support of our military servicemembers. Let's begin charting a better course today, one that is worthy of the service and sacrifice of those who volunteer to put themselves in harm's way on our behalf. Let's adopt this amendment to give our servicemembers the support they need and deserve, and in so doing, let's do our duty.

Mr. President, I know there are speakers on this amendment. I hope they will come to the floor to discuss these amendments so that we can set a time—hopefully this afternoon, if not tomorrow—on this amendment and the second-degree amendment by the Senator from Rhode Island.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. SCOTT). The Senator from Maryland.

AMENDMENT NO. 4549

Ms. MIKULSKI. Mr. President, I rise in support of the Reed-Mikulski amendment to respond to threats to our Nation by raising the caps for both defense and nondefense spending.

All agree that we must defend the security of the United States. So many argue that we need more money for DOD, even though DOD already consumes 50 percent of all discretionary spending.

Here is a quick tutorial on the Federal budget. Discretionary spending is \$1 trillion. The other two big expenditures are interest on the debt and trust funds, particularly for earned benefits like Social Security and Medicare. But on discretionary spending—what we can decide to spend of that \$1 trillion—about \$500 billion goes to defense.



We all know we are under some pretty big threats. We have fought a 15-year war. Our men and women deserve the best training, the best technology, and support for themselves and their families. I don't argue that. But I want people who like to say I am a numbers guy—let them know what the numbers are.

I take the position that we need to make sure our national security is what it should be, but I argue that not all of national security is in the Department of Defense. There are clear and present dangers to the people of the United States that are met by other agencies.

When we passed the Bipartisan Budget Act last October, we agreed on parity. What we said was that there would be parity between defense and non-defense. What does that mean? That means defense gets about \$500 billion and nondefense, which is all of the other programs for the United States of America, gets the other roughly \$500 billion. That means everything from Pell grants and the National Institutes of Health to Homeland Security, the FBI—I could go on and on.

I am willing to support the need to defend America by allowing more spending on defense, but I take the position that America faces other threats as well, and we need to maintain the parity.

The amendment being offered by Senator JACK REED and me, as an original cosponsor, says yes to the \$18 billion for defense needs and yes to \$18 billion for nondefense needs so we can make the Nation safe and more secure.

The Reed-Mikulski amendment does two things: It amends the 2015 Bipartisan Budget Act to allow \$18 billion of relief from sequestration for defense spending—the same amount in exactly the same way as described by my senior colleague from Arizona, the American war hero JOHN MCCAIN. But there is another \$18 billion in the Reed-Mikulski amendment for nondefense spending because there are threats to the United States of America in addition to the ones the DOD confronts.

So what does the Reed-Mikulski amendment fund? It funds those agencies that we think provide national security in addition to the Department of Defense. We are talking about more money for the State Department so they can do their diplomacy, so they can provide their Embassy security, and so we can meet the humanitarian need, where we are winning the hearts and minds of people and also making sure we help other people around the world. It will also give more to Homeland Security so that they can defend our coast and defend our borders, and it gives more money to the Department of Justice so they can track terrorists or keep an eye on things to make sure we don't have terrorist attacks here.

There are also other threats to the United States of America, one of which is in the area of cyber security. That occurs in order to have the protection

of dot-military and dot-gov to maintain our continuity of government, and dot-com, which is essentially the functioning of our whole country that is not government or military. My gosh, everybody has been hacked. OPM was hacked. Look at all that we lost. There are over 1 million hacks a week going on against government agencies by people who want to steal our trade secrets from the Patent Office and NASA and NIH and FDA. Why invent a cure for cancer when you can steal it?

Then, of course, there is this threat to Zika. Make no mistake—these aren't cute little bugs coming from the Southern Hemisphere; these are bugs that when they infect people, particularly pregnant women, the results are horrific birth defects. Zika is a threat to the public health of the United States of America.

There is the danger of heroin, and there is a danger in terms of other kinds of environmental dangers, such as what Flint, MI, is facing.

We are also running significant deficits in research infrastructure and human infrastructure. I am going to elaborate on that in a minute.

Why do we need the Reed-Mikulski amendment? Current spending caps are \$20 billion below the fiscal 2010 level. Let's make no mistake—we appropriators aren't exactly these wild big spenders. Neither is the Budget Act. The Budget Act we are working under is at the level of 2010. This amendment authorizes funding to meet real problems.

Other Members will come to discuss that, but I want to make clear that if you want to keep our troops safe, the best way is to give peace a chance. It is not a song from another era. If we want to try to prevent war, to contain war, or to end war, we need diplomacy. That is what the State Department does around the world—quelling conflict, stopping proliferation, supporting treasured allies.

We need to protect our people who work abroad, both our military and those who work at our Embassies. We need Embassy security. We need foreign aid to respond to real human needs while avoiding creating new enemies or new problems abroad. We need the State Department, but we also need Homeland Security. We need to protect our borders. We need the U.S. Coast Guard out there protecting us against drug dealers, terrorists, and helping to provide port security. We need Customs and Border Protection to secure borders. There are those who want to build a wall. I want to make sure we have the men, women, and technology to secure the borders. We need law enforcement to fight terrorism abroad and also to fight the drug dealers, human traffickers, cartel people, and organized crime. That is why we need the FBI's help and help from the Drug Enforcement Agency and the U.S. Marshals Service.

This would authorize \$1.4 billion for the Department of Homeland Security

and the Department of Justice to make sure we have enough people and the right technology to protect us, in addition to the spartan situation we find in the Appropriations Committee. We need to be able to do that. When we look at cyber security, this is all hands on deck, all government on deck, all of us on deck. We do need DOD to help with threats to our military.

We are increasingly relying on digital technology. I am so proud of what we do at the National Security Agency, the mother ship of talent focused on protecting the Nation. I am proud of the cyber command, but I am also proud of what we do through our cyber security in terms of what we do with the Department of Homeland Security, the National Institute of Standards and Technology, and others, coming up with new information for security technology. There are a lot of numbers and data, but I will skip over that.

Then there is the legacy of war. The legacy of war is what we owe our veterans. We just celebrated Memorial Day, honoring those who made the ultimate sacrifice, but we also extended our support for veterans everywhere.

Did the Presiding Officer know that 60 percent of Veterans Health Administration facilities are over 50 years old? The facilities are aging in place. The VA itself has cataloged \$10 billion worth of maintenance deficiencies and code violations at hospitals and clinics. We are not talking about new construction. We are talking about deficiencies in maintenance and actual code violations.

The VA tells us about leaking roofs, mold growing, and other serious problems. I could go on. We all remember Walter Reed and how the years of neglected maintenance led to horrible conditions for our injured veterans and their families. They deserve better. They deserve facilities that are as fit for duty as they are.

Then there is this other issue that I am very concerned about, which is in the area of research and development. Some of my colleagues might say: What the heck does that have to do with being in the military? We need research and development to be able to come up with the new ideas and new technologies to protect our Nation. Look at what the Department of Energy did. They are helping to develop big trucks that sip gas like a Honda Civic. What does that mean? It not only means our military can be more efficient, but we can also be more energy independent.

The National Science Foundation has done so much in the way of basic research that it has enabled us to come up with whole new fields like nanotechnology or miniaturization that enables our people not only to have the smart weapons of war but the smart weapons against disease. My gosh, look at what we are developing just in terms of new technology.

I don't know if the Presiding Officer is aware, but a lot of the work that was

done at NASA, particularly in the area of space telescopes and rockets, helped us come up with the new digital mammography. Can you believe that? Because we studied space out there, we learned to protect our people right here, and it also helps others.

I also want to talk about the fact that we do help some domestic programs here in the area of children and human infrastructure. People say: What does that have to do with defense? I will tell you what General Dempsey told me. General Dempsey told me this, and he told others. So it wasn't like a little thing with General Dempsey. GEN Martin Dempsey, former head of the Joint Chiefs and decorated war hero said: Senator MIKULSKI, did you know that for every four people who want to enlist in our military, only one is found fit to serve? Either people are physically unfit, can't read, or have had a problem with mental illness or addiction.

We need to invest in our children. If for nothing else, we need to make sure all Americans are fit for duty, and that is why we need to do this.

We have spoken eloquently as to why we need more money for Zika, the need to fight the addiction some have with opioid drugs, and the situation in Flint.

Mr. President, as I said, I rise in support of the Reed-Mikulski amendment to respond to threats to our Nation by raising the caps for both defense and nondefense spending. All agree that we must defend the security of the United States. So many argue we need more money for the Department of Defense, DOD, even though DOD consumes 50 percent of discretionary spending. But I argue not all of national security is in Department of Defense. There are clear and present dangers to Americans met by other agencies, such as the Departments of Homeland Security, DHS, State, and Veterans Affairs, VA.

The Bipartisan Budget Act, which passed with 64 votes in the Senate last October, was based on parity—equal relief from the consequences of sequestration—because there have been significant consequences of sequester for the American people.

We are willing to support the need to defend America by allowing more spending on defense. But America faces threats at home as well, and we need parity in responding to those threats. That is why we are offering this amendment to say yes to \$18 billion for defense needs and yes to \$18 billion for nondefense needs, so we can make the Nation safer and more secure.

The Reed-Mikulski amendment does two things. It amends 2015 Bipartisan Budget Agreement to allow both: \$18 billion of relief from sequestration for defense spending, the same amount authorized by the McCain Amendment, and \$18 billion of relief from sequestration for nondefense spending, because there are threats that DOD can't address.

What does the amendment fund? There are five categories: 1, national

security spending, in addition to DOD, for DHS to defend our coasts and borders, Department of Justice to track down drug cartels and terrorists and State Department diplomacy, foreign aid, and embassy security; 2, funding to address urgent threats to America, including heroin, failing water infrastructure as exposed in Flint, the Zika virus, and cyber security; 3, physical infrastructure, including funding for roads, bridges, transit, and VA hospitals; 4, research infrastructure investments, creating jobs through new products and cures; and 5, human infrastructure, providing more resources to underfunded, but overwhelmingly passed, authorizations for education and college affordability, workforce training, and food safety. This amendment meets threats to America with new funding not available in our appropriations bills due to austerity imposed by budget caps.

Current spending caps are \$20 billion below the fiscal year 2010 level, 7 years ago. These cuts have consequences. This amendment authorizes funding to meet real problems. Other members of the Appropriations Committee will come to the floor to discuss needs in their subcommittees, but first I want to talk about some of the dangers we are addressing with this amendment.

The best way to keep our troops safe is peace. But we live in turbulent times, which means we need diplomacy. The State Department works around the world to quell conflict and help displaced and threatened refugees, stop weapons proliferation, and support treasured allies, especially those absorbing refugees from Syria.

We need embassy security so we can bring our diplomats home safely. We need foreign aid to respond to real human needs while avoiding creating new enemies abroad. We need the State Department to help keep America safe. That is why the Reed-Mikulski amendment includes \$1.9 billion to continue the key security mission of the State Department.

Communities in the U.S. face lone-wolf terrorists, drug traffickers, and smugglers. The Department of Defense doesn't fight domestic crime and terrorism. We need the Department of Homeland Security's Coast Guard protecting our coasts; Transportation Security Administration, TSA, keeping air travel safe; and Customs and Border Protection, CBP, securing the border. We also need the Department of Justice's Federal Bureau of Investigation, FBI, Drug Enforcement Administration, and U.S. Marshals.

This amendment authorizes \$1.4 billion for DHS and the Department of Justice, so they can improve outrageous wait times at airports, meeting growing passenger volume, which is up 7.4 percent from 2015, without compromising safety; hire 2,000 officers on the borders; hire FBI, local police, and other Federal law enforcement to capture and prosecute criminals here in America—violent crime rose nearly 2

percent last year after falling in 2 prior years. The Department of Defense can't do those things.

I now want to turn to a threat that requires all hands on deck: cyber security. We need DOD to help threats to our military, which is increasingly reliant on digital technology, and threats from nation states. I am so proud of Cyber Command, Fort Meade, and the National Security Agency, NSA, the mothership of talent, focused on protecting the Nation.

But we have not done enough to protect ourselves at home. More than 22 million Americans are at risk of identity theft because our own Office of Personnel Management couldn't keep their records safe. We need the FBI finding the criminals behind the keyboards, DHS advising Federal agencies, and the National Institute of Standards and Technology setting standards. And every agency needs to secure itself.

Last year, Federal agencies reported 77,000 cyber incidents—up 10 percent from fiscal year 2014. The Food and Drug Administration and the U.S. Patent and Trademark Office need to protect trade secrets, and the Social Security Administration needs to protect our personal information. That is why our amendment includes \$2 billion for cyber security, so our nondefense agencies can join DOD in the fight.

The Reed-Mikulski amendment helps America be more secure, but also safer. Americans are threatened daily with our roads and bridges failing, our waterways and ports needing modernization, and our transit systems clogged and crumbling.

Demand for flexible transportation investments is overwhelming. Since 2010, the Federal Aviation Administration's backlog has grown by \$1 billion to a total of \$5 billion, risking breakdowns in air traffic control. Amtrak carries 30 million passengers each year, but can't stop deadly derailments. Here in the National Capital Region, while "safe track" repairs clog highways and side streets, the Department of Transportation tells us there is an \$86 billion maintenance backlog for bus and rail systems nationwide.

It is not just our transportation infrastructure that fails us; 60 percent of Veterans Health Administration facilities are over 50 years old and facilities are beginning to show their age. VA has catalogued almost \$10 billion worth of maintenance deficiencies and code violations at existing hospitals and clinics. VA even classifies these deficiencies as Ds and Fs, from leaking roofs to air handling systems in need of replacement.

These deficiencies can cause serious problems. For example, old air handling units risk microbial contamination. If uncorrected, it could directly impact patient care because old ventilation systems would pump contaminated air into inpatient and outpatient areas. We all remember Walter Reed, where years of neglected maintenance



led to horrible conditions for injured veterans and their families. Our veterans deserve better. That is why the Reed-Mikulski amendment includes \$3.2 billion to meet the physical infrastructure needs of the U.S.

It is not just our physical infrastructure. America's research infrastructure has failed to keep pace with inflation. The National Institutes of Health, NIH, has lost more than 20 percent of its purchasing power since 2003. The history of economic growth shows we need civilian research to create new ideas and new jobs.

The National Aeronautics and Space Administration built a methane detector for its Mars rover that is helping find dangerous gas leaks on Earth. The National Science Foundation funded two Stanford graduate students' effort to build a search engine that formed the basis for Google. The Department of Energy is helping big trucks sip gas like a Civic. Our NIH researchers are on the cusp of finding cures for Alzheimer's, diabetes, and cancer. That is why the Reed-Mikulski amendment includes \$3.5 billion for research and development to create jobs and find cures.

We can't cure cancer without investing in NIH. Now, we are looking at a new health crisis and a new threat to America: Zika. Americans—particularly women and children—are in danger. The President has said \$1.9 billion is needed to fight Zika and stopping it from doing any more harm. That funding is included in our amendment.

As of June 6, there were more than 1,732 confirmed Zika cases, including 341 pregnant women, in the U.S. and its territories. The mosquitos that carry Zika are already in at least three of our States, and the Centers for Disease Control and Prevention estimates that soon they will be in 30 States.

There is still a lot we don't know, but what we do know for sure is that Zika has terrible consequences for women and babies. Scientists have confirmed the link between the Zika infection in pregnancy and serious birth defects in babies. The details about what Zika does to the brains of unborn children are truly horrific. Zika is a threat we can stop if we have the will and the funding to do so.

Another emergency we can stop is the heroin epidemic. Every Senator and Governor has heard about the resurgence of heroin, which knows no boundaries—geographic or socioeconomic. Since 1999, the rate of heroin and opioid deaths quadrupled to an average of 78 deaths each day.

The Senate passed the Comprehensive Addiction and Recovery Act, CARA, on March 10 with a vote of 94-1. Authorization is nice, but we need the money to fund law enforcement, treatment and recovery and better pain management so people don't get hooked on opioids in the first place. That is why the Reed-Mikulski amendment includes \$1.1 billion for heroin response and treatment.

Every community is dealing with addiction, but every State also worries about its water. The amendment also includes \$1.9 billion to upgrade water systems throughout the U.S. Today, nearly 100,000 residents of Flint don't have clean and safe drinking water. Up to 9,000 children may have lead poisoning; some are already exhibiting signs in school. Flint's water is still contaminated because its pipes are permanently damaged.

This is a national crisis. Flint is ground zero. Contaminated drinking water is happening in cities and rural communities across America. This is about the infrastructure and our failure to replace it. But it is about more than just replacing pipes. It is about the human infrastructure. This is about the lives of our children. What happened in Flint, MI is a failure of a State's government to protect its own people. The threat from our aging water systems is real, and it can't be solved by DOD.

From our water infrastructure to our human infrastructure which includes the very troops who make up the DOD, we must do more to ensure readiness. Shockingly, General Dempsey tells us only one of every four recruits qualifies for duty. One can't read, one can't meet physical requirements, and one is disqualified due to legal or mental problems. They wanted to serve, but did we serve them?

We have overwhelmingly passed authorizations to help. The Every Student Succeeds Act, which passed the Senate 85-12, aims to give kids a better K-12 education so they are ready for college, careers, or military service. But implementation is underfunded in the fiscal year 2017 Labor-HHS-Education bill by more than \$1 billion. We can't say we want to solve problems with great policies, but then fail to fund the solutions. That's why the Reed-Mikulski amendment includes \$900 million for underfunded authorizations of education and college affordability, job training, and food safety policy.

I talked at the beginning about how the State Department makes America safe with diplomacy and foreign aid. But I want to end with how foreign aid can help make us safer by helping the lost generation of children across the globe that is on the move and on the march.

Nearly 60 million people worldwide are forced from their homes due to conflict and persecution. Refugees account for 20 million of those people, half of which are children. This is not an isolated problem. Millions of refugees are from Syria and Iraq, Yemen, South Sudan, Burundi, and other conflict zones. What do they have in common? They are desperately in need of life-saving assistance, including food, water, medical care, and shelter. Many will not be able to return home for years—if ever.

These refugees cannot survive indefinitely on relief aid. The children need

to attend school. The adults need jobs. These refugees are scared and ready to face the unknown, rather than endure the brutality at home. They are only asking for one thing: help. All of us remember a time when, as a child, we needed help or our parents needed help. We also remember the names and faces of those who helped and those who refused.

What do we think they are doing? Do we want these children to remember the United States as the people who helped, or as the people who refused? If we don't help, what are we creating? A generation of people who hate and distrust us because of our refusal when they were in need. We need the Reed-Mikulski amendment so our frugality doesn't create a generation that hates America.

We all want to protect America. I support the troops. I support the Department of Defense. I support the men and women at Maryland's nine military bases. The Chairman of the Armed Services says they need \$18 billion more to meet the threats around the world. I support that effort, but only if there is parity. That is why we are proposing \$18 billion to meet threats to America not funded by the Department of Defense. I urge my colleagues to support the Reed-Mikulski amendment to raise the caps for both defense and non-defense items that defend America.

I note that the distinguished majority leader is on the floor.

If we are going to spend more money on defense, even though we already spend roughly \$500 billion—about 50 percent of all discretionary spending—let's also spend money on other agencies that enable us to have a strong national security. Let's also put money into the other threats to the United States. Right now there is a public health crisis with Zika. There is a public health crisis with opioid and heroin addiction and a crisis in Flint, MI. Others are facing environmental problems. Let's make these other investments to make sure we keep America strong.

I yield the floor by saying: Let's please vote for the Reed-Mikulski second-degree amendment.

The PRESIDING OFFICER. The Senator from Massachusetts.

UNANIMOUS CONSENT REQUESTS—EXECUTIVE CALENDAR

Ms. WARREN. Mr. President, our government has work to do, but when it comes to making sure that our courts have the judges they need, when it comes to making sure that the Federal agencies have the leaders they need, and when it comes to filling a vacant seat on the highest Court in this Nation, Senate Republicans refuse to do their job.

Senate Republicans have a long history of obstructing President Obama's nominees. Earlier this week, I released a report documenting that long history. The Republicans have slowed down the confirmation of judicial nominees to a crawl—the people needed to resolve important legal disputes.

They have stalled confirmations of key agency heads. These are the people needed to protect consumers, to protect our environment, and to defend our country.

They are blocking Merrick Garland, a judge whom our colleague from Utah, Senator ORRIN HATCH, previously called a “fine man” whom the President could “easily name” to fill the vacancy on the Supreme Court.

Instead of working to make government function and more efficient, Senate Republicans have made it their priority to keep key positions empty for as long as possible—to hamstring efforts to protect consumers and workers, to delay efforts to hold large corporations accountable, and to slow down work to promote equality.

The view of Senate Republicans seems to be pretty simple. If government isn’t working for them, their rich friends, or their rightwing allies, then Senate Republicans aren’t going to let it work for anyone. But it isn’t too late. They still have time to put aside their extremism and start doing what they were sent here to do.

Start with district court judges, the men and women who resolve disputes over how government works and whether the Constitution or Federal laws are being respected. They do an enormous amount of work. Their work is not political. Democratic and Republican Senators have worked with the President to select these nominees.

As of today the Senate Judiciary Committee has cleared 15 people who were nominated for seats on the Federal district courts. These nominees have the support of Democrats and Republicans. They are ready to serve their country. One of them is from Massachusetts. We need our judge. This Nation needs its judges. So let’s vote.

Mr. President, I rise today to ask unanimous consent that the Senate proceed to executive session to consider the following 15 nominations: Calendar Nos. 357, 358, 359, 362, 363, 364, 459, 460, 461, 508, 569, 570, 571, 572, and 573; that the Senate proceed to vote without intervening action or debate on the nominations in the order listed; that the motions to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order to the nominations; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate’s action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The majority leader.

Mr. MCCONNELL. Mr. President, we continue to process judicial nominations, and we have done so even when a majority of the Republican conference did not support the nominee, as was the case with the district court nominee from Maryland, whom we con-

firmed before the recess. That is an example of a judge confirmed that a majority of Republicans did not approve of.

Just this past Monday, the first day after the recess, we confirmed two more article III judicial nominees. We tried to confirm them before the recess, by the way, but our Democratic colleagues would not clear them.

President Obama has had many more judicial nominees confirmed than President Bush did at the same point in his Presidency. We will continue to process his judicial nominations, but the minority is not going to dictate to the majority when and how we will do so.

I object.

The PRESIDING OFFICER. Objection is heard.

Ms. WARREN. I ask through the Chair if the majority leader will yield for a question.

Mr. MCCONNELL. I yielded the floor.

Ms. WARREN. Mr. President, I am asking if the majority leader will yield for a question.

The PRESIDING OFFICER. The majority leader does not have the floor.

Ms. WARREN. All right, I will just ask my question.

On Monday, I wanted to come to the Senate floor to make the request I just made, but I guess the majority leader was taking a lot of heat about judges and Donald Trump’s racist statements about them and didn’t want to draw any more attention to the Republicans’ unprecedented blockade of judicial nominations. So the Republicans offered me a deal: Just go away, and we will confirm two Court of International Trade judges.

The Court of International Trade is pretty important. It handles trade enforcement cases, and nearly half of that court has been empty for a year because Republicans refused to do their jobs.

These two uncontroversial nominees have been twisting in the wind for 336 days. They are highly qualified, honorable lawyers who are ready to serve their country. So on Monday, I took the deal. The Republicans released two hostages, and the Senate confirmed them by a voice vote, without objection—not a single objection nearly a year after they were nominated.

Today, the majority leader isn’t offering to release any hostages, and my question for the majority leader is, What happened between Monday and today?

I yield the floor if the majority leader wishes to respond.

Mr. MCCONNELL. Mr. President, we tried to confirm the article III judges she is referring to before the recess and our Democratic colleagues would not clear them.

I don’t know whether the Senator from Massachusetts has additional UCs to propound or not, but if she does, I would respectfully suggest she propound them.

Ms. WARREN. Then I certainly will.

Mr. President, last week the majority leader wrote an op-ed in the Wall Street Journal, and it was titled, without a hint of irony, “How the Senate Is Supposed to Work.” In his article, Senator MCCONNELL declared: “On issues of great national significance, one party should simply never force its will on everybody else.” He pleaded that “it’s not an act of betrayal to work with one’s political adversaries when doing so is good for the country.”

Senator MCCONNELL agreed to confirm two highly qualified judges on Monday because it served his political interests. Today, he doesn’t feel like it, so he forces his will on everyone else. That is not how the Senate is supposed to work.

The Constitution is clear. The Senate’s job is to provide advice and consent on the President’s judicial nominees. There is no asterisk that says “only when the majority leader has an embarrassing political problem” or “except when the President is named Barack Obama.”

It is not what the Founders had in mind because it is small, it is petty, and it is absurd. For these district court nominees, the U.S. Senate should be asking one question and one question only: Are these judges qualified or are they not qualified? That is it. But that is not what is happening in the U.S. Senate. Instead, good people twist in the wind, hung up as political hostages, and that is undermining the integrity of our courts.

So if you will not give all 15 judges their votes, let’s at least have a vote on the 9 district court nominees who had their Judiciary Committee hearings last year. Senator TOOMEY called for some of these nominees to be confirmed last month. All of these nominees have been waiting for at least 6 months—almost 200 days—since their hearings. When President Reagan was in office, almost no uncontroversial nominees took longer than 100 days to confirm from the day they were nominated. The delay is ridiculous. Give them their votes.

Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nine nominations that have been pending since 2015: Calendar Nos. 357, 358, 359, 362, 363, 364, 459, 460, 461; that the Senate proceed to vote without intervening action or debate on the nominations in the order listed; that the motions to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order to the nominations; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate’s action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Mr. President, reserving the right to object, so our colleagues are not confused, looking at the Bush years to today and the Obama

years to today—apples and apples—President Obama has had 327 judges confirmed, and President Bush had 304. President Obama has not been treated unfairly. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Massachusetts.

Ms. WARREN. Mr. President, right this minute, right here on the floor of the Senate, we face one of those “issues of great national significance” that the majority leader wrote about in the Wall Street Journal. It is an exploding number of judicial vacancies.

The Washington Post recently reported:

Of 673 U.S. district court judgeships, 67—or 10 percent—are vacant under President Obama, nearly twice as many as at this point of Republican George W. Bush’s presidency and 50 percent higher than at this time under Bill Clinton or George H.W. Bush.

The number of federally designated district court “judicial emergencies”—where seats carry particularly heavy caseloads or have been open for an extended period—is also roughly double what it was in May 2008 and May 2009.

Addressing those emergencies is good for the country. Keeping our courts functioning is good for the country. Confirming nominees who have the support of Republicans and Democrats is good for the country.

But just a minute ago, the majority leader blocked confirmation of all 15 noncontroversial judges who are waiting for votes. That is not putting the country first; that is putting politics first. It is forcing the will of a small number of extremist Republicans on the entire country, and the integrity of our judicial branch is suffering for it.

So let me try this again. Surely we can agree to confirm the four oldest nominations on this list—two Democratic recommendations and two Republican recommendations. They all had hearings in September, 9 months ago. What are we waiting for? Give them their votes.

Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following four nominations: Calendar Nos. 357, 358, 359, and 362; that the Senate proceed to vote without intervening action or debate on the nominations in the order listed; that the motions to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order to the nominations; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate’s action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. HATCH. Mr. President, I object, unfortunately.

The PRESIDING OFFICER. Objection is heard.

The Senator from Utah.

Mr. HATCH. Mr. President, I rise once again to discuss the state of our Nation’s healthcare system.

The PRESIDING OFFICER. The Senator from Massachusetts still has the floor.

Mr. HATCH. Oh, she does?

Ms. WARREN. Yes.

Mr. President, I wish I could say that I am surprised by this, but I am not surprised.

The Republican leader can say whatever he wants today, but he has made his intentions very clear when it comes to President Obama. On the eve of the 2010 elections, Senator McConnell said that “the single most important thing we want to achieve is for President Obama to be a one-term president.”

Well, President Obama won reelection, but Senate Republicans have still stalled, delayed, and blocked his nominees. Since they took charge of the Senate last year, these Republicans are on pace for the lowest number of judicial confirmations in more than 60 years.

So can we at least confirm one noncontroversial district judge?

The nominee on the list who has been waiting the longest is Brian Martinotti. New Jersey needs this judge. He was nominated a year ago. He has been twisting in the wind for 9 months since his confirmation hearing. Give him a vote.

Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 357; that the Senate proceed to vote without intervening action or debate on the nomination; that the motion to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order to the nomination; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate’s action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. HATCH. Mr. President, I reserve the right to object. I will certainly look at this and see what can be done, but at this present time, I object.

The PRESIDING OFFICER. Objection is heard.

Ms. WARREN. Mr. President, Brian Martinotti deserves better than this. All these nominees deserve better than this. Merrick Garland deserves better than this, and the American people deserve better than this. We will keep fighting to try to get the Senate Republicans to do their job.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I have only been here 40 years, and this happens every time at the end. They have not been mistreated. The fact is that they have had more judges confirmed in 7 years than President Bush had in a full 8 years, and they are going to have more judges. But it is the majority leader’s determination as to when those judges will come up and when they will be confirmed, and I think he has been doing it on a regular basis.

I hate to go back in time, but I could go back in time and show how the delays on the Republican judges with the Republican Presidents were just unbelievable. All I can say is that it is nice to raise these fusses around here—and I don’t blame the distinguished Senator from Massachusetts because she is doing her job—but let’s allow the majority leader to do his job as well.

OBAMACARE AND THE ECONOMY

Mr. President, I rise once again to discuss the state of our Nation’s health care system and what we can likely expect in 2017 under ObamaCare. This is a good subject following on to the judgeship discussion because the Democrats are acting so offended and so mistreated. Well, I hate to tell you how we were mistreated time after time after time when we had Republican Presidents.

Let me just talk about what we can expect in 2017 under ObamaCare. However, before I delve into that discussion, it is important to provide a little context.

Roughly 7½ years ago, President Obama was sworn into office, riding on a wave of good will, optimism, and so many promises about what he was and was not going to do that it was difficult to keep track. Seven and a half years may not be all that long in the grand scheme of things, but it is surely long enough to evaluate the economic successes and failures of a single administration. Let’s take a look at what we have witnessed in the years President Obama has been in office.

Since January 2009, our Nation’s gross domestic product has grown at an average annual rate of only 1.7 percent. Think of that—1.7 percent in 7½ years—and the overall trajectory hasn’t been improving. In the last quarter, our economy grew at the slowest rate in 2 years.

At the same time we have experienced that slow GDP growth, wage growth has been sluggish and median household income in the United States has actually gone down under this President, declining at an annual rate of almost one-half of 1 percent. Slow economic growth, slow wage growth, declining household incomes—and this past Friday we learned that the economy added only 38,000 jobs in May, with job gains having averaged a sluggish 112,000 per month since President Obama took office.

When are the American people going to wake up and realize these people are not doing their job? Not only are they not doing their job, they are doing a lousy job.

There is not a new normal here either. They are trying to pass off that they have low unemployment rates. They are not counting all the people who just don’t even look for a job anymore. If you count them, it is well over 9 percent. That is what we have seen in the Obama economy.

Sadly, even that doesn’t tell the whole sad story. Along with a stagnant economy and declining household income, the cost of health care has gone

up almost exponentially—and exponentially in some areas. Health care premiums for families with employer-based coverage—one of a handful of benchmarks for measuring the costs of health care in the United States—have gone up by an average of 5 percent a year. That trend, according to both the Congressional Budget Office and the Joint Committee on Taxation, is expected to continue over the next decade, with premiums in the individual health insurance market going up at an even faster rate.

Meanwhile, the Federal Reserve projects that growth in our economy will range between 1.8 percent and 2.3 percent, well below historic averages and far below the growth rate for average health insurance premiums.

Do you think we are going to do any better with a new Democratic President? I don't think so. She has already admitted she is going to follow the principles of this President and the program of this President.

Long story short, under this President we have seen mostly lackluster economic growth and a decline in household income while the cost of health insurance has eaten up an increasingly larger share of American families' earnings and an ever-growing percentage of our national economy. According to most credible projections, it is only going to get worse. There are still 30 million people without health insurance, about the number there was when they came up with this colossal wasteful mess of the health care bill.

This correlation of economic stagnation and exploding health care costs is particularly damning for this President because his signature domestic achievement—his top priority after being elected—was passage of the so-called Affordable Care Act, a law that was, among many other things, supposed to bring down health care costs.

The word "affordable" is actually the operative word in the name of the law. Yet it is probably the least suitable word for describing what this statute has actually done to our health care system.

It has now been 3 years since the Affordable Care Act was fully implemented and in effect. And in all 3 of those years, average health insurance premiums in the United States have gone up by double-digits in many markets. Insurers are currently making rate decisions for year 4 of ObamaCare, and from what we have seen thus far, things are only going to get worse. According to one analyst, the average of the weighted rate increases requested from 28 States and the District of Columbia is approximately 20 percent.

Indeed, over the past few months, it seems as though we have seen a new headline every day that highlights the failure of ObamaCare to bring down premiums.

For example, we have recently learned that in New York patients may see an average premium increase of 17 percent on the ObamaCare insurance

exchanges. In fact, one major New York carrier requested a rate hike of 45 percent over what they charged last year—or should I say this year, I guess.

In the State of New Mexico, one major insurer requested a premium increase of more than 83 percent, and those States are not outliers. Average premiums in Mississippi could increase by over \$1,000 next year, according to recent reports. Insurers have requested average hikes of nearly 14 percent in the State of Washington. A major carrier in New Hampshire just requested an increase of more than 45 percent for 2017. Another insurer has submitted a request to raise premiums by more than 36 percent in Tennessee. People in other States, such as Virginia, Florida, Maine, Oregon, and Iowa, are all facing potential double-digit increases in premiums, with some in the 30-percent to 40-percent range.

Keep in mind these are just the States we know about thus far. More numbers and almost certainly more requested premium hikes will be made public very shortly. We are still waiting to see specifically what will happen for the people of my home State of Utah. Still, we already know that many Utahns are facing difficulties. I hear from my constituents all the time on these issues.

For example, a citizen from Roosevelt, UT, recently wrote to me to say this about her experience with ObamaCare:

I can't afford the monthly premiums, and as long as I have to pay extraordinary deductibles, I may as well just continue paying for the visits as I go and not have to worry about the extra money I would have to spend in premiums, which are outrageous. . . . I realize I will have to pay a penalty when I do my taxes, but it will be way less than the premiums I would have had to pay had I signed up for this health care debacle.

Another constituent named Richelle from Santa Clara, UT, said this in a recent letter:

As I am looking into purchasing the health care coverage we need, I'm finding that it is totally ridiculous. The catastrophic health care we were planning for a few years ago no longer exists because of the health care laws. In order to get LEGAL health care for me, my spouse, and my 3 eligible children, I'm being required to pay close to \$1300 per month! These policies still require huge deductibles and will quickly eat up the money we've put away for such things.

Unfortunately, these stories are not isolated incidents. People throughout the country are growing more and more concerned about the cost of health care under the President's health care law. Even without the skyrocketing cost of health care, millions of American families would still be struggling to make it under the Obama economy. Yet for these people, all of whom have had to suffer through a period of stagnant economic growth and declining incomes, these rising health care costs are, at best, a slap in the face and, at worst, a nail in the financial coffin.

I have spent a lot of time on the Senate floor over the last 6 years describ-

ing what has gone wrong with the Affordable Care Act. I will not detail the substantive and structural problems with the law here today. Instead, I will just repeat what should be clear to everyone here. This law is not working. This law has imposed even greater burdens on virtually all the participants in our health care system, and this law is failing middle-class and lower income families throughout the country.

We can and we must do better, but in order to do so, we will have to turn our focus to the biggest problem that patients face as they navigate our health care system, and that is cost. We must bring down costs. Any future attempts at health care reform that are not cost-focused are, in my view—and I suspect the view of most Americans—a waste of time and effort.

As for me, my position is pretty clear. I support the repeal of ObamaCare, and I support a replacement that makes sense. I have worked with colleagues to come up with a replacement proposal designed specifically to contain costs for patients and consumers. A number of health care experts have concluded that our proposal, which we have called the Patient CARE Act, would do just that.

Of course, there are other proposals out there. For example, I know the House majority is working on a proposal, and I am anxious to see what they come up with. As chairman of the Finance Committee, which has jurisdiction over many major aspects of our health care system, I have begun reaching out to stakeholders to discuss in more detail the current premium prices and what needs to be done to address it.

But let's be clear. To bring down these rising health care costs, we will need significant buy-in from my friends on the other side of the aisle. Quite frankly, I don't know how any of them can read the recent news reports about premium hikes and hear the stories from their constituents about skyrocketing health care costs and think ObamaCare is working just the way it was supposed to.

As I have said before, my hope is that at some point my colleagues on the Democratic side will begin to acknowledge the failures of ObamaCare. At the very least, they should acknowledge it has failed to bring down costs for patients and consumers and is, in fact, driving up costs.

Until that acknowledgment comes, I plan to do all I can to make the case to the American people about the need for change and to work with anyone who is willing to put in the effort to address these monumental problems. I look forward to speaking more about these issues in the coming weeks and months.

With all the economic struggles the American people—particularly those in the middle class and with lower incomes—have had to deal with under the Obama administration, the last thing families in the United States

need is the continuation of the skyrocketing health premiums we have seen as a result of ObamaCare. I plan to do all I can to reverse this trend.

I know there are some on the Democratic side who knew from the beginning it wasn't going to work. Then they would be able to throw their hands in the air and say: It is not working. We need to go to socialized medicine or one-size-fits-all Federal Government control of health care in this country. Anybody who thinks that is going to be a good system, boy, have I got a bridge to sell you.

The fact is, as bad as our system was before, it was better than what this is. We can make it better, but it is going to take Democrats and Republicans coming together in the best interests—and get rid of the stupid politics involved—to come up with a program that will work for the American people.

I can tell you this, the American people cannot live on the slow growth that is currently going on. We cannot compete with the rest of the world on the slow growth that is currently going on, and it has been a slow growth for all of President Obama's time in the Presidency.

It wasn't all his fault, but—by gosh—there could have been programs that would have made it better had they just relied a little bit more on the free market system that has made this country the greatest country in the world.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. TOOMEY). The Senator from Washington.

Mrs. MURRAY. Mr. President, I come to the floor this afternoon to talk against an amendment that would undermine the spirit of bipartisanship we have cultivated with the last several budget deals without fully addressing our national security and domestic needs and to speak in support of an alternative that would do so much more to protect our families, improve our national security, and build on our bipartisan budget deal in a truly fair and responsible way.

As I will go into a bit more, for an amendment to a bill focused on ensuring our Nation is prepared to meet future challenges here at home and across the world, the Republican amendment ignores too many priorities in the nondefense world that are critical to our Nation's security. It only supplements defense priorities, leaving by the wayside domestic challenges, such as the Flint water crisis, the Zika outbreak, the opioid crisis, and domestic law enforcement agencies like the FBI, to say nothing of investments that we also know improve national security in the long run, such as education, health care, a strong economy, and more. It casts aside the principles we laid down in our bipartisan budget deal that we should be building on, not tearing down.

I want to spend a minute or two on that last point, since it is a very im-

portant one. As many of us have said before, a budget is far more than simply numbers on a page. A budget truly is a statement of values, of priorities, of the kind of nation we are, and the kind of nation we want to be. That is why I am so proud that following the tea party government shutdown back in 2013, Democrats and Republicans were finally able to come together, break through the gridlock, and reach a bipartisan budget deal.

Our deal wasn't perfect. It wasn't what any of us would have written on our own, but it was a critical step in the right direction. It restored investments in health care and education, in research, and defense jobs. It halted the constant lurching from one crisis to the next, and it showed the American people that we in Congress can make things work when we work together.

We were able to get a bipartisan deal because we kept to a core principle, which was rolling back the cuts evenly across defense and nondefense investments. That wasn't the only hurdle, but it was a big one. Both sides agreed that we may not agree on everything, but we had to solve the problem in a fair and balanced way and one that addressed all of our budget challenges here at home and throughout the world.

Establishing this principle and then sticking to it in our 2015 deal is what helped us make the progress we have made and build a foundation for continued work. I believe it is a principle we need to stick to if we want that good work to continue.

We reached a 2-year bipartisan budget agreement just last fall. If the Senate is about to open that bipartisan budget agreement on this bill, then we should be doing it in a thoughtful and productive manner that allows us to build on the 2-year deal and address a fuller range of security issues.

Unfortunately, the amendment we are going to vote on either later tonight or tomorrow would move us in the wrong direction when it comes to this productive bipartisan work. Instead of building on our deal, it tries to circumvent it. Instead of working together to truly restore investments, it uses a gimmick to pretend to restore investments, and instead of working with Democrats to restore cuts on the domestic side that support our national security as well, it only supports the defense side and leaves far too much behind. I don't think that is right, and I think we can actually do better.

If Republicans truly want to work with us to build on our budget deal in this bill in a way that truly prepares us to respond to domestic and foreign challenges facing our country, we have an alternative. Our amendment, the Democratic alternative, would restore investments that help workers, the middle class, veterans, and families all across our country at an equal level to the defense priorities. It would invest

in critical priorities that clearly keep our country safe, including supporting the operations of the Federal Bureau of Investigation and supplying the Transportation Security Administration with the tools they need to keep our airports and other transit hubs safe that have become a target for terrorist attacks and allow us to tackle the opioid crisis that is devastating communities in my home State of Washington and across the country.

It would provide the resources for us to respond to the water and lead issues in Flint and many communities in our Nation, and provide resources to help us address so many of the challenges facing our workers, our families, our communities, and our middle class and do it in the fair and balanced way that we all know works by building on the bipartisan budget deal and treating defense and nondefense equitably and fairly.

I urge my colleagues to support the Democratic amendment so we can restore these investments in critical defense and nondefense programs and invest in priorities that keep us safe and strengthen our communities and the middle class. Having a powerful military is important to our country's safety but so is access to safe drinking water and so are TSA agents protecting our transit hubs, Zika research to prevent further spread of this disease, and so much more.

I hope we can work together to build on our bipartisan progress, stick to our bipartisan principles, and keep our country moving in the right direction. I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I came to the floor to talk about the visit of Prime Minister Modi of India and to speak about an amendment I have, but listening to the Senator from Washington, I have to express my sense of wonder and amazement at our Democratic colleagues for whom no amount of money, no growth in the size of government is too much.

While I am certainly sympathetic to the amendment by the Senator from Arizona which would increase defense spending at a time when there is a greater array and a greater diversity of threats to our country than Director of National Intelligence James Clapper has said he has seen in his 50-year career, the idea that because we want to take care of the No. 1 priority of the Federal Government, which is national security and self-defense, we have to somehow use that to leverage more spending in other areas that are non-defense-related is simply unacceptable, particularly at a time when our national debt is \$19 trillion.

The other day, I happened to be speaking to a young woman who said: Well, what would you tell me to tell my peers?

She must have been—who knows how old she was—in her early twenties.

She said: What would you tell me to tell my peers about politics and why

they should care and why they should be involved?

I told her: Well, if I were you, I would be angry. I would be mad. Your generation should be angry with my generation because what we have done is spent a bunch of money we did not have, and we have simply passed the debt and the bill off to your generation.

It is not just the \$19 trillion in debt, it is also the pathway to Social Security and Medicare, the promises we made to our seniors for a secure late-in-life lifestyle that simply can't be kept unless we support and reform Social Security and make it sustainable for future generations.

So this is not the main reason I came to the floor to speak today, but I just have to express my own sense of wonder and amazement at our Democratic colleagues who want to continue to spend money we don't have because they know that if you end up spending this money they are asking for, it is just going to be added to the bill that is going to be paid for by the next generation, people like these young folks down here who are pages. That is, frankly, immoral, and it is not acceptable.

#### VISIT BY THE PRIME MINISTER OF INDIA

Mr. President, the main reason I came here to speak—today was really a historic day in Washington, DC, and in the relationship between the Government of the Republic of India and the United States of America. Like many of my colleagues, I had a chance to listen to Prime Minister Modi speak to a joint meeting of Congress this morning over in the House of Representatives. I was reminded of how far our two countries have come in such a relatively short period of time.

My first visit to India was about 10 years ago. I had been encouraged to go because of some of my constituents back in Dallas, TX, who started the Dallas Indo-American Chamber of Commerce. We actually have a large Indian-American community in the Dallas-Ft. Worth area and also in Houston. Around the State of Texas, we probably have some 250,000 to 300,000 Indian Americans—part of the diaspora Prime Minister Modi talked about before and of which he said he was particularly proud and which binds our two countries together.

When I came back from my trip to India, at the same request of the same constituent—he encouraged us to create a U.S. Senate India caucus, knowing that our two countries had a lot more work to do together. I am happy to say that 10 years ago, when Secretary Clinton was Senator Clinton, she and I cofounded the U.S.-India caucus. Later on, Chris Dodd—after Senator Clinton became Secretary Clinton—and then after Senator Chris Dodd left, Senator MARK WARNER is my current cochair. We have about 30-some-odd members of this U.S.-India caucus, which demonstrates again the acknowledgment of how important this relationship has become.

I am grateful for the concrete manifestation—the evidence of that relationship, things like the fact that, as Prime Minister Modi said, India joins the United States in more joint military exercises than any other country.

We also have a robust civil nuclear agreement that allows for the exchange of critical information and technology. This has been a long time in coming. I think it was 2008 when the Bush administration advocated for this civil nuclear agreement which now, apparently, is coming to fruition. I noticed that President Obama and Prime Minister Modi announced the construction plans for a number of nuclear powerplants in India. India is a vast country—I think he mentioned 1 ¼ billion people. Many of them simply don't have electricity and live very impoverished lives. So it is an acknowledgment of our close-knit relationship but also of the need that India has, in order to advance and lift its own people to better living conditions, to have access to the electricity that is going to become available once these nuclear powerplants are constructed.

Of course, our economies continue to rely upon each other increasingly for trade and investment. As more and more American-made goods or American agricultural products are sold to India—with the rising middle class, there are going to be more and more people purchasing those goods and services. Of course, that is going to help improve jobs here in the United States, as well as the quality of life there.

Perhaps most importantly, we share growing cultural ties. Fast-forward to today. When Prime Minister Modi spoke today, he talked about his vision for his country's future, including deepening and broadening the relationship with the United States. That is a very welcome statement by the Prime Minister.

Unfortunately, over the last few years—7 or 8 years of the Obama administration, many of our friends and allies around the world have questioned our commitment to those friendships and these alliances, and, conversely, many of our adversaries have become emboldened when they see America retreating from its engagement with the rest of the world. We do not need American boots on the ground around the globe, but we do need American leadership around the world. There is no other country with benign intent like the United States that can fill that leadership void.

So I was glad to hear Prime Minister Modi talking about the importance of it. I hope we all respond appropriately. Of course, this is important not just today, but it will become increasingly important in the 21st century. The safety and stability of the Asia-Pacific region in particular will depend more and more on the safety and stability of India. Here in the Senate, we have had ample opportunity to work with our friends from India in order to guarantee that goal.

There are a couple of pieces of legislation I have cosponsored with Senator WARNER, my cochair of the U.S.-India caucus, that will bolster our ties with India.

The first would help bring India into an existing trade structure, the Asia-Pacific Economic Cooperation Forum, or APEC. It would direct the Department of State to develop a strategy to facilitate India's membership status in this organization, and it would urge APEC nations to support India's membership. As the world continues to become more interconnected through trade, we need to make sure like-minded countries with economic might, such as India, have a seat at the table.

Of course, it is a truism that countries that do business together and trade together are much less likely to engage in some conflict against each other. So trade is good for national security and internal security as well, not just for the economy.

The second bill I have introduced will help cement India's status as a major partner of the United States. It would strengthen our defense and technology ties and also make sure that India is equipped to handle the myriad threats coming its way. The truth is that India is at risk for many of the same sort of threats that the United States is. This morning, Prime Minister Modi mentioned the cyber threat. Certainly that is true, but we know India is a target for international terrorist attacks. Indeed, the Prime Minister mentioned the terrible attacks that occurred in Mumbai not that many years ago, when terrorists came in and killed a bunch of tourists there in Mumbai or Bombay.

I am proud to cosponsor an amendment to the Defense authorization bill filed by the junior Senator from Alaska. This amendment would encourage greater military cooperation with India. Even though it is at an alltime high, it could certainly be improved through more joint military operations and officer exchanges. This is really an incredible source of American diplomatic power and strength, particularly in our military-to-military relationship.

I can't tell you how many times I have been to countries around the world, the way I was, for example, in Cairo, Egypt, sitting there talking to the President of Egypt, President Sisi, who was talking about his military training here in the United States, in San Antonio, TX, my hometown. Of course I had to ask him how he likes the Tex-Mex, Mexican food. He said it was a little too spicy for him.

The point is that these military-to-military exchanges with countries like India and Egypt and others are a great opportunity for us to establish friendships and connections, and people who invariably—and I am sure nobody dreamed that then-Military Officer Sisi would become the President of Egypt, but he rose in that leadership position and now is the leader of that large



country of some 92 million people. So those military-to-military relationships, those joint military exercises with countries like India are very important.

Let me close on the Prime Minister's comments this morning by thanking him publicly. It speaks volumes to his commitment to further the U.S.-India relationship. I look forward to continuing to play a small part in that effort through the work of the Senate India caucus.

As Prime Minister Modi's visit illustrates, the United States cannot afford to ignore our friends and those who share common values, as Prime Minister Modi spoke. The world is simply too unstable and too dangerous. Plus, it is just plain stupid not to maintain a good relationship with your friends and allies and people who share similar values. But we also have to look at the other side of the coin, and that is to push back on our adversaries. And as I said, unfortunately, over his 8 years in the White House, the President has seemed somewhat detached from both of those—either encouraging stronger relationships with our friends and allies by demonstrating that we have their back and that we can be trusted or by pushing back on our adversaries when they take aggressive action. As I mentioned earlier this week, his first Secretary of State, Secretary Clinton, regularly lacked the ability to call a spade a spade, particularly with regard to challenges like our enemy in North Korea.

Not long ago—I guess it was in August of last year—I had a chance to visit with Admiral Harris, the four-star head of Pacific Command. When we asked him to list the danger spots in the world that keep him awake at night, he mentioned North Korea as the No. 1 threat. Of course, some of that may be the proximity of his command there in Hawaii. But the fact is, North Korea is ruled by a dangerous dictator who has nuclear weapons and intercontinental ballistic missiles, which is a dangerous mix.

Of course, unfortunately, under Secretary Clinton's watch and President Obama's watch, this has gotten nothing but worse. As we continue to consider the National Defense Authorization Act, we do have a chance to take up some of the slack, though. We are not without tools here in the Congress to fill in some of the gaps and to correct some of the misguided foreign policy prescriptions of the White House.

One way we can do that is by supporting an amendment I have filed that will help us hold Iran accountable for its recent hostile actions against U.S. sailors. We all remember that last January, two Navy riverine boats with 10 American sailors on board made headlines around the world when they strayed into Iranian waters. They were taken captive by members of Iran's Islamic Revolutionary Guard Corps after being forced at gunpoint to surrender. The sailors were blindfolded. They were

hauled back to Iranian soil. They were interrogated and detained. The IRGC henchmen documented the event at almost every step along the way, quickly broadcasting those videos and photos of the captured sailors among state-run media outlets.

This is not in line with international norms. This is not the way we would treat a foreign country's navy if the same thing happened, and the Geneva Convention makes clear that when military forces from one country detain military forces of another those prisoners are to be protected from public displays of humiliation, not to be used for propaganda purposes, which is what the American sailors were used for. Something called the doctrine of innocent passage—a concept of what is known as customary international law—provides that all vessels have the right of travel through another country's territorial waters to get from point A to point B swiftly.

It is pretty apparent that Iran violated our sailors' right to innocent passage, but we haven't heard a peep out of the White House. Instead, the administration has patted itself on the back and claimed their bad Iran deal somehow brought these sailors home safely. They claim that somehow the enhanced credibility they had from the misguided Iran nuclear deal somehow gave them a seat at the table and an ability to negotiate the release of our own sailors from Iran. This is absolutely ridiculous, and it ignores the crux of the problem. These sailors shouldn't have been taken captive in the first place.

While the President may leave this kind of aggression unanswered, we don't have to. My amendment would require the President to answer two simple questions: Did Iran's hostile actions in January violate international law? And were any Federal funds paid to the Iranian regime to effect the release of our sailors? In other words, did the Obama administration pay ransom to bring them home? I think the American people, certainly our taxpayers, have a right to know whether the Obama administration used their hard-earned tax dollars to pay ransom to a rogue regime like Iran's.

If the administration does find that Iran violated international law, sanctions on those Iranians responsible would be triggered under my amendment. It is absolutely imperative we not turn a blind eye to aggression by the world's thugs, tyrants, and renegades, which is, unfortunately, what we seem to do too often.

We need to hold Tehran accountable in some way. Since the President, so far, has refused to do that on his own, it is incumbent on Congress to lead on this issue, and my amendment is a good start. I am hopeful my colleagues will support it so Iran knows, even if it doesn't have to answer to the President of the United States, it will have to answer to the American people through their elected representatives in Congress.

Mr. President, I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

#### WASTEFUL SPENDING

Mr. COATS. Mr. President, it is week 45 of "Waste of the Week," where I have been here talking about waste, fraud, and abuse, and trying to find ways to save taxpayers' dollars. As I have said a number of times, our efforts since 2010 are to go big to address the real fiscal situation that this country is dealing with, the runaway entitlements, the ever-shrinking discretionary pot, and the deficit spending, leading to borrowing that has taken us from \$10.7 trillion just in my first term here now in six years—from \$10.7 trillion—to \$19.2 trillion. I don't think any of us can contemplate what \$19.2 trillion really means. But what it means in terms of its impact and effect is that we are passing on to future generations a debt that they will not be able to repay without serious consequences to our economy and serious consequences to their pocketbooks. That is a speech for another time.

"Waste of the Week" is simply an attempt, since we have not been able to address the larger issue, to look at documented examples, exposed by inspector generals, the Government Accountability Office, and other agencies of clear waste, fraud, and abuse that has used taxpayers' dollars in an improper way. So this 45th edition now highlights close to \$170 billion, exceeding our goal of \$100 billion considerably and with no end in sight.

We are debating last week and this week the National Defense Authorization Act, critically important for our national security and to provide for the kinds of things our military needs to be an effective military. So I think it is appropriate to raise the issue that no agency is sacrosanct. While I am a committed supporter of national defense, while I served on the Senate Armed Services Committee for a 10-year period of time in my former time in the Senate and I support much of what the military does, it is important that we point out that they are not sacrosanct from falling into the category of abuse, waste, or money that should have been better accounted for and spent. So I am taking this opportunity during this debate to point out the fact that each agency of the Federal Government needs to be looked at, even those that we favor and want to support. Obviously, any penny, dime, nickel, dollar, or more saved from something that need not be spent is something that can help our soldiers be better trained and can help us have a stronger military. If not needed there, it can be used to offset other programs

within the Federal Government, or, most importantly, hopefully sent back to the taxpayer or reduced from the taxes that we take from the taxpayer.

Today I want to talk about the acquisition process. The Department of Defense weapons acquisition system is the process by which DOD, or the Department of Defense, procures weapons systems or related items from various defense contractors. They include the design, development, deployment, and disposal of weapons used by our military.

Since 1990, the Government Accountability Office has included the Department of Defense's weapons acquisition system on its annual High Risk List. Let me explain that. The High Risk List, which is put out every two years by the Government Accountability Office, or GAO, lists spending that falls under the category of, frankly, "Why are we spending this money in the first place?" or "Let's look at how we are spending this money and see if it can be spent in better and more efficient ways." It is looking at programs' vulnerabilities to waste, fraud, and abuse.

One of the biggest problems with the system is that frequently significant dollars are spent on weapons programs that end up never being completed. Between 2001 and 2011, the Department of Defense spent \$46 billion on a dozen different weapons systems programs that were never completed. Let me repeat that: \$46 billion of money was spent on programs, well intended, but never completed for various reasons. I want to use just one example of that \$46 billion category, and that is a program that was initiated but was never finished and is an example of how taxpayers' money can be spent in significant amounts and with no results.

It was clear that after 9/11 we ought to be looking at the Presidents' transportation. In this case, Marine One is the helicopter the President uses when transferring to Andrews Air Force Base to climb aboard Air Force One or is used overseas for special short trips. Marine One was deemed to be somewhat behind on its technological capabilities, especially its communications and security capabilities. The Department of Defense initiated an effort to build a new helicopter; yet the requirements and engineering needed for this new helicopter design were never finally fixed. As the process went forward and the money was being spent, new ideas and new technologies came into play, and the thought was this: Well, let's add this here and change that there and incorporate this into it. As a result, the original engineering that had been mapped out, the requirements, the design were not followed. There were constant changes, constant pleas that we need to spend more money, we need to do more and more. On and on it went. Without those fixed and agreed-on guidelines, the Department of Defense continued putting more add-ons over the years until, ultimately, the helicopter became so

weighted with so much new technology and security position adjustments and so forth that the helicopter's mission capability was compromised. As such, the program finally had to be scrapped in 2009, and the cost to the taxpayers was \$3.7 billion—spent for no purpose whatsoever. It was a good idea, a good intent, probably the right thing to do, but without a sufficient acquisition system and development system, without an ability to say: Look, let's get this thing fixed in terms of what we want it to look like, what we want it to be, and let's go forward with it, and perhaps there are a few adjustments that we can make. But, certainly, it would be better to incorporate the new technologies at a rate that we thought we could accomplish within a limited amount of time, rather than simply ongoing—2001, 2002, 2003, all the way to 2009—and finally say we are never going to get there, ending up, as I have said, with \$3.7 billion of waste. That is just one example.

In the 2014 report, the Government Accountability Office found problems like this have persisted within weapons acquisitions for decades. GAO found that many defense programs are launched before officials have enough information needed to determine whether the proposed program is even viable. Meaning, there is a mismatch between the new defense system's wish list of all the things the DOD would like to have versus the current technology that would be able to provide within the current financial and time constraints for developing programs. In turn, the program sometimes gets the green light to move forward with unrealistic costs and timetables, leading to increased costs and development delays.

The Government Accountability Office and military experts have emphasized the need to increase DOD staff training on how to properly estimate project needs and technology capabilities before launching a project. Now, we would think this would have been simple. We would think this would be the guidelines from the very beginning: You don't start a project until you estimate what the project needs and the technological capabilities and the capabilities of providing those needs before you start. But there is a history within the Department of Defense—and, frankly, within policies of defense contractors—to get it started. Once it is started, they are not going to turn it back down. History is replete with Department of Defense acquisitions that have incorporated changes that, once started, you can't stop the thing. Then the narrative turns from this: Why are we doing this in the first place, because we never fixed the requirements and fixed the cost and agreed not to go beyond that cost? It turns into this: Oh, well, we need to spend more. We can't turn back now because otherwise we have wasted that money.

The Presidential helicopter is a perfect example. We are talking about \$3.7

billion. On and on it goes. I have just given one example.

I am pleased that Senator McCAIN and Senator REED, the chairman and ranking member of the Senate Armed Services Committee, have acknowledged this. This National Defense Authorization Act of fiscal year 2017 makes some very important reforms to the DOD acquisition process. They have taken note of this, and the committee has taken note of this. Before us now is this bill—the bill that sits on my desk and on every desk here and that we are debating and adding amendments to and hopefully will finish this week. In this legislation we are debating and talking about and hope to pass are a number of reform processes and reform legislation to help us address these problems. This legislation would reform the current regulatory process and make it easier for companies to compete for DOD contracts in order to boost competition and lower costs. In addition, the bill would increase training—maybe this is the most important of all—for those at the Department of Defense who plan and oversee the acquisition process. It will put greater emphasis on technological innovation, which could help save money while spearheading new, cutting-edge defense systems. That is the goal. That is the goal we have outlined in this legislation and why we need to support this legislation. It is an example of how the Senate can tackle waste, fraud, and abuse right now, and I encourage my colleagues to support these proposals.

Having said that, let me add, as we do each week, \$3.7 billion for failed efforts to develop the new helicopter for the President, which brings our total taxpayer price tag to nearly \$176 billion—not small change. Think what we could do with that if it was spent wisely or, more importantly, if we didn't have to take it from the taxpayer in the first place.

Mr. President, having said that, I yield the floor.

THE PRESIDING OFFICER. The Senator from Oregon.

#### PRESIDENTIAL TAX TRANSPARENCY ACT

Mr. WYDEN. Mr. President, I rise this afternoon to discuss the Presidential Tax Transparency Act—legislation that I have authored with Senators WARREN, BENNET, KAINE, BALDWIN, and BOXER. The reason I proposed this legislation is that ever since Watergate, it has been routine for Democratic and Republican Presidential nominees to release their tax returns. In effect, this has been the norm; this has been the standard operating procedure for almost four decades. That is because the American people expect transparency when it comes to a Presidential candidate's actions and values.

They are running for the highest office in our land. They are running to be Commander in Chief for the most powerful Nation in the history of the world. When transparency is the overwhelming expectation of the American

people regarding the Presidency, my view is it ought to be the law.

We are in the midst of a Presidential election. The nominating conventions are weeks away. One of the candidates who has become his party's presumptive nominee has thus far refused to release his tax returns. In my view, this is a clean break from decades of traditions in our elections. It is a rebuke of the overwhelming majority of Americans, including a majority of Republicans, who are demanding openness and honesty from their Presidential candidates of both political parties on this issue.

The reason is that tax returns give the American people a lot of straightforward, honest answers. It is not just about what rate you pay; it is about whether you even pay taxes. Do you give to charity? Are you abusing loopholes at the expense of hard-working middle-class families? Do you keep your money offshore?

The fact is the tax return shines a light on your financial integrity. It will show if a person is trying to game the system, for example, by having their company pay for personal vacations on a private jet. Certainly, that is something far removed from the reaches of most hard-working families.

My view has been that running for President is pretty much like a job interview. Every candidate has to stand up before the public and show that they have the temperament, the background, and the character to lead our wonderful country and be Commander in Chief. I believe that after decades of tradition, releasing tax returns is a big part of the process.

When it comes to a candidate's financial background in taxes, I don't think the public should have to take somebody's word for it or just accept the kind of boasting you see on some of these shows that get wide viewership. The public has a right to know the facts, and the public has a right to know the truth.

The proposal that my colleagues and I have proposed is pretty simple. It says that within 15 days of becoming the nominee at the party conventions, the candidates would be required to release at least 3 years of tax returns. If a nominee stonewalls the law and refuses, then the Treasury Secretary would share the returns with the Federal Election Commission, and that Commission would make them public online. There would be an opportunity as well for redactions, which, in effect, are changes when appropriate.

When Presidents nominate individuals for Cabinet seats and executive branch jobs within the jurisdiction of the Finance Committee—the Treasury Secretary, the Secretary of Health and Human Services, Social Security—those nominees all submit 3 years of tax returns for the committee to review. When there is a need and where it is appropriate, information from those returns is made public. Remember, that is the standard for people who

would serve under the President of the United States. In my view, the Commander in Chief ought to be required to do better. The fact is, nominees have traditionally released a lot more than 3 years. So probably it is a bit modest, and a number of people who have looked at the proposal support what our colleagues and I are doing, like the transparency, like the disclosure. A number of them have said: You really ought to think about going further.

I think colleagues know that I probably have spent as much time here in the Senate as any colleague trying to promote ideas and policies and get beyond some of the partisanship that dominates these debates. I am talking about candidates on both sides being required to meet this new bar. The same rules would apply to all nominees from both parties.

A word about this notion of requiring a Presidential nominee to do this: I certainly wish that it weren't necessary to have a law requiring this. That would be my first choice. The fact is, it shouldn't take a law because this has been the norm; this has been the expectation.

This is how I came to believe that a law was necessary. You volunteer to run for President of our wonderful country. You are not required to do it; you volunteer to do it. In my view, when you volunteer, there has been this norm, and there has been this expectation. Since Watergate, almost 40 years, there has been this expectation that you would make public your tax return. The failure to do so deviates from the norm, deviates away from transparency and in favor of secrecy. So my view is, when a candidate for President of the United States is not willing to disclose their taxes voluntarily and deviates from the norm, deviates from the understandable expectation the American people have, then I think you need a law, and that is why I have proposed it.

For these four decades, the American people have been pretty clear: If you are a major party's nominee to be the leader of the free world, you do not get to hide your tax returns.

This is the first time I have discussed our proposal here on the floor. I hope our colleagues will support the Presidential Tax Transparency Act, and I hope our colleagues on both sides of the aisle will agree that the American people deserve this guarantee of tax transparency that I have described this afternoon.

#### RECOGNIZING HERMISTON HIGH SCHOOL

Mr. President, I am going to speak briefly on one other matter that was particularly striking last week when I was home. I am going to talk for a few minutes about the wonderful work taking place at Hermiston High School in Eastern Oregon.

Last week, I had the honor of visiting the terrific Career and Technical Education Program—the CTE Program—in Hermiston, and I had a chance to watch some very impressive students

in action. One of the programs I visited was the Columbia Basin Student Homebuilders Program that got off the ground with a small amount of State financial assistance. The reason I wanted to discuss it this afternoon is, I think this program that can be a model, not just for my State, but for the Nation. Students enrolled in the homebuilders program work with local construction professionals to actually build houses for their community. Under the supervision of a teacher, students learn all facets of planning, designing, and building a new energy-efficient home within a budget.

During my visit, Liz, a star high school senior and a future engineer, gave me a tour of this year's home. It is nothing short of gorgeous. At the end of the school year, this beautiful, custom-designed home is going to be sold to a lucky family. Students are involved in every bit of the process—from planning and design, to the actual construction, to the marketing and sale of the house. Revenue from the sale of the home funds the next project, so the next round of students in the program get to participate with no future funding required.

Hermiston High School's career and technical education courses demonstrate to students that their community leaders are committed to helping them prepare for a successful life right out of high school. One student I met, Hannah, told me about a recreation and tourism project that involves starting a hospitality business. She is working to expand her line of cupcakes to meet customer demands.

I note that the Presiding Officer has a great interest, as I do, in promoting recreation. That is why I have introduced the RNR bill, the Recreation Not Red-Tape Act.

I was struck by Hannah's expertise.

I note that the Presiding Officer probably saw this last Sunday. The Denver Post had an extraordinary article describing recreation as the economic engine of the future. I am not saying that just because they were kind to the RNR bill, but they talked about the promise of recreation and tourism, particularly for our part of the world.

I was so impressed with Hannah. I said: I am going to send you the RNR bill, and I would appreciate it if you and your colleagues would look for additional ways to cut the red-tape and promote recreation and tourism in Oregon, and throughout the West, and support our existing and future businesses.

The fact is that too many of our students are not graduating high school on time and far too many are unprepared for the workforce. Research has shown that students enrolled in career and technical education courses graduate from high school at a higher rate. In fact, the students at Hermiston High School told me their homebuilders program made them want to show up for school.

I am committed to increasing graduation rates in Oregon and across the country, and I think one of the best ways to do it is to support programs like the one in Hermiston, because I think it is tailor-made to achieve this goal.

Funding for Perkins Career and Technical Education Act courses is a way to make sure that programs like the one I just saw at Hermiston can be started around the country, but funding for these programs has been decreasing since 1998. At the same time, there is bipartisan consensus that career and technical education programs are important, not just for kids who want to be homebuilders but for all students. It seems to me that in overhauling the failed policies of No Child Left Behind, the Senate made a choice to move away from the era of over-tested “bubble kids” and towards an era of well-rounded, multi-skilled high school graduates. I am glad to see that the Senate HELP Committee is working hard on a proposal to reauthorize this career and technical education program, known as the Perkins Act. The last time it was reauthorized was in 1998. So I am going to work closely with my colleagues on both sides of the aisle to keep pushing for a new bill.

The fact is that the educators I saw last week are ambitious by any measure. They saw that their students were not graduating with the skills necessary to be successful in their future school and work lives. So the local educators started partnerships with local architects, engineers, and other professionals. They created a unique program that blends innovative classroom instruction with real-world application. We have businesses directly engaging with young people. Not only do they show what kinds of jobs are available in the community, but they also prove that school is an important stepping-stone in preparing students for the real world.

I have been in public service for a while. It is such a tremendous honor to represent Oregon in the Senate. But I will tell you, watching the way a small community in eastern Oregon, Hermiston, has come together and made a commitment to their young people is special. It is truly what we call the Oregon way.

I will close by way of saying that I am grateful to the school, Hermiston High School, for allowing me to visit. I will do everything I can to take the student homebuilder program that I saw last week and spread the word about what the potential is here. They already sold one house for a very healthy price, and I think we would be wise—again here in the Senate, Democrats and Republicans—to come together and support career technical education programs like the ones I saw in Hermiston and urge all of us here in the Senate, on a bipartisan basis, to support Federal and State assistance for these kinds of programs, career and technical education programs, for even

more students from one end of our country to the other.

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

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

FRANK R. LAUTENBERG CHEMICAL SAFETY FOR THE 21ST CENTURY ACT

Mr. CARPER. Mr. President, for some time, including times on this floor, I have said that the choice between a clean environment and a strong economy is a false one. Some people say you can't have a clean environment and a strong economy at the same time. I just don't think that is correct. TSCA is an acronym for Toxic Substances Control Act.

The TSCA reform legislation that we approved in this body last night is proof of the fact that we can have a cleaner, safer, and healthier environment and also have a strong economy. They go together, and maybe, when I finish my remarks, folks will understand why that might be true.

Every day in this country manufacturers use a variety of chemicals. I am told there are tens of thousands of chemicals on this planet. It is in the air, in the ground, in the water, and in our bodies. Manufacturers use these chemicals to make everything from carpets—like the carpet we are standing on—to cosmetics, water bottles, and dish washing soap.

Former President Gerald Ford signed the Toxic Substances Control Act of 1976 and said it was landmark legislation. He said that this is huge legislation in terms of protecting the environment and public health. He said it was intended to give the EPA the authority to monitor, test, and regulate the chemicals that pose a risk to human health or the environment. That was the deal. Over the past four decades, since Gerald Ford signed that legislation into law, the Toxic Substances Control Act has never worked as intended, leaving the public at risk for toxic exposures and the private sector with a broken regulatory process that has undermined innovation. Frankly, it led to a lot of uncertainty and lack of predictability.

As a recovering Governor, I know that among the things we need in order to have a better and more nurturing environment for job creation and job preservation is to make certain that businesses, whether large or small, have predictability and certainty. When the Toxic Substances Control Act passed 40 years ago, it did not provide that predictability and certainty.

In fact, for the last 40 years, I think the EPA has fully vetted six toxic substances. Imagine that—six in 40 years. In the last 20 to 25 years, there were none. In the meantime, States have

stood up and said: If the Federal Government is not going to do it, we will do it. Now we have a patchwork quilt of State requirements. We have businesses—not just chemical businesses but a wide variety of businesses—in this country that are trying to comply with laws in dozens of States, and the Federal standard that we set 40 years ago just does not work.

For a while, the Toxic Substances Control Act has been broken. That is a polite way of saying it. Over the past 39 years, we have learned a lot more about toxic chemicals. We have learned about how they can cause harm to our environment. They can cause harm to public health, and we also learned how best to identify and protect against these risks.

More than 3 years ago, two of my colleagues—one a Democrat, TOM UDALL of New Mexico, and the other a Republican, DAVE VITTER of Louisiana—wrote something called the Frank R. Lautenberg Chemical Safety for the 21st Century Act. That is a mouthful, isn't it?

Frank R. Lautenberg was a Senator from New Jersey for many years, whose birthday I remember to this day. He is now deceased, but his birthday is January 23, and the reason why I know that is because that is when my birthday is. This is an issue we actually shared a strong interest in doing something about.

My recollection—it is hard to remember when people move around from desk to desk—is that his seat was back here behind where I am standing today.

My colleagues TOM UDALL and DAVID VITTER wrote a bill and named it after Frank R. Lautenberg because this is an issue he cared a lot about. He tried several times to write legislation that could be enacted to take the 40-year-old Toxic Substances Control Act from 1976 and bring it into the 21st century and help it become effective and make sense for the digital age.

The bill written by Senators UDALL and VITTER reforms the old Toxic Substances Control Act, and it does it in ways to better protect the public—to protect us, our families, our businesses, and so forth. It is also designed to create a more manageable regulatory framework for American businesses and innovators so they have some predictability and certainty with what they are dealing with. Whether they happen to be doing business in Delaware, Maryland, Virginia, Wyoming, Idaho, or California, they would have some certainty as to what the rules of the road were going to be for toxic substances or the chemicals they might be using in their processes.

After the bill was introduced by Senators VITTER and UDALL, I worked closely with both of them for more than a year as a member of the Environment and Public Works Committee. We led a number of meetings, had many discussions, and we were always

focused on securing enhanced protections for public health and the environment while providing certainty and predictability for American businesses.

I focused especially on language to secure provisions that would protect children, pregnant women, and workers from toxic risk. The provisions I especially focused on included ensuring that the EPA had access to information in order for them to assess safety risks.

A third area that I looked at was to enact something to allow States to enforce Federal toxic safety law. If the EPA wasn't doing its job, could there be a State backstop in a way that made sense? I think that was not an unreasonable thing to ask. We did that in Dodd-Frank with respect to nationally chartered banks. If the Office of the Comptroller of the Currency in nationally chartered banks is not making sure consumers are being looked after, then we allow State attorneys general—not to write regulations or their own law but to enforce Federal standards and laws. I wanted to make sure that in the event that someday we had an EPA that frankly wouldn't enforce a new version of the substance control act, then States could enforce it for them.

Chemical manufacturers and consumers alike deserve legal clarity, a timely review process, and the ability to trust that products people use every day are safe. I might add that when Senator UDALL and Senator VITTER started to introduce this legislation and started to gather cosponsors—I don't mean to be presumptuous, but my guess is the Presiding Officer probably ended up as a cosponsor. At the end of the day, we had 30 Democrats and 30 Republicans. The idea was to add a Democrat, add a Republican, add a Democrat, add a Republican—a little bit of a look at how a bill is made or should be made. It is almost a textbook example of how legislation could be formed or should be formed, even on a difficult and contentious issue like the one I am talking about today.

I was involved at the very beginning in the initial efforts to rewrite the Toxic Substance Control Act. I was involved with DAVID VITTER and TOM UDALL and also the chairman of the committee, JIM INHOFE. But I got to a point where I said to the coauthors of the legislation—they were looking for cosponsors, and I said: I will be willing to cosponsor your version of the rewriting of the Toxic Substance Control Act, but there are 10 changes that I would like to consider making.

They said: What are they?

I said: Well, here they are.

And I gave them some idea of what they were. They asked me to put them in writing, so I put them in writing in a letter to Senators VITTER and UDALL and said: These are the changes I would like to see made in the bill you have introduced. If you will make these changes or agree to these changes, I will cosponsor your bill, and not only

will I cosponsor your bill, but so will 10 or 11 other Democrats. We all signed the letter. This was probably about a year and a half ago.

The letter was more to Senator VITTER than Senator UDALL; I think it went to both. But to his credit, Senator VITTER and his staff went through it piece by piece, proposal by proposal—all 10 of them. At the end of the day, they agreed essentially with all of them, and they said that they would incorporate all 10 of the proposals in the bill. They said: Now will you cosponsor the bill?

And I said: Yes, I will. And so did the rest of us who signed the letter—all 10 of us.

When I said that I would cosponsor the bill, I also said there were three areas that still needed some work. My passion for pushing for this legislation will be tempered somewhat by your willingness to also act on subsequent changes in the bill in these three areas. I will not go into those three areas, but I will say that later on, some of my colleagues—Senators CORY BOOKER, Senator WHITEHOUSE, Senator JEFF MERKLEY, and Senator ED MARKEY—sort of stepped up and said: We are interested in those three areas, and we want to see further changes made in the bill.

With those changes, we added even more cosponsors, and finally we ended up with 60. We said: Let's take that bill to the Senate. It reported out of committee and eventually worked through the Senate. It was not easy, but we finally got it done. We went to conference with the House, and, lo and behold, we passed a conference report unanimously last night by unanimous consent, and nobody objected. Considering how controversial this bill has been for years, that is amazing.

At a press conference we held today with the principal Democrats and Republicans in the Senate, one of the House Members came over. Senator TOM UDALL talked about how he felt elated to be able to unanimously pass a contentious bill after all these years. He likened it to standing on a mountaintop. He is a mountain climber. In New Mexico they have some tall mountains, and he said it was like standing on a mountain top. He said: I feel elation when I climb to the top of a tall mountain and stand atop the mountain. And he said this morning at the press conference that he felt elation as well.

Then, when I spoke after Senator UDALL, I said that in Delaware we don't have tall mountains. Delaware is the lowest lying State in America. We really worry about climate change and sea levels rising. Besides that being some theory, it is something that we worry about. So the highest part of land in Delaware is a bridge. Every now and again, if I want to go up high and climb something, I can climb the bridge, but it is not really that high.

The thing that gave me elation in Delaware when I was Governor—and

before that the State treasurer and all—was when we all worked together. Delaware has a tradition; we call it the Delaware way. It is where Democrats and Republicans work together, set aside partisan differences, and just ask: What is the right thing to do?

Delaware is a small State. We can get pretty much the key stakeholders in a room and work out a lot of our differences within a couple of hours. It is pretty amazing how it works sometimes.

I share with my colleagues today an African proverb. The Presiding Officer has probably heard this before, and he has probably used this one before. It goes something like this: "If you want to travel fast, go alone. If you want to travel far, go together."

Let me say that again. "If you want to travel fast, go alone. If you want to travel far, go together."

That is especially true in the Senate. In order to get anything of any consequence done, you need 60 votes. We are at about 55 Republicans, and roughly there are about 45 Democrats with maybe an Independent in there somewhere. So we have to figure out how to travel together.

We have been traveling a long way over the last 4 years or so, but we finally got to our destination, and I think we finally came to a good outcome in terms of the policy we have adopted. For the first time, the legislation that has been agreed to by the House and Senate and will be sent to the President will require that every product used in consumer products will be assessed for safety.

Let me say that again. Every chemical used in consumer products will be assessed for safety. At the same time, our legislation will offer businesses a predictable and manageable regulatory framework—not a whole bunch of different regulatory frameworks, but one—for chemicals that do not pose a safety hazard.

As I said, we have been struggling and negotiating this bill in the Senate for a long time—maybe as much as a half dozen years. There has been a lot of give and take on both sides of the aisle to get to where we are last night and today. We are where we are today because both sides worked together to compromise on policies without compromising on our principles.

I mentioned that Frank Lautenberg used to sit at one of these desks behind me, and so did Ted Kennedy. I will never forget going and having a lunch with him when I was fairly new in the Senate. I wasn't sure that we had the kind of interpersonal relationship that I wanted, and as the Presiding Officer knows, this place works a lot on relationships.

I said to him: Maybe someday I can come to your office and just sit and talk with you for a while and have a cup of coffee.

He said: Why don't you come to my hideaway, and we will have lunch together.

I said: Really?  
He said: Yes.

After about a week or two, we went to his hideaway, and we had lunch together. His hideaway was an amazing place. It was almost like a museum in terms of all the things about the Kennedy family and his brothers and his own life.

Among the things we talked about that day was his ability to find compromise and consensus with one of our current colleagues, a guy named MIKE ENZI—a wonderful guy named MIKE ENZI who the Presiding Officer knows is one of two Senators from Wyoming, a former mayor of Gillette, an accountant—I think maybe a CPA. When I was presiding over the Senate years ago, I remember MIKE ENZI coming to the floor of the Senate and speaking about the 80-20 rule and how the 80-20 rule allowed the folks in a committee he served on as the senior Republican called the HELP Committee, or the Health, Education, Labor, and Pensions Committee—Ted Kennedy was the senior Democrat on that committee. It was an incredibly productive committee. There were all kinds of bipartisan legislation coming out of it.

Later on that day I asked Senator ENZI off the floor: How do you and Ted Kennedy manage to get so much done in the Senate Health, Education, Labor, and Pension Committee? How do you do that?

He said: It is the 80-20 rule.

I said: What's that?

He said: Ted Kennedy and I agree on about 80 percent of this stuff, and we disagree on the other 20 percent. What we do is we focus on the 80 percent where we agree, and we set aside the other 20 percent to another day and we will figure that out some other time.

When I talked to Ted Kennedy about the same thing, he said: I am always willing to compromise on policy, process, but I just don't want to compromise on my principles. He and MIKE ENZI managed to have an incredibly productive partnership on that committee and here in the Senate.

Senator Kennedy had a similar relationship with ORRIN HATCH, who now chairs the Finance Committee, as we know.

But we are where we are today because both Democrats and Republicans have worked together to compromise on policy without having to compromise our principles. The final product is a testament to a robust and a transparent committee process. I think it is a textbook example of how we ought to legislate around here. If we can get something that difficult, that complex, and that controversial behind us in an appropriate way and get support from environmental groups, business groups, Democrats and Republicans, maybe there are some other things we can get done, and God knows we need to.

I am proud of the work we have done together to reach this historic agreement. In addition to thanking Senator

UDALL, Senator VITTER, and the chairman of the Environment and Public Works Committee, Senator INHOFE, I also want to say a special thank-you to the members of our staff. I think those of us who serve or are privileged to work here as Senators work hard, but on this issue—and some of us worked hard on this issue, but the folks who really worked hard on this issue are the members of our staff. I will not go through the names of all the folks who worked with this Senator and that Senator, but I just want to say to those of you who know who you are, thank you. You have done great work, and you have enabled us to do the people's work.

I would say to a fellow who was a member of my staff for the last maybe 3 years and who worked day and night on this legislation—a fellow named Colin Peppard who now works for the Los Angeles County Metropolitan Transportation Authority out on the west coast—a special shout out to him and a special thank-you to him for all his efforts.

Mr. President, I think that is pretty much it for me today. It looks as though the Senator from Minnesota is here and has a hungry look on his face. He hungers to share something with all of us.

With that having been said, I will yield the floor to Senator FRANKEN of Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. FRANKEN. I thank my good friend from Delaware.

#### NOMINATION OF MERRICK GARLAND

Mr. President, I rise today to address the nomination of Chief Judge Merrick Garland to the U.S. Supreme Court. Today marks 84 days since President Obama nominated Judge Garland to fill the vacant seat on the Supreme Court bench. In that time the consequences of permitting that vacancy to persist have become clear. The eight-member Court has now deadlocked four times, and in two cases where the Court found itself evenly divided and unable to reach consensus it punted, sending cases back to the lower courts.

There is no denying that the Senate's refusal to do its job, to take up the business of filling that vacancy, means that in some cases the Court is not able to fulfill its core function, meaning in some cases the Court does not resolve circuit splits and cannot serve as the final arbiter of the law. That is not just my view, that is an opinion shared by one of the Court's current members, Associate Justice Anthony Kennedy. Testifying before the House Appropriations Committee back in 2013, Justice Kennedy described what happens when the Court is short-staffed. Although he is discussing the effect of recusals on the ability of the Court to do its job, his comments are no less relevant in the case of vacancies. This is what Justice Kennedy said: "On our Court, if we recuse without absolutely finding it necessary to

do so, then you might have a 4-4 Court, and everybody's time is wasted."

Let me say that again. "Everybody's time is wasted." Well, my Republican colleagues don't seem to be bothered by wasting everybody's time.

Mr. President, 116 days ago, less than an hour after the news of Justice Scalia's death, the majority leader proclaimed that the Senate would not consider a replacement until after the Presidential election and said that "the American people should have a voice in the selection of their next Supreme Court Justice."

In the 116 days since the majority leader made that bold announcement, Republican Senator after Republican Senator has taken to the Senate floor to deliver variations on that theme. My good friend Senator CORNYN helpfully explained that Senate Republicans had made a decision to "give the voters a voice on who makes the next lifetime appointment to the Supreme Court." He said, "I want to be clear that the American people do deserve a voice here and we will make sure that they are heard."

We have been through this before. We agree. The American people should have a voice in this process. They did. They elected Barack Obama to be President of the United States. By my read of the Constitution—article II, section 1, to be exact—the President shall "hold his office during the term of 4 years"—a term which has not yet expired.

It seems clear to me that in the text of our founding documents, our democracy was designed to ensure that its citizens have a voice in this process. President Ronald Reagan made this point quite eloquently when he presided over the swearing in of not just William Rehnquist as Chief Justice of the Supreme Court but also one Antonin Scalia as Associate Justice. President Reagan explained that "the Founding Fathers recognized that the Constitution is the supreme and ultimate expression of the will of the American people." Of course, President Reagan was right. The Founding Fathers recognized that the very purpose of the Constitution was to embody the spirit and the voice of the American people.

I find it preposterous when my Republican colleagues, who purport to revere the Constitution and the Framers' original intent, insist that the only way to guarantee that the people's voice is heard is to delay filling the vacancy, because, after all, the Founding Fathers did not just contemplate such a situation, they actually experienced it.

When President John Adams—himself a Founding Father and a drafter of the Declaration of Independence—was presented with the opportunity to appoint a Supreme Court Justice, he himself was a lame duck President. The Chief Justice at the time, Oliver Ellsworth, resigned after the 1800 Presidential election—an election that



President Adams lost. Nevertheless, Adams set about the work of selecting a replacement. When he eventually nominated John Marshall in January of 1801, more than 2 months after losing the election to a President of a different party—and the country still did not know who that would be because Thomas Jefferson and Aaron Burr had tied, but they were not his political party. Despite an unresolved election and in the face of great uncertainty, Adams nominated Justice Marshall, and the Senate took up John Marshall's nomination and confirmed him to the post of Chief Justice on January 27, 1801, by voice vote.

John Adams was by every definition of the term a lame duck President. The Senate could have refused to fill the vacancy. They could have left the Supreme Court short-staffed. Senators could have insisted that the seat not be filled until it was clear just exactly whom the American people had selected as their next President. But the Senate recognized that it had a constitutional obligation to confirm a replacement. That should come as no surprise because of the 32 Senators serving in the Sixth Congress, 5 of them had been delegates to the Constitutional Convention: Abraham Baldwin of Georgia; Jonathan Dayton of New Jersey; John Langdon of New Hampshire; Gouverneur Morris of New York, whose first name was Gouverneur, but he wasn't a Governor; his mother's maiden name was Gouverneur; and Charles Pinckney of South Carolina. All of them are real Founding Fathers. If anyone should have known what the Constitution required in this situation, it was they.

Now, picture them milling about the floor of the Old Senate Chamber on January 27, 1801, talking amongst themselves and their colleagues and whipping votes. At the time, the Senate's practice was to consider nominations in an executive session with the doors closed. Only Senators and certain staff were allowed in the Chamber and the proceedings were intended to be secret, so the CONGRESSIONAL RECORD contains no debate on John Marshall's nomination. We can only imagine what Senators said, but I suspect it went something like this:

Well, John, Abraham, Gouverneur, I suppose we should vote now on the President's nomination to the Supreme Court.

Why, yes, Jonathan, of course. I remember when we wrote into the Constitution that when a vacancies occurs, the President shall appoint a nominee to fill the vacancy and we Senators shall provide our advice and consent.

Yes, John, I recall the day we wrote that. You were in a particularly good mood because your wife Betsy had arrived by carriage the night before from New Hampshire.

Yes, Abraham, I recall that well. After all, it was only 13 years ago, and the next day we wrote the provisions about the Supreme Court. I remember

very well how specific we were. The President appoints a nominee in the event of a vacancy and we in the Senate do our job by providing advice and consent. So by all means, let's vote.

These men, these Founding Fathers set aside whatever reservations they may have had about the unique circumstances surrounding John Marshall's nomination and a lame duck President of a different party than the party that won the Presidential election. They allowed the Senate to hold a vote. These are the Founding Fathers who wrote the Constitution. As a consequence, John Marshall went on to serve as our Nation's fourth Chief Justice, authoring opinions that make up the foundation of constitutional law. It was obvious to those Founding Fathers in the Senate, as it should be to all of us serving here today, that the Supreme Court is too important, too central to our democracy to ignore.

I urge my colleagues—particularly those motivated by a fidelity to the Framers' original intent—to end their obstruction and grant the President's nominee full and fair consideration.

Thank you.

The PRESIDING OFFICER. The Senator from Montana.

Mr. DAINES. Mr. President, I rise to speak on amendment No. 4251. I have filed the amendment; I have not yet requested it to be made pending. I would like to see this amendment move through. It seeks to remove the President's authority to deny troops their mandated pay raise.

The issue of paying our troops should not be a partisan issue any longer. We have fought this battle for too many years on the Senate floor. This year I put forth a bipartisan solution with my colleague from Montana, JON TESTER, and with Senators RUBIO, PORTMAN, and BOOZMAN. It is a long-term solution.

Since 2004, the President has been required by law to give troops a pay raise matching the Employment Cost Index, also called the ECI, but when we mandated that the President raise troop pay with the ECI, we gave the ability for an exemption; that is, when the country is facing serious economic conditions or for matters of national security.

Now, citing economic conditions, the President has used this exemption the past 3 years and he used it again this year—all while citing a growing economy. What happens is our troops are not getting the pay raise that Congress says they should, matching the ECI. When we are facing economic uncertainty, that is when our troops need it the most.

The amendment is very clear cut. It removes the President's authority and future Presidents' authority to cite economic concerns when sending over a Presidential budget request without the mandated pay raise. It is clear that this exemption is being abused. For example, in 2016, in his State of the Union Address, President Obama said

that "anyone claiming that America's economy is in decline is peddling fiction." But just 1 month later, in his fiscal year 2017 budget request he sent to Congress, President Obama cited "economic concerns affecting the general welfare" and only asked for a 1.6-percent pay raise for our troops, despite the ECI being 2.1 percent.

As we continue to debate this bill and call up amendments, I urge my colleagues to support amendment 4251. Again, we have good bipartisan support on it. This is a long-term solution. This is not just about the current President, this is about future Presidents as well and the problems we continue to face; that is, our troops have not seen a pay raise over 2 percent in the past 6 years. As our Nation continues to find itself threatened abroad, we rely on our troops now more than ever. They deserve better. It is time to act.

I thank Senator TESTER, Senator RUBIO, Senator PORTMAN, and Senator BOOZMAN for their support.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I rise today to speak in support of an amendment offered by the senior Senator from Alaska, Ms. MURKOWSKI, to strike the changes to the basic allowance for housing, or BAH, that are proposed in section 604 of the Defense authorization bill. This amendment is very similar to one I filed this year as well as one I sponsored last year.

Currently, each servicemember receives a housing stipend based on his or her rank, geographic location, and dependency status. Under section 604, however, this part of the military compensation package would no longer be considered a cash allowance. Instead, servicemembers would be compensated on an actual cost basis similar to the system that was in place in the 1990s, which resulted in a burdensome and inefficient administrative approval process.

Notably, the 2015 Military Compensation and Retirement Modernization Commission established by the fiscal year 2013 National Defense Authorization Act examined the issue of allowances as it assessed the military's compensation and retirement system. The Commission found that the current allowance system strikes an appropriate balance in providing compensation to military members and assistance for their living expenses. The Commission deliberately chose not to recommend any changes to the allowance system, and this view is shared by the Department of Defense. In fact, the Secretary of the Navy called me today to express to his concerns about this provision.

In its Statement of Administration Policy, the administration notes that it strongly objects to section 604, which, in its words, "would inappropriately penalize some servicemembers over others by linking their BAH payments to their status as members of dual-military couples"—in other

words, members of our military who are married to other servicemembers. Under section 604, both members of a dual military couple would be provided a lesser compensation package than other members of equal grade, sending a message that their service is not as highly valued.

The Statement Of Administration Policy went on to note that “Section 604 would disproportionately affect female servicemembers and those military families in which both military members have chosen to serve their country.” Twenty percent of servicewomen are married to other servicemembers. By comparison, only 3.8 percent—in other words, less than 4 percent of Active-Duty men—are married to other servicemembers. Thus, women are five times more likely to be affected by this reduction in housing allowances than their male counterparts—five times more likely for the women servicemembers to be affected because they are more likely to be married to servicemembers.

This proposed change would similarly penalize our junior servicemembers who are more likely to live with another servicemember as a roommate to help defray the cost-of-living expenses. As such, this provision could have a profound implication for both recruitment and retention of our all-volunteer force and discourage our best and our brightest from staying in the service.

I do recognize that the Department's personnel costs are a budget concern, but finding savings that unfairly single out some military members is not the way to do it, particularly when one considers the growing role women servicemembers are playing and which I strongly support and admire.

Last year I spearheaded a successful movement to remove a similar provision from the fiscal year 2016 NDAA. I am disappointed to see that this proposal has resurfaced again this year. I am pleased to work with my colleague from Alaska Senator MURKOWSKI to remove a provision that I believe is both unfair and harmful.

I do recognize the very difficult task the Senate Armed Services Committee had in putting together this bill. I commend both the chairman, Senator MCCAIN, and the ranking member, Senator JACK REED, for their terrific work on so many issues. I do hope they will look again at this particular cut in the basic housing allowance and support our amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. LEE). The Senator from Illinois.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as in morning business.

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

#### TRIBUTE TO BILLY LAWLESS

Mr. DURBIN. Mr. President, we all know the Senate of the United States is composed of two Senators from each State. Today I have news. My home State of Illinois just picked up a third senator.

Last month, the Irish Prime Minister—Taoiseach—Enda Kenny, announced eight appointees to the Irish Senate. One of the appointees is my dear friend in Chicago, Billy Lawless.

Billy is the first Irish citizen living in the United States to be appointed to the Irish Senate. This is truly historic. Today Billy takes a seat in the Irish Senate. Ireland will get a senator who will fight for the disenfranchised, the dispossessed, and those yearning to work hard for a better life.

No one has been a stronger voice and advocate for the Irish diaspora and immigration reform than Billy Lawless of Chicago, IL. Prime Minister Kenny couldn't have made a better choice.

For generations, sons and daughters of the Emerald Isle have landed on our shores in search of the American dream. Billy Lawless is no different. As a young boy, he grew up on a dairy farm in Galway, a city in western Ireland, delivering unpasteurized milk to local restaurants and hotels.

As an adult, he made a name for himself as a prominent businessman in Galway. He ran several pubs, restaurants, and hotels. Life was good, but for years he had always had a dream of opening a restaurant in the United States. When his youngest daughter earned a full college scholarship in the United States, Billy took that as a sign from Heaven. He moved his family to America. After 48 years in Galway, he wanted to see if he could succeed in the United States and he personally could live the American dream.

He first went to Boston and Philadelphia, but on December 31, 1997, New Year's Eve, a historic day, Billy Lawless arrived in Chicago and knew he had found a home. From Galway, that most Irish of Irish cities, to Chicago, the most Irish of American cities, it was a perfect transition.

Within 6 months, Billy opened an establishment known as Irish Oak, just a couple blocks south of Wrigley Field. Today he owns four restaurants and a fifth one is about to open. All the Lawless restaurants are known for three things—great food, great fun, and great people.

Simply put, the Lawless family is restaurant royalty in Chicago. The family business started with 10 employees. Now they have 300. Since arriving in Chicago nearly 20 years ago, Billy has brought new energy to the city—Irish energy—hard work, and a stubborn drive to succeed. With the great help of his great wife Anne and his four children—Billy, Jr., Amy, John Paul, and Clodagh—Billy achieved the American dream.

Billy could have said: I have achieved my American dream. Good luck with yours.

That is not who he is. After all, Billy is Irish. He looks out for his friends and neighbors.

The first bar Billy opened, the Irish Oak, became a favorite for Irish construction workers. Many of them were undocumented and asked for Billy's

help in getting their papers in order. Billy never hesitated. He became their champion and a strong defender of Irish immigrants everywhere. When asked why he took such an interest in the issue, he said: “That's what we Irish do for each other.” But he didn't stop there. When he learned that those same problems were shared by others, Billy became an eloquent and forceful advocate for all immigrants.

Billy Lawless gets it. He understands that protecting immigrants' rights is part of the strength of our immigrant Nation. I know he will continue to be an energetic and compassionate guardian of the Irish diaspora and all immigrants' rights from his seat in the Irish Senate.

The United States and Ireland have long and proud histories, forged in the fires of a proud and rebellious spirit and united in friendship. Having Billy Lawless's unique and authentic voice in the Irish Senate will only strengthen our countries here and abroad. He represents the very best of the both the Irish and American spirit.

It was only 2 years ago that I came to the Senate floor to congratulate Billy and his wife Anne on becoming citizens of the United States. They had waited a long time, and they had worked hard for it. I was proud to call them not just my friends but my fellow Americans. Today I am proud to call Billy Lawless my fellow Senator.

Congratulations on a well-deserved honor.

#### INDEPENDENCE OF OUR FEDERAL JUDICIARY

Mr. President, I rise to address an issue of serious constitutional gravity. I rise to address the latest in a long line of appalling and insulting remarks made by the Republican Party's presumptive Presidential nominee.

Last week Donald Trump attacked the ethnicity of U.S. district court judge Gonzalo Curiel, who is presiding over a civil fraud lawsuit against Trump's so-called university.

Mr. Trump referred to Judge Curiel's heritage in a lengthy tirade about the judge's ruling in the case. He also called Judge Curiel a “hater” and “a total disgrace,” suggesting that the judge should recuse himself due to his “negative” rulings.

When pressed on the issue, Mr. Trump doubled down. In an interview with the Wall Street Journal published last Thursday, Mr. Trump stated that Judge Curiel had “an absolute conflict” in presiding over the lawsuit because the judge is of “Mexican heritage.”

Mr. Trump went on to explain that the judge's ethnicity presents an “inherent conflict of interest” because of Mr. Trump's campaign pledge to build a wall on the U.S. border with Mexico.

Let me be clear. Mr. Trump's attacks on Judge Curiel have been characterized—even by Republican Senators and Congressmen—as racist, inappropriate, and completely unfounded.

Judge Curiel is an American. He was born in East Chicago, IN, just steps

away from the border with my State. His parents had emigrated from Mexico to the United States.

He has a distinguished record. After attending law school at Indiana University, Judge Curiel practiced law in Indiana and California. In 1989, he joined the U.S. Attorney's office in the Southern District of California.

As a Federal prosecutor, Judge Curiel served in the Narcotics Enforcement Division and worked to bring down drug cartels. After prosecuting a major cartel, he received a death threat and was forced to live under guard for months.

In 2007, he was appointed by a Republican Governor in California to serve as a State judge. President Obama later nominated Judge Curiel to the Federal bench. The Senate confirmed his nomination by a unanimous vote on September 22, 2012.

Judge Curiel is well respected in the legal community. A former colleague recently said: "His integrity is beyond reproach." And a California attorney who led the screening committee that reviewed Judge Curiel in 2011 said:

He was very highly recommended. No one could say a bad thing about him.

Despite these accomplishments, Donald Trump views Judge Curiel as incapable of serving as an impartial jurist in this case involving Trump University due to the judge's ethnicity. Mr. Trump believes the lawsuit that Judge Curiel is presiding over should have been dismissed long ago. Maybe Mr. Trump should take a closer look at reality.

Multiple lawsuits have been filed against Mr. Trump's so-called university, and in one of the two lawsuits that Judge Curiel is presiding over, former students allege that Mr. Trump and Trump University defrauded them by making misrepresentations about the education they would receive.

The plaintiffs provided evidence to support their claims and, as a result, Judge Curiel denied a motion from Mr. Trump to grant summary judgment in his favor, which would have avoided a trial. Nothing in this ruling suggests a lack of impartiality. Instead, Judge Curiel's rulings indicate that a factual dispute exists in the case and the plaintiffs deserve their day in court.

Unfortunately, reality and the facts don't seem to matter to Mr. Trump. Instead of acknowledging the inappropriateness of his attacks on Judge Curiel's character and heritage, he has doubled down on them. Mr. Trump apparently believes that after he bullies and demeans a group of people, he should never have to face a member of that community in a courtroom.

One of Mr. Trump's most reprehensible statements—and there are many—calls for a total and complete ban on Muslim immigrants coming to the United States of America. In an interview that aired on "Face the Nation" on Sunday, Mr. Trump was asked:

If it were a Muslim judge, would you also feel like they wouldn't be able to treat you fairly because of that policy of yours?

He responded:

It's possible, yes. Yeah. That would be possible, absolutely.

Where does Mr. Trump's twisted logic end? Does his crude attack on a disabled reporter present a conflict of interest for a judge with a disability who presides over a case against him? Do his disparaging remarks about women disqualify female judges from ruling on lawsuits filed against his failed business ventures?

Mr. Trump's assertions are not only bigoted, they also endanger the independence of the Federal judiciary as he aspires to the highest office in the land. Despite those concerns, Senate Republicans are keeping 89 Federal judicial seats vacant, including an empty seat on the U.S. Supreme Court, in the hopes that Donald Trump will be able to fill those vacancies.

After Mr. Trump's racist diatribes, I would like to ask my colleagues how they can possibly trust Mr. Trump to appoint judges to the Federal bench. Are they comfortable with a potential President who apparently believes that the only qualified candidates for Federal judgeships are those who possess racial, religious, or other characteristics that he has not yet disparaged?

Trusting Donald Trump to fill judgeships in our Nation's Federal courtrooms is a risky and constitutionally dangerous bet. Placing that trust in Trump would threaten grave harm to our system of justice and to our rule of law.

I thought—or had hoped—that we had moved past the dark time in our Nation's history when defendants believed it was appropriate to try to remove judges from a lawsuit on the basis of race. It was just over 40 years ago that an African-American Federal judge named A. Leon Higginbotham, Jr. presided over a class action lawsuit involving civil rights claims.

The defendants in the lawsuit filed motions to disqualify Judge Higginbotham from the case based on his race. In his opinion denying their motions, Judge Higginbotham wrote the following:

It would be a tragic day for the nation and the judiciary if a myopic vision of the judge's role should prevail, a vision that required judges to refrain from participating in their churches, in their non-political community affairs, in their universities. So long as Jewish judges preside over matters where Jewish and Gentile litigants disagree; so long as Protestant judges preside over matters where Protestant and Catholic litigants disagree; so long as White judges preside over matters where White and Black litigants disagree, I will preside over matters where Black and White litigants disagree.

In light of Mr. Trump's reprehensible remarks, Judge Higginbotham's words have taken on a renewed resonance. If Mr. Trump's myopic vision for the Federal judiciary prevails, it will indeed be a tragic day for the Nation.

I yield the floor.

Mr. ISAKSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. LEAHY. Mr. President, if the Senator from Georgia would yield for me to make a unanimous consent request.

Mr. ISAKSON. I yield.

Mr. LEAHY. Mr. President, I ask unanimous consent that I be recognized following the remarks of the Senator from Georgia.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Georgia

Mr. ISAKSON. Mr. President, I ask unanimous consent that the distinguished Senator from Alaska, Ms. MURKOWSKI, be allowed to follow the Senator from Vermont.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### VETERANS FIRST ACT

Mr. ISAKSON. Mr. President, last week, the Attorney General of the United States sent a letter to KEVIN MCCARTHY, the majority leader of the House, to inform Mr. MCCARTHY and all of us, that she would not defend the administration on the constitutional challenge to the firing of Sharon Helman, the director of the Arizona hospital of the Veterans' Administration.

The firing took place because Ms. Helman had manipulated the books and overseen the manipulation of appointments to the point where as many as 40 veterans waiting in line to get their first appointment died before they were ever seen by the VA. She was convicted by a court of law for taking illegal gratuities in her position as director of the hospital.

Ms. Helman filed a constitutional challenge as to whether we had the ability in the administration to fire her constitutionally, and Loretta Lynch has said she is not going to defend the United States or the law we passed, called the Veterans Accountability and Choice Act, which calls for the firing of employees by the Secretary of the Veterans' Administration for cause.

Today, in Phoenix, AZ, it was announced that the Veterans' Administration is firing three more employees of the Veterans' Administration hospital. Yet, in the shadow of that, Loretta Lynch is telling America she will not defend the country on the carrying out of the laws we pass in this country, in this body, and that the President of the United States has signed.

There is a solution to this problem, Mr. President. It is called the Veterans First Act, which was written originally by 19 members of the Senate—all members of the Veterans' Affairs Committee. It has been signed and cosponsored by 43 other Members of the Senate and once and for all ends the hide-and-go-seek that takes place at the Veterans' Administration. It takes the Veterans' Administration out from

under the Merit Systems Protection Board for all senior executive leadership. In other words, the 434 senior executives in the Veterans' Administration now protected by the Merit Systems Protection Board no longer would be protected by that Board but instead would be subject to the Secretary's firing or the Secretary's hiring. Any appeal for actions taken on behalf of the Secretary will be to the Secretary, not to the Merit Systems Protection Board.

The American people and the brave veterans who have fought and sacrificed for this country deserve the right to know that if they are injured by the Veterans' Administration or if the Veterans' Administration is not carrying out what it is supposed to do for them, we will take action, and we will be effective.

I resent the fact that the Attorney General of the United States has chosen not to defend a constitutional challenge to our authority, which this Congress passed and our President signed to give that authority to Secretary Bob McDonald and whoever would follow him as Secretary of the VA.

But that is not the only thing in the Veterans First Act. For the first time ever, we are going to give caregiver benefits to Vietnam-era veterans—22,500 handicapped veterans—who today can't get the same benefits that post-9/11 vets can get. That is wrong, and we are taking care of that.

We are dealing with the opioid problem that started at the Tomah hospital in Wisconsin. We are correcting that and putting in good standards for the use of opioids and the prescription of opioids and therapies to get people off opioids.

We are cleaning up the mental health access situation to improve mental health access for all our veterans. We are giving the type of discipline to the leaders of the Veterans' Administration to see to it that our hospitals are run like they should be, our veterans get the services they deserve, and we give to our veterans who return home after fighting for us the best quality health care and the most responsive health care system we can possibly provide.

I urge the Presiding Officer and the other Members of the Senate to join with me when our bill comes to the floor and to pass the Veterans First Act. It brings about real accountability in the Veterans' Administration, real choice for our veterans, and real care for our Vietnam veterans. It addresses the opioid problem and once and for all provides for a comprehensive reform for the Veterans' Administration, which hasn't taken place in decades and decades.

I commend the members of the Veterans' Affairs Committee for their leadership. I thank the Presiding Officer for the time, and I yield to the distinguished Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I thank my distinguished colleague from Georgia.

AMENDMENT NO. 4549

Mr. LEAHY. Mr. President, Senator MCCAIN, the chairman of the Armed Services Committee, believes that \$602 billion is not enough for the Department of Defense. Rather than reject unnecessary spending for weapons and other programs the Pentagon says it does not want or need, the Senator from Arizona not only says we should fund them, he also proposes to spend another \$18 billion on defense.

I will leave it to others to defend or contest the assumptions on which Senator MCCAIN's amendment is based. But I do want to speak briefly in support of the second degree amendment offered by the ranking member of the Armed Services Committee, Senator REED of Rhode Island.

Because if there is one thing we have learned over and over, it is that protecting U.S. national security is not only about a strong military that can respond when all other options fail. It is also about homeland security, including border control and maintaining critical infrastructure. It is about law enforcement within the United States. It is about cyber security. It is about educating the next generation of Americans and creating jobs that lead to advancements in science and technology. And it is about strengthening the capabilities of foreign partners and acting as a leader in international diplomatic efforts to prevent and respond to threats to global security.

The fiscal year 2017 budget allocation for the Department of State and foreign operations is \$591 million below fiscal year 2016. That, coupled with the fact that the President's budget underfunds programs for refugees and other victims of disasters by \$1 billion, presents us with an untenable budgetary situation. The amendment offered by the Senator from Rhode Island would help to alleviate this shortfall.

While there are many foreign crises, Senator REED's amendment focuses on one area where the situation is particularly dire. It authorizes \$1.9 billion to support the Department of State and U.S. Agency for International Development to implement their portions of the Integrated Campaign Plan to Counter ISIL. The funds would also support embassy security, as well as additional assistance for Israel, and for Jordan and Lebanon which have been severely impacted by the influx of hundreds of thousands of Syrian refugees.

This is directly related to U.S. security interests in the Middle East at a time when the stability of the entire region is under threat.

In a June 2 piece in Time Magazine, Retired GEN James Conway, former Commandant of the Marine Corps, and Retired ADM James M. Loy, former Commandant of the U.S. Coast Guard, wrote that:

... the security challenges our nation faces today are not the same as when we

began our service during the Cold War. . . . Twenty-first century problems require fine scalpels, and the military is a broad sword. We can start by better resourcing and strengthening our own institutions. The State Department, the Peace Corps and USAID are the front lines of keeping our country safe, but they are underfunded and undermanned.

Mr. President, we should also remember that the Balanced Budget Act is based on parity. The spending caps we put in place have consequences for both the defense and nondefense sides of the ledger. Yet the Senator from Arizona's one dimensional approach ignores this bipartisan compromise. His amendment ignores the essential roles that development and diplomacy play in national security. It ignores the many domestic components to a strong defense, like a well-trained workforce and reliable infrastructure, like energy independence, like health systems that have the resources to protect the public from infectious diseases, contaminated drinking water, and unsafe food.

If you ask the American people whether these investments are as important as more fighter planes and warships, they would emphatically answer "yes". And that is why the very name of the Balanced Budget Act includes the word "balanced".

The amendment of the Senator from Rhode Island should be passed overwhelmingly.

Mr. President, I ask unanimous consent to have printed in the RECORD the June 2 article I referred to by General Conway and Admiral Loy.

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

FORMER MILITARY LEADERS: 3 LESSONS FOR  
OUR NEXT COMMANDER-IN-CHIEF  
(James Conway and James M. Loy, June 2,  
2016)

#### MILITARY ALONE CANNOT KEEP US SAFE

As Hillary Clinton makes a national security speech Thursday and with Trump's recent major foreign policy speech, it's important to remember that the military alone cannot keep us safe. As the former commandants of the Marine Corps and the Coast Guard, we believe our next Commander-in-Chief will also need the civilian tools in our arsenal to keep our nation strong and secure.

For centuries, the blessing of two large oceans on our flanks acted as geographical barriers. But in the modern era, technology has made the world smaller and increasingly interconnected. The recent attacks in Brussels, Paris and San Bernardino, Calif., remind us that global threats do not respect borders, and oceans are not enough to preserve our peace and prosperity.

The security challenges our nation faces today are not the same as when we began our service during the Cold War. National security challenges have become more resistant to bullets. Ebola, the Zika virus, the influx of undocumented children from Latin states, and even the rise of ISIS cannot be resolved only with the force of arms.

If there was one immutable lesson of the Sept. 11 attacks, it is that instability in remote corners of the world can pose a direct threat to our way of life. The rise of ISIS is only a recent example that underscores that reality.

Military force will continue to be a necessary deterrent for the exercise of American

power, but it cannot be the only option. To preserve our flag and freedom, there are three areas where America must do better.

1. We must strengthen not only our soldiers, sailors, Marines, Coast Guard, and airmen but also our diplomats and development experts who are critical to our national security.

Fighting terrorism means more than bombing the Middle East from the air. It means supporting weak or fragile states, increasing foreign military training and assistance, and devoting more resources to fight weapons proliferation. These are battles best fought at the local level with knowledge of cultures, economics and history.

2. We must help create economic opportunities around the world—particularly those where there are security concerns.

Think of America's engagement with Germany, Japan and South Korea in the postwar years. They are now our fourth, fifth, and sixth largest trading partners, respectively. Helping promote rule of law and economic development strengthens our economy here at home.

3. We must strengthen the humanitarian values that undergird American global leadership.

U.S. foreign assistance has helped cut extreme poverty in half since 1990. It has increased life expectancy in the developing world by 33%, afforded two billion people access to clean water, and the number of children in primary school has tripled over the last 25 years.

Pandemics and diseases like Ebola and the Zika virus are more easily defeated in the countries where they originate when those countries have strong health care systems, an educated population and the economic means to combat the virus. We can help build those institutions. To those concerned about the cost of assistance to the developing world, we would submit to you that economic development is cheaper than sending in the military.

Twenty-first century problems require fine scalpels, and the military is a broad sword. We can start by better resourcing and strengthening our own institutions. The State Department, the Peace Corps and USAID are the front lines of keeping our country safe, but they are underfunded and undermanned.

Facing the largest global displacement of people since World War II, we have much more work to do. If we are not helping to support and build up allies and friends, then we are reducing our prospects for success and ceding immense benefits for our own national security.

General James Mattis got it right when he said: "If you don't fund the State Department fully, then I need to buy more ammunition."

Keeping all the tools of American national security strong will help save lives and promote global stability and prosperity. Regardless of who is elected in November, a candidate who understands these challenges, and acts accordingly, will be in America's best interests.

Mr. LEAHY. Mr. President, I see the distinguished senior Senator from Alaska on the floor, and I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I rise today to speak about an amendment that I have filed to the National Defense Authorization Act. This is amendment No. 4222, and it addresses an issue of great interest to military families not only in my State, where

we are proud to host a strong contingent of military that defend our Nation, but this is an issue that really stretches across the country. What we propose in amendment No. 4222 is to strike section 604 of the NDAA, which represents a paradigm shift in the way the basic allowance for housing is paid to our Active-Duty members.

The Department of Defense and our military families have long believed that BAH is part of a total compensation. Effectively, it is part of your paycheck. It is part of what you earn. It is something that you can count on based on where you are posted, what your rank is, and whether you have any dependents. We have seen the BAH be subject to arbitrary and somewhat unfair reductions in recent years. It has unfortunately become the bill payer for other priorities.

BAH is regarded by the Defense Department as a component of a servicemember's total compensation. It is a compensation program. Section 604 turns the BAH into a reimbursement program. So instead of having BAH in your bank account to spend on living expenses as you deem fit, Section 604 essentially requires servicemembers to turn their receipts in to an accounting office and basically plead your entitlement to that reimbursement for the cost of your housing as well as utilities. I suppose alternatively you could take your entitlement and accept the risk that some audit or verification process will require you to pay something back, perhaps a lot back. Section 604 does not explain how this whole verification process will work.

Believe me, when I had an opportunity to visit with military spouses at Fort Wainwright just last week about this, they asked me: How does this reimbursement work? How do I get these utilities statements in for reimbursement? Already there are not enough people to process the basic paperwork that goes on for reimbursement of other expenses like permanent change of station moves. Tell me how this is going to be a better system.

Our military families are very familiar with deep bureaucracy and endure a fair amount of hassle to get what they are already entitled to.

I heard loud and clear from these military spouses the concerns they had about a proposal. They are looking at this as a one-size-fits-all solution; perhaps it is not a well-formed solution and it could have extreme consequences for those who serve in highly rural places, like in Alaska.

The BAH doesn't pay only for housing, it pays for the utilities. BAH pays for lights and heat, but keep in mind what it means to be in a very remote, very rural place. In places like Fairbanks, you are limited in terms of your options for energy, for power. Your costs are high. You could be looking at a home heating fuel bill on a monthly basis that could actually exceed the cost of your mortgage. Think about what that means. You may be in the

enviable position of having found a home in a community that you think is affordable. The monthly rent is affordable, the mortgage might be affordable, but if it is an older house, if it is not fully weatherized, if you are on home heating fuel, you may be looking at a situation where you are paying more in utilities than for the cost of your housing.

Another cost you might use your BAH to pay is snow removal. It is not an option to not have your snow removed, and if your spouse is deployed, you need a way to get out of a long driveway. Who is going to be paying for the snow removal? Oftentimes, BAH pays to pump out the septic system, which has to be done on a somewhat quarterly basis because there are so many homes that are not on water and sewer. By the way, when we talk about water, is the cost of hauling water recoverable under this new reimbursement program? When you are not on a water system, you have to get your water from somewhere. Some military families at Fort Wainwright are paying to have water hauled to their homes either by a truck or they go out to the community tap to fill up their tank, but there is a cost associated with that. These spouses are asking me: How is that going to be accommodated under the new BAH plan? Will this be considered part of these allowable reimbursements?

This is all very troubling to me. It was certainly very troubling to the military families I spent time with. It is not like our military families don't have enough to worry about.

One military spouse told me of the situation in her family. She is a licensed attorney in another State. She hasn't been able to get waived in to practice in the State of Alaska. Her husband is an E7 soldier and has been in for 19 years, so effectively two professionals. They have three children. She says she spends about \$1,500 a month for food, formula, and diapers for the three small children. She pays \$38,000 a year for childcare. Childcare in and around the Fort Wainwright area is very expensive, and she is not able to get reimbursement for childcare because she is not working. She is trying to get a job. But recognizing that they have all these other costs on top of it all, this military spouse—two professionals in the household, three children—tells me her family is WIC eligible.

The stories I hear about our military families who are accessing our community food banks—our military families are worried. They are worried about what is happening at home, the financial issues they are faced with.

This was one concern I heard specifically: If this is a reimbursement system and I have to submit receipts for expenses—expenses that may exceed the cost of housing, exceed the cost of a mortgage, and it takes a long while to get this reimbursement—what happens if I can't pay my bills on time?

My job requires a security clearance? And that security clearance requires that your credit record be absolutely impeccable. How is all this going to work?

There is so much stress, so much anxiety that I heard from these spouses as we were discussing these issues.

When we think about what our military families are worried about, they are focused on the stress that comes with force structure reductions, frequent PCS moves, needing to understand the latest and greatest TRICARE complexity, figuring out whether the old retirement paradigm or the new retirement paradigm is better. And then they have this—yet another layer of complexity with section 604 that just adds to the stress and adds to the anxiety.

We have to be honest with one another. We have to be honest with our military families. The bill before us does not afford those who serve a pay increase that is commensurate with the value of their service. Thankfully, we are working on a fix, and I greatly appreciate the leadership of Senator McCain and his willingness to work with so many of us on these issues that are a concern to our families.

When we look at what is going on now with BAH, I think we are messing with a very significant component of total compensation. That is simply not an appropriate way to thank families who have already suffered through multiple deployments to Iraq and Afghanistan, and now they have to contend with a host of uncertainties created by the rise of ISIL, the tensions on the Korean Peninsula, a resurgent Russia, and an ambitious China. This is not right for our military families.

The Pentagon has issued a Statement of Administration Policy. They are quite clear about where they are on this. They believe section 604 is damaging to the force, and that is why they oppose section 604. It is burdensome to move from a compensation approach to a reimbursement approach. It is inefficient. It appears to completely eliminate the BAH increment presently paid to families with children. It penalizes dual military couples. It disproportionately impacts female servicemembers. Think about it. About 20 percent of women on Active Duty are in a dual military marriage, compared to about 3.8 percent of Active-Duty men. So women on Active Duty are effectively taking a harder hit. And if we think this is not going to have an impact on recruitment and retention—I think we are going to be looking at some second-order consequences with respect to that and also as it relates to administration of the GI bill education benefit.

I mentioned the effective penalty on dual military couples. I know a dual-career military couple. I am very pleased to know that their military career has taken them to some pretty good places and the better news is that they have moved together. One spouse has been selected for promotion to

lieutenant colonel 2 years below the zone, which is a very big deal. This week, his wife learned that she, too, has been selected for promotion to lieutenant colonel 1 year below the zone. So we can see that both of these individuals are very high performers, really rock stars when it comes to a competitive promotion environment. They are doing great, but they are looking at the impact section 604 will have on their specific situation as a dual military couple. They estimate that if their next assignment is here in the lower 48, they will lose about \$20,000 from their compensation. If we are fortunate that they should both get assigned to Alaska on the next rotation, that hit to them will rise to \$29,000—an almost \$30,000 reduction in total compensation from what they as a military couple would receive under the current system. That is significant. They are exactly the kinds of people the private sector wants to recruit but our military wants to retain, and I am not the only person who appreciates this fact.

When I was in Fort Wainwright, one dual military spouse said: Who I am married to should not affect my BAH entitlement. That summed it up in a pretty neat and tidy way.

Over this past week since I have been back here, I have heard from senior military leaders and senior enlisted advisers to those leaders, all of one voice. They are saying that this brings down the morale in the volunteer force. I will relay to my colleagues the comments from one of the commanders in Fort Wainwright when I was there last week. He had been sitting in the back of the room listening to all of the military spouses weigh in and voice their concerns and their anxiety about what was going on. He said to me: This is a clear reminder of how morale affects the overall mission. I have been on assignment. I have been deployed to Afghanistan. I have broken down doors. I have been on patrol looking for IEDs.

When you are on these missions, your head has to be 100 percent in the game. You can't be thinking about what is happening at home. You cannot be thinking about whether or not there are financial struggles that your spouse is dealing with. You cannot be distracted from where you are in the here and now. We are not just talking about "quality of life" issues; we are talking about "matter of life and death" issues.

He said: If my head is not 100 percent in the game, then somebody's life potentially is on the line.

It was a clear reminder to me of how morale affects the mission and how we need to ensure that our men and women whom we have tasked to take on the most difficult of tasks are able to focus on where they are right then. And making sure all is well at home is a responsibility we also have.

There has been a lot of discussion about the BAH over the years. Some of us think that it is in need of reform or

that perhaps right-sizing the BAH will mean more money for readiness and modernization. I certainly get that argument. I may not agree with all of that, but I do know there are some very hard choices that have to be made in a difficult budget environment. I respect the work the chairman has done, along with the ranking member, in trying to deal with all of that. But I do feel very certain about one thing: Those who believe that BAH should be reformed need to make that case openly and directly and transparently to our military families. I think putting a game-changing provision like section 604 in the NDAA without that consultation misses the mark.

The changes we are considering in BAH would not be effective until 2018. We have some time here, and we can get this right. My amendment, which is a bipartisan amendment, simply says: Take a timeout. Let's take a step back.

To those who think the BAH is in need of reform, make the case to military families if you choose, but let's not rush this through. This is not what we should be doing.

Mr. President, I ask unanimous consent to have printed in the RECORD letters from the Military Officers Association of America as well as the Air Force Sergeants Association in support of my amendment.

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

MILITARY OFFICERS ASSOCIATION  
OF AMERICA,  
May 27, 2016.

Hon. LISA MURKOWSKI (R-AK),  
Hart Senate Office Building,  
Washington, DC.

DEAR SENATOR MURKOWSKI: I am writing to thank you for your continued strong support for our men and women in uniform and their families, as most recently demonstrated by your introduction of amendment #4222, which would remove § 604 from S. 2943, the Senate's FY17 defense policy legislation.

Section 604 aims to recoup more than \$200 million annually from the Regular Military Compensation (RMA), earned by servicemembers through reductions to the Basic Allowance for Housing (BAH), a main component of RMA of which they are entitled to under law. These reductions would begin in January 2018 for new entrants into military service and after the next Permanent Change of Station (PCS), for those already serving.

The reductions to BAH, as called for in 604, undoes the diligent work done by Congress over the past 15 years to rectify the out of pocket housing costs long borne by servicemembers and clearly sends the wrong message to them and their families—that their service and sacrifice is not important.

At a time when we have asked servicemembers to contribute more to their retirement savings, more to their housing, and possibly more to their healthcare, this proposal is wrongly conceived, unfair, and would do harm to the retention of our currently serving men and women and their families.

The Military Officers Association of America (MOAA) strongly supports amendment #4222 to remove §604 and urges other members of the Senate to support the amendment as well.



Thank you for your leadership and for your continued strong support for our men and women in uniform and their families.

Sincerely,

DANA T. ATKINS.

AIR FORCE SERGEANTS ASSOCIATION,  
Suitland, MD, June 1, 2016.

Hon. LISA MURKOWSKI,  
Hart Senate Office Building,  
Washington DC.

DEAR SENATOR MURKOWSKI: on behalf of the 100,000 members of the Air Force Sergeants Association I want to thank you for introducing amendment #4222 to S. 2943. Removing §604 from the Senate's FY17 NDAA, as articulated in your amendment, is absolutely the right call!

To propose BAH reductions while servicemembers are already concurrently contributing more to their retirement and potentially to their healthcare clearly sends the wrong message. Keeping in mind that vast numbers of military families funnel their children into similar service, retention of those now serving in uniform as well as recruitment of future talent both stand to suffer.

AFSA strongly supports amendment #4222 to remove §604 from S.2943 and urges other members of the Senate to also support this amendment.

Respectfully,

ROBERT L. FRANK,  
Chief Executive Officer.

Ms. MURKOWSKI. Mr. President, I yield the floor to my colleague from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. HOEVEN. Mr. President, I thank the senior Senator from Alaska. I appreciate that.

I rise today to speak in support of the NDAA, the National Defense Authorization Act, which we are currently working on. The NDAA is clearly one of the most important pieces of legislation we take up in Congress because it authorizes vital programs designed to keep our Nation secure and our people safe.

We have worked very hard to make sure the bill upholds the nuclear missions at our missile bases, as well as unmanned aerial systems—the UAS missions—that have emerged as a vigorous part of our Nation's defense.

I commend the chairman and the ranking member for their good work in bringing this bill to the floor. It is a massive undertaking. In particular, I thank them for their support on some important priorities.

This bill fully authorizes programs to sustain our strategic forces, including plans to upgrade the Minuteman III ICBM, the venerable B-52 bomber, and our nuclear cruise missiles. The bill also fully authorizes the Global Hawk program, which is proving its worth every day and demonstrates the value of unmanned aircraft in performing intelligence, surveillance, and reconnaissance missions.

The Appropriations Committee, on which I serve, approved the National Defense Appropriations Act last month, putting in place the funding to support our armed services. As soon as we pass the authorization bill that is now before the full Senate, I under-

stand we will work to bring its companion bill, the appropriations bill, to the floor for a vote as well. Both are vital for our armed services.

Together, these two bills—the National Defense Authorization Act and the National Defense Appropriations Act—will provide our armed services with both the blueprint and the funding they need to defend our Nation and the American people.

As I have said, I have filed several amendments that I believe will strengthen the bill and our national security, and I wish to take a minute to talk about them now.

First, I have filed a measure that requires the Air Force to procure, in a timely manner, Black Hawk helicopters to replace the Vietnam-era Huey helicopters that currently provide security to our intercontinental ballistic missile fields. These fields are located near Minot Air Force Base in my home State of North Dakota, as well as at missile bases in Wyoming and the State of Montana.

The Air Force uses helicopters to provide security for missiles that are in transit, as well as to move security forces quickly to any missile field site that could come under any kind of threat.

I love the old Huey helicopters. They are great. I have flown in them for many years, on many occasions, and it is certainly an iconic aircraft and one that has served our Nation's military very well through the Vietnam era and through today. But the reality is that it is no longer able to do the job that we need done.

I spent some time with pilots at Minot Air Force Base earlier this year and heard about the challenges they face. For example, the front panel of the Huey sometimes will not light up. Remember, these are aircraft that were manufactured in 1969. The pilots flying these aircraft are a lot younger than the helicopters they are flying, but they do a remarkable job. The mechanics do an amazing job in keeping them going.

For example, sometimes the front panel of the Huey will not light up. When they are flying at night, they stick a portable LED light on the dash so they can see their gauges. Think about that. We have amazing young men and women in the military flying these helicopters that are much older than they are—helicopters from 1969. Some of the gauges don't have lights on them, so they put LED lights on as a makeshift way to see the gauges in the dark when they are flying to the missile fields performing their mission. If they hit some rough weather, guess what happens. The jostling knocks the LED lights off the control panel, and now they are in the dark. They can't even see their gauges.

Think about being out there flying helicopters on a military mission, and it is dark. You may be in rough weather, and you can't see your gauges. Obviously, that doesn't get the job done.

That is not something that is acceptable for our men and women in uniform.

The Air Force acknowledges this, and they are working on getting an upgraded helicopter. To their credit, the Air Force wanted to move this as fast as possible, but under the plan DOD had approved, it would take 5 years before we would get new helicopters.

Think about the situation I just described. Here are these air men and women flying in this makeshift condition, in a situation where the Air Force has acknowledged that this equipment does not meet the mission requirements—does not meet the mission requirements. That is why we have to accelerate this timeline, and that is what this amendment does.

Specifically, my amendment instructs the Air Force to get Black Hawk helicopters on contract by 2018, which accelerates the Air Force's current procurement plan by approximately 2 years. It would enable them to acquire Black Hawk helicopters under the Army contract. The Army is already buying these helicopters. It has been fully bid. They have been doing it for some period of time. It would allow the Air Force to piggyback on it and buy the Black Hawk helicopters they need. It saves millions of dollars, I think somewhere between \$80 and \$120 million. This is commonsense stuff. I think it is a win all the way around.

This provision is coauthored by Senator JON TESTER, Democrat of Montana. Obviously, he is well aware of the problem, too, because they face the same difficulty across our border in Montana. It is cosponsored by the other members of the Senate's ICBM coalition. It is bipartisan. We have a number of Senators on board supporting it.

Also, it is a companion bill to the amendment that Senator TESTER and I included in the fiscal year 2017 Defense appropriations bill. We have already put \$75 million in the Defense appropriations bill to start the acquisition. The dollars are there; this is the authorization that goes with the dollars. We worked very hard on this. We set it up the right way, and it is something we need to do.

The second amendment I introduced will help to meet the challenge of training enough pilots to fly RPAs, or remotely piloted aircraft—unmanned aircraft. I don't know that there is any mission in the Air Force or perhaps the whole DOD that is more in demand right now than RPAs, unmanned aircraft. All over the world, we are using this amazing tool—Global Hawk, Predator—and it is in tremendous demand right now. That also creates a tremendous demand for pilot training.

Chairman McCAIN and Ranking Member REED included language in the base

bill that requires the Air Force to make the transition to using enlisted pilots to fly RPAs, so we would have both officers and enlisted pilots able to fly RPAs. It is needed because of the incredible demand for pilots, which results from the incredible demand for this mission.

I want to make sure that if the Air Force is going to make this transition, it can guarantee that pilots in the Air Guard, who use separate personnel systems and different training schedules, are able to receive training at a rate that is commensurate with their Active-Duty counterparts. Obviously, we rely heavily on the Air Guard, and they need to have the necessary access to training. This amendment directs that the Air Force is able to use contractor services to ensure that there is enough training capacity to train Air National Guard pilots to fly RPAs in order to keep pace with Active-Duty pilot training.

We know that the Air Force has had difficulty training RPA pilots fast enough to meet operational demands. One way to correct that deficiency is to use the private sector to augment the training the Air Force provides directly.

In North Dakota, General Atomics—the manufacturer of the Predator and the Reaper—is building a training academy to train pilots. It is at the Grand Forks Air Force Base. It is in a technology park on the Grand Forks Air Force Base. They are going to train pilots for their foreign military sales. So for aircraft that has been purchased by our military allies—France, England, Italy, Netherlands, I think maybe Australia—there are a litany of our allies who are now using RPAs, and General Atomics will conduct that training at Grand Forks Air Force Base. There is no reason our own Air Force can't leverage that incredible resource as well or resources like it at other locations. Clearly, it is something we need to help leverage our pilot training.

With that, I will wrap up. Again, I want to emphasize the importance of this and the National Defense Authorization Act. I thank both the chairman and the ranking member for their work.

I encourage all of my colleagues to join together in a bipartisan way and pass this important legislation for our men and women in uniform.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. TILLIS). The Senator from South Carolina.

Mr. GRAHAM. Mr. President, to be recognized to speak in support of the McCain amendment.

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

AMENDMENT NO. 4229

Mr. GRAHAM. Mr. President, to Members of the body on both sides of the aisle, I appreciate the effort to produce a bipartisan national defense authorization bill. I think our committee did a good job in coming up

with a bipartisan bill, but as a body and as a country we haven't done enough and this is a chance to rectify what I think is an incredibly big problem.

We are at war—at least I think we are. We have been at war for the last 15 years. I cannot tell you how hard it has been on the all-voluntary force. I was in the Air Force for 33 years. I retired last year. I had the pleasure of meeting a lot of men and women in uniform in Iraq and Afghanistan. I think I have been to Iraq and Afghanistan 37 times in the last decade. I have seen incredible sacrifice by those who serve our Nation to defend us against another 9/11 and what their families have gone through.

As a nation and a Congress, what have we done to those who have been fighting this war? We are on track to have the smallest Army since 1940. Sequestration—across-the-board budget cuts that have taken almost \$1 trillion out of the defense budget—is insanity and nobody seems to give a damn about fixing it. None of us have to go and fly in planes that are about to fall out of the sky. None of us are commanders of troops and having to use duct tape to get through the day. None of us have to worry about going over and over and over to the war zone because the war is getting worse, not better.

It looks like all of us should listen to our commanders who have said with one voice that the readiness of the U.S. military is in an emergency situation. The ability to give the flying hours our pilots need can't be done because of budget constraints. It looks like we would want to listen to the Chief of Staff of the Army, Air Force, Navy, and the Commandant of the Marine Corps who are telling us that sequestration has taken a toll on the ability to defend this Nation.

We have had some patchwork solutions. We put some money back, but we are due to go back into sequestration next year. The amount of money we put back in the Ryan-Murray compromise was much appreciated, and Senator MCCAIN is trying to put an \$18 billion infusion into the military to meet their unfunded needs that would plus-up the Army by 15,000 and would plus-up the Marine Corps and the National Guard and would give more money for operation and maintenance.

The problem that seems lost on this Congress is that training hours have to give way to operational needs in theater. Let me give one small example. There is a Marine Corps readiness rapid response force in Spain that is stationed in Spain to deal with Benghazi-type events throughout Africa. They have to fly—in case something went bad—thousands of miles. They have 12 aircraft, B-22s, and 2 teams. The Commandant of the Marine Corps is having to take six of these aircraft away from Spain to bring them back to the United States because we don't have enough airplanes to train the B-22 pilots. That means there is a hole in our ability to

protect our citizens and diplomats in Africa.

I cannot tell you the damage that sequestration has done to our military, and we seem unmoved by all of this. I cannot believe that the body is not responding more aggressively to the needs of our military, given the threats we are facing. How much more information do we need from our commanders to believe this is an emergency?

I say to my Democratic colleagues, I know sequestration is hurting on the nondefense side, but all spending is not equal. I stand ready with you to find a way to buy back sequestration and pay for it by having some revenue come from closing loopholes and deductions like the supercommittee envisioned by using some revenue and some entitlement reform to buy back what is left on sequestration. I am not asking that you just spend money on defense and ignore the rest of the problems associated with sequestration.

I have sat down on two separate occasions with Members on the other side to try to find ways to buy back sequestration so we could actually achieve the savings, and we have been able to not do a whole lot. Ryan and Murray came up with a fix that provided some relief that expires at the end of the year.

The bottom line is this. The McCain amendment is making the argument that the \$18 billion in this amendment has to be spent based on an emergency.

Here is the question: Is there an emergency when it comes to the operational needs of this country on the defense side? Have we put our troops in a spot where we are risking their lives and their ability to prosecute the war because we have gone too far with defense cuts? I think we have, but if you don't believe me, you should listen to our commanders and hopefully I can read some of their quotes.

With this \$18 billion infusion, we are able to increase the size of the Army, and if you are in the Army, you could use a little help right about now. You have been busting your ass for the last 15 years, going back and forth, back and forth, and the way we reward your service is to decrease the size of the Army.

I just got back from Asia, and everybody in Asia is wondering: What the heck is America doing? We are going to have the smallest Navy since 1915. We are going to pivot to Asia with what? Under sequestration our ability to modernize the Navy has been lost. They don't have the money to build the new ships that we need to fight the wars of the future and contain a threatening China because they are in a war now. They are robbing Peter to pay Paul. It looks like we would want to help the Marines. If you are a marine, boy, have you been on the tip of the spear.

This amendment would allow us to have 3,000 more marines. What does that mean? It means we will have 3,000

more people to help prosecute the war and take a little burden off the Marine Corps, which has been absolutely worn out. Seventy percent of the F-18s in the Marine Corps have problems flying. We are cannibalizing planes to keep other planes in the air.

To those who say we need to reform the Pentagon, you are right. Not only do we need to, we have. Fifty percent of the Department of Defense budget is personnel costs. Last year we reformed retirement. At 20 years, you are not going to get half of your base pay. You will get 40 percent in the future. That will save money. We are going to allow a Thrift Savings Plan for those who want to contribute 5 percent of their pay and we will match 5 percent, but they can't get the money until they are 59 or 60. That will be money for the servicemembers, but it comes later.

We are going to ask our retirees to pay a little bit more for the military health care system because we haven't had a premium adjustment of any consequence since 1995. We are going to go to fixed-price contracts to deal with the abuse of cost-plus contracts to save money. We are trying to reduce the number of general officers because they have exploded.

We are doing a lot of things to make the Pentagon operate better, but at the end of the day, you need people to defend this country. When sequestration kicks back in, we are going to go from 475,000 to 420,000.

What I am asking for is a bipartisan effort to stop the bleeding, to take the request for the military that is unfunded and desperately needed and give them a little bit of hope. We need to let them know Congress is listening to their problem because we are not. We are ignoring the problems of our military because if we were really serious about helping them, we would pass this by a voice vote, but, no, we can't increase defense spending by \$18 billion to increase the size of the Army, Marine Corps, and the National Guard, to give more flight time to our pilots, more money to maintain the equipment and increase the size of the National Guard, which has really suffered during the last 15 years, and to buy more airplanes. The bottom line is, we can't do all of that because we have to increase nondefense spending.

To my Democratic colleagues, if you don't think there is an emergency in the military, then you haven't been listening. To those Republicans who believe the appropriations bill has adequately funded the needs of the military, you haven't been listening. Well, I have been listening. Washington is broken in many ways. I enjoy being a Member of the Senate, and I respect my colleagues, even though we disagree, but this one I can't understand. I can't understand this. I can understand ideology, I can understand the differences between pro-life, pro-choice, guns, revenue, and taxes. I can understand conservatism, liberalism, libertarianism. I can understand that

in a great country we have differences, but this I can't understand.

I can't understand why any of us would let this happen to our military. Whether you are a Libertarian, vegetarian, Republican, or Democrat, you need these men and women defending you so you can argue among yourselves. We can argue until the cows come home about how America should be, and it is a privilege to have this debate. While we are arguing among ourselves about how to make America great again or to become one, stronger together, or whatever damn phrase is out there, the people who are giving us the privilege to argue are being worn out and underfunded.

Let me tell you the consequence of this. At a time the enemy is growing in capability to attack this country, we are gutting our ability to defend this country. A perfect storm is brewing. We have an America in retreat and in decline all over the world. We have a Presidential contest that is absolutely crazy. The Republican nominee, when he talks about foreign policy, it is complete gibberish.

The Democratic nominee seems to be afraid to articulate how to change things. What is she going to do differently? Where is she on sequestration?

Secretary Clinton, do you think now is the time to spend more on our military because we are in an emergency situation? Tell me why I am wrong. Tell me why you don't believe all of the things said by those in leadership.

I am dumbfounded that this is hard given the state of readiness of our military. I am dumbfounded that we can't improve military readiness without increasing spending for food safety modernization. I am sure there is probably something legitimate there, but the Food Safety Modernization Act is not going to stop ISIL from coming here.

There is \$1.9 billion for water infrastructure. I am sure it is legitimate, but all I can say is that whatever problems we have with water, they pale in comparison to the problems we have with terrorism.

Who are we as a body, who are we as a people if we can't see this being an emergency? If you are not listening and you have shut your mind and eyes to what is going on, then shame on you.

This is the low point to me; that we cannot as a body agree that our men and women in the military are in a bad spot and they need our help yesterday. So vote the way you are going to vote, but don't tell me that the Appropriations Committee, of which I am a member, has fixed the problem because we haven't. We did appropriate more money, and I appreciate it, but the \$18 billion on this list is not addressed by the Appropriations Committee's effort to do more, and don't tell me this is not an emergency because I don't believe it. Don't hold the men and women hostage from getting the money they desperately need to defend us all be-

cause you want more money somewhere else.

Whatever differences we have, whatever hopes and dreams we have as individuals or collectively as Americans are at risk because the people we are fighting would kill every one of us if they could. They could care less if you are a Republican or Democrat, liberal or conservative. They want to hurt us, and they want to hurt us badly, and the only way to keep them from hurting us is for some of us to go over there in partnership with others over there to keep the fight from coming back over here.

It looks like all of us can agree on giving the people going over there the best chance they can to survive the fight, come back home and protect us all, but apparently we can't get there. Shame on us. Shame on us all.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

#### UNANIMOUS CONSENT AGREEMENT—H.R. 2577

Mr. CORNYN. Mr. President, I ask unanimous consent that at 7:30 p.m. this evening, the Chair lay before the Senate the House message accompanying H.R. 2577; that Senator MCCONNELL or his designee be recognized to make a motion that the Senate disagree to the amendment of the House, agree to the request by the House for a conference, and authorize the Presiding Officer to appoint conferees; further, that Senator MCCONNELL or his designee be recognized to offer a motion to invoke cloture on the motion to go to conference and that once a cloture motion is offered, all time be yielded back and the Senate vote on the motion to invoke cloture on the motion to go to conference; further, that if the motion to go to conference is agreed to, that Senator NELSON or his designee be recognized to offer a motion to instruct conferees and Senator SULLIVAN or his designee be recognized to offer a motion to instruct conferees and that the Senate vote with no intervening action or debate on the motions to instruct conferees in the order listed and that both motions require 60 affirmative votes for adoption; finally, that there be no further motions to instruct in order and that there be 4 minutes, equally divided, prior to each vote on the motions to instruct.

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

Mr. CORNYN. Mr. President, I am grateful you will not make me repeat that.

I suggest the absence of a quorum.