

or yielding back of time on the Christen nomination and the resumption of legislative session, Senator MCCAIN be recognized for up to 30 minutes as if in morning business; that following Senator MCCAIN's remarks, the Senate proceed to the consideration of the conference report to accompany H.R. 1540, the Department of Defense authorization bill; that there be up to 3 hours of debate, equally divided between the two leaders or their designees; that the Senate proceed to vote on adoption of the conference report at a time to be determined by the majority leader after consultation with the Republican leader; further, that no motions be in order to the conference report other than budget points of order and the applicable motions to waive; and, finally, that upon disposition of the conference report, the Senate proceed to the consideration of H. Con. Res. 92, a concurrent resolution to correct the enrollment of H.R. 1540; the concurrent resolution be agreed to; and the motion to reconsider be considered made and laid upon the table.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

The majority leader.

Mr. REID. Mr. President, I appreciate the courtesy of my friend, the assistant leader.

I wish to tell all the Members of the Senate that we will probably have a series of votes around 4 o'clock this afternoon.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF MORGAN CHRISTEN TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The legislative clerk read the nomination of Morgan Christen, of Alaska, to be United States Circuit Judge for the Ninth Circuit.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. LEAHY. Mr. President, I see both Senators from Alaska on the Senate floor, and I beg their indulgence. I will continue for about 5 minutes, first on the nomination of Justice Morgan Christen of Alaska to fill one of the four vacancies on the Court of Appeals for the Ninth Circuit, a judicial emergency vacancy.

This nominee is eminently well qualified and should be confirmed. Senator MURKOWSKI and Senator BEGICH have worked very hard to get this

nominee through, and I thank both of them. Today, we will take a step toward addressing a serious vacancy crisis in the busiest Federal appeals court in the country. I would hope, before we adjourn, that we could get the other 16 judges who have come out of the Judiciary Committee unanimously—every Democrat and every Republican voting for them—that are on the calendar. I would hope before we adjourn we could get those done.

Mr. President, I thank the majority leader for scheduling today's vote. It should not have taken more than 3 months to obtain Republican consent to consider the nomination of Justice Christen after it was reported unanimously by the Judiciary Committee on September 8. Her nomination has the strong support of both of Alaska's Senators, Republican Senator LISA MURKOWSKI and Democratic Senator MARK BEGICH, who introduced Justice Christen to the Judiciary Committee at her hearing on July 13. Several Republican leaders from Alaska also wrote to the Judiciary Committee to express their support, including former Alaska State Senator Arliss Sturgulewski, and Walt Monegan, the former Alaska commissioner for public safety appointed by then-Governor Sarah Palin. Connecticut State Representative Lile Gibbons, a Republican, has also written to the committee to express her support.

Justice Christen is the kind of qualified, consensus nominee who in past years would have been considered and confirmed by the Senate within days of being reported unanimously by the Judiciary Committee, not stuck for months unnecessarily on the Senate calendar. She is an experienced jurist who has served on Alaska's highest court for the past 3 years. She was nominated to that position by then-Governor Sarah Palin, and she is the second woman in Alaska's history to serve on its supreme court. Justice Christen previously served for 7 years as a judge on the Superior Court for Alaska's Third Judicial District, 3 of those years as the presiding judge. She worked in private practice for 13 years in Anchorage, clerked for Judge Brian Shortell of the Alaska Superior Court, and has demonstrated a deep commitment to her community throughout her career. Once she is confirmed, Justice Christen will be the first woman from Alaska to serve on the U.S. Court of Appeals for the Ninth Circuit.

The unexplained Republican delay in consenting to consider her nomination has caused unnecessary delays in filling judicial emergency vacancies on the Ninth Circuit, the busiest Federal circuit court in the country. Sixty-one million Americans live in the jurisdiction served by the Ninth Circuit. At a time when judges on that circuit are being called upon to handle double the caseload of the other Federal circuit courts, the Senate should have expedited the consideration of Justice Christen's nomination, not needlessly

slowed it down. The chief judge of the Ninth Circuit, Judge Alex Kozinski, a Reagan appointee, along with the members of the Judicial Council of the Ninth Circuit, have written to the Senate emphasizing the Ninth Circuit's "desperate need for judges," urging the Senate to "act on judicial nominees without delay," and concluding that they "fear that the public will suffer unless our vacancies are filled very promptly."

The judicial emergency vacancies on the Ninth Circuit are harming litigants by creating unnecessary and costly delays. The Administrative Office of U.S. Courts reports that it takes nearly 5 months longer for the Ninth Circuit to issue an opinion after an appeal is filed, compared to all other circuits. The Ninth Circuit's backlog of pending cases far exceeds other Federal courts. As of March 2011, the Ninth Circuit had 13,913 cases pending before it. The second closest—the Sixth Circuit—had 5,231 cases pending.

If caseloads were really a concern of Republican Senators, as they contended when they filibustered the nomination last week of Caitlin Halligan to the DC Circuit, they would not have delayed Justice Christen's nomination to fill a judicial emergency vacancy for over 3 months. If caseloads were really a concern, Senate Republicans would consent to move forward to confirm Judge Jacqueline Nguyen of California, another well-qualified nominee, to fill a judicial emergency vacancy on the Ninth Circuit. Her nomination was also reported unanimously by the Judiciary Committee and needs only a final up-or-down vote by the Senate. Judge Nguyen is nominated to fill the judicial emergency vacancy that remains after the Republican filibuster of Goodwin Liu. I hope the Senate will be allowed to take up and confirm her nomination to finally fill that vacancy before the Senate concludes its work for the year.

I also hope we can continue to make progress early in the New Year by considering two nominations to the Ninth Circuit now pending before the Judiciary Committee. Earlier this week we held a hearing with Paul Watford of California, nominated to fill yet another judicial emergency vacancy on the Ninth Circuit. I would have included another nominee to the Ninth Circuit at that hearing, Justice Andrew Hurwitz of Arizona, who has the support of Senator KYL, but committee Republicans were not ready to proceed on that nomination. I hope both can be considered and confirmed early next year.

The Senate should act to address the continuing crisis in judicial vacancies that affects not only the Ninth Circuit but Federal courts around the country. It is now December 15, with only days left in the Senate's 2011 session. There is no time to further delay votes on the other 20 judicial nominations now pending on the Senate calendar and awaiting a final vote. Sixteen of these nominations, in addition to that of

Justice Christen, were reported unanimously by the Judiciary Committee. Many were reported last summer and early in the fall. At a time when nearly 1 in 10 Federal judgeships remains vacant, further delays are damaging. Judicial vacancies have remained at or above 80 for over 2½ years. This hurts the millions of Americans who live in those districts and circuits and rely on our Federal courts.

We should not repeat the mistakes of last year, when the Senate Republican leadership held back its consent at the end of the year to consideration of 19 judicial nominations that had been reported by the Judiciary Committee and were ready for final Senate action. That was an abusive exercise in unnecessary delay that I believe was without precedent with respect to such consensus nominees. It took us until June of this year, halfway into 2011, to consider and confirm 17 of the nominations that could and should have been considered before the end of 2010.

In contrast, Democratic Senators proceeded to up-or-down votes on all 100 of President Bush's judicial nominations reported by the Judiciary Committee during his first 2 years in office, and all 100 were confirmed before the end of the 107th Congress.

Before we adjourn this year, there is no reason the Senate cannot at least consider the other 16 judicial nominees reported unanimously by the Committee this session, who are by any measure consensus nominees. I hope we do not see a repeat of the damaging decision by Senate Republican leadership at the end of last year to refuse to agree to votes on those nominations.

With vacancies continuing at harmfully high levels, we cannot afford to repeat these unnecessary and damaging delays. There is no reason we cannot make significant progress during the days left in this session and consider all of the consensus nominations now pending on the Senate calendar. That is what we did at the end of President Reagan's third year in office and President George H.W. Bush's third year in office, when no judicial nominations were left pending on the Senate Calendar. That is what we did at the end of the 1995 session, President Clinton's third year in office, when only a single nomination was left pending on the Senate calendar. That is, in fact, also what we did at the end of President George W. Bush's third year. Although nine judicial nominations were left on the calendar, they were among the most controversial, extreme, and ideological of President Bush's nominees. They had previously been debated extensively by the Senate. The standard then was that noncontroversial judicial nominees reported by the Judiciary Committee got Senate action before the end of the year. That is the standard we should follow this year. If we do, another 16 judges will be confirmed.

Chief Justice Roberts, the Attorney General, and the White House counsel have all spoken about the serious prob-

lems created by persistent judicial vacancies. More than 160 million Americans live in districts or circuits that have a judicial vacancy that could be filled today if Senate Republicans would just agree to vote on the nominations now pending on the Senate calendar. The Senate should act to bring an end to the harm caused by delays in overburdened courts. The Republican Senate leadership should consent to votes on the qualified, consensus candidates nominated to fill these judicial vacancies before the Senate adjourns for the year. Their consideration should not be unnecessarily delayed until next spring.

DEFENSE AUTHORIZATION

Mr. LEAHY. Mr. President, again, with the indulgence of my colleagues, if I might, just for a moment, call to the attention of my colleagues the several provisions of the Defense authorization bill we are going to consider for final passage today. These provisions will have a major impact on our defense structure and performance in the years to come. These reforms were previously included in a bill I introduced with Senator LINDSEY GRAHAM in May, S. 1025, which Senator GRAHAM and I nicknamed "Guard Empowerment II."

As cochair with Senator GRAHAM of the Senate National Guard Caucus, I am pleased to report that the most important of these Guard empowerment reforms are included in the final version of the Defense authorization bill. They include a provision that will make the Chief of the National Guard Bureau a statutory member of the Joint Chiefs of Staff. The Joint Chiefs—our highest military policy council—has not added a member since 1978—and I remember that because I voted for it—when the Commandant of the Marine Corps was finally added as a full participant.

This is truly a historic day for the National Guard and for all the Guard does for our Nation. One might ask: Why now? Why is this change so important? Our Guard has been bravely serving in near constant rotation with Active-Duty Forces overseas for the last decade. Each of us has gone to Afghanistan or Iraq and seen our Guard serving. At the same time, these Guard troops have been the military's first responders at home. The Pentagon hasn't caught up with the institutional changes that have to accompany this. It is a whole different world for the National Guard today than what it was 20 years ago.

In fact, after all the National Guard has done over the past 10 years, we are hearing rumors the Air Force is already planning serious cuts to its Guard and Reserve components. General Schwartz, Air Force Chief of Staff, announced:

We're going to get smaller. Active duty, Guard, and Reserve—we're going to get smaller together.

I question the logic of an across-the-board cut. I hope most of us would. That is why we have to have a Guard

Chief on the Joint Chiefs of Staff to provide a vital voice, perhaps a dissenting voice, when it is needed most.

When I look at the Vermont Guard, it demonstrates why these kinds of cuts don't make sense. The Vermont Guard deployed nearly 1,500 troops to Afghanistan last year. Before that, the Vermont Guard deployed to Iraq during one of its most violent periods and made unspeakable sacrifices for this country. I know because I went to the funerals of Vermont Guard members and because we are such a small State, many times everybody knew the person who had died.

The Vermont Air Guard flew more than 100 consecutive days of air missions over New York City and Washington after the attacks of September 11 around the clock. If we properly man, train, and equip our State Guards, our military leaders will find them the peer of any Active-Duty unit. In fact, the Vermont Air Guard is one of the first three units to be considered to receive the F-35 Joint Strike Fighter. And not only will the service Chiefs find their reserve components ready to serve when called, they will find them a lot less expensive.

The Defense bill also includes several other provisions of our Guard empowerment bill. It reinstates the three-star Vice Chief of the Guard Bureau, it institutes the recommendations on Federal-State military integration offered by the Council of Governors, it includes a limited authorization of the State Partnership Program, it mandates the consideration of Guard generals for certain vacant positions at U.S. Northern Command, and on and on.

I think it is going to lay the groundwork for further collaboration between the Armed Services Committee, the Appropriations Committee, and the Senate National Guard Caucus. Our National Guard is a superb 21st-century military organization, but it has been trapped in a 20th-century Pentagon bureaucracy.

These reforms will help clear away the cobwebs.

It shows what happens when Democrats and Republicans work together. Sometimes it is not noted in the press, but a lot gets done around here when Democrats and Republicans work together. Senator GRAHAM and I introduced a bill in May that has more than 70 cosponsors from both parties. We have accomplished a lot for our Guard with this bill, again, by having Democrats and Republicans work together. There is more to be done, but what a great start.

As I have said about Democrats and Republicans working together, I have to applaud the two Senators from Alaska. Because of their hard work, we have this nominee before us, and that is something every one of us should take pride in, the way the two have worked together.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

Mr. BEGICH. Mr. President, first I want to comment on the work the Senator from Vermont has done with regard to the Guard. It affects us in Alaska a great deal, and I want to thank him for all of the hard work he has done.

In regard to the nomination today, again the chairman of the Judiciary Committee, Senator LEAHY, has done an incredible job bringing so many judges to the floor. I come to the floor today in strong support of the nomination of Morgan Christen to fill a vacancy on the Ninth Circuit Court of Appeals.

I have known Morgan for years and am continually impressed with her keen legal mind, her outstanding record of public service, and her ability to carve plenty of time out of her schedule for her extensive volunteer work.

For decades, Morgan has been recognized by her peers as one of the finest attorneys and judges in Alaska. She is currently one of the five justices on our State supreme court. I am confident she will continue to be a fair and impartial judge as a member of the Ninth Circuit.

Justice Christen was born and raised in Washington State and excelled at the Golden Gate School of Law where she earned her J.D. in 1986. Right after graduating from law school, Morgan came to my State to clerk for the Alaska Superior Court. As many people do, once she got a taste of Alaska, she decided to stay and raise her family.

Morgan worked for one of the finest law firms in Anchorage and quickly became a partner. In 2001, Morgan was appointed to the Anchorage Superior Court by my former boss, Gov. Tony Knowles. The Anchorage Superior Court is an important one in my State, handling criminal cases, family law, and even civil matters. As she always does, Morgan did an excellent job in the court.

Before long, she became the presiding judge at Alaska's Third Judicial District, the busiest court in Alaska. As a presiding judge, she supervised over 40 judicial officers and 13 court locations.

When I was mayor of Anchorage, our city was fighting against youth gangs, who were committing serious offenses and pushing up the crime rates in our community. Anchorage has an unusual judicial system and arrangement with the State. The city police provide basic law enforcement, but the State of Alaska runs the court and the corrections system. I worked closely with Judge Christen across municipal and State lines to crack down on these gangs and make Anchorage streets safer. I found her to be an energetic innovator who is sensitive to the broad cultural diversity of our State. In 2009, she was elevated to the highest court in the State, the Alaska Supreme Court.

In addition to Justice Christen's impressive record of public service on Alaska's State courts, she also finds time to be one of the most prolific vol-

unteers in our State. Her volunteer resume is pages long. If there is a volunteer organization in Alaska, more than likely Morgan has probably worked on it, with it, or served on the board. She is a member of the Rotary Club, the YWCA, the Alaska Community Foundation, the Athena Society. She has been on the board of directors of the United Way of Alaska. She has also been on the board of directors of Big Brothers and Big Sisters of Alaska, and the Rasmussen Foundation. In 2004, Morgan and her husband Jim were jointly recognized as Outstanding Alaska Philanthropists of the Year—truly an impressive honor.

I am proud to support such an outstanding Alaskan to sit on the Ninth Circuit Court of Appeals, and I want to urge all of my Senate colleagues to support her nomination as well.

Justice Christen has bipartisan support. She received the unanimous support of every member of the Senate Judiciary Committee in September. In Alaska, she was elevated once by a Democratic Governor and once by a Republican Governor. The American Bar Association has recognized her legal capability and rated her as "unanimously well qualified" to serve as a judge on the Ninth Circuit.

Morgan is one of the greatest legal minds and one of the most caring individuals Alaska has to offer. I am honored to support her for this position and honored to count her as a friend. I strongly urge every Member of this body to confirm her nomination to the Ninth Circuit.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I too rise in support of Morgan Christen, the nominee who is before us today, and I add my thanks to the chairman of the Judiciary Committee and, in fact, the entire Judiciary Committee, for their work in advancing not only Judge Christen as she has moved forward through the process, but it was several weeks ago that we were pleased to move through this body the nomination of Judge Sharon Gleason.

I think it is worthy of note that Alaska in the past month now has moved forward two extraordinary women jurists who will work to serve us in an incredible way. If there is any regret I have, it is that such exceptional women are being taken from our State judiciary system and moved on to other positions, so there is a loss there. We are going to have to work to fill those back benches. But I am very pleased today to speak in support of Morgan Christen, a justice of the Alaskan Supreme Court who has been nominated to serve on the Ninth Circuit U.S. Court of Appeals.

This is a historic nomination. Only two Alaskans have had an opportunity to serve on the Ninth Circuit, and both of those judges were, somewhat predictably, men. The first Alaskan to serve was Robert Boochever, who was

appointed by President Clinton. Judge Boochever accepted senior status in 1986, and we were saddened when he passed away on October 9, 2011, at the age of 94. The second on the Ninth Circuit was Andrew J. Kleinfeld, who accepted senior status on June 12 of last year. Justice Christen has been nominated to fill the vacancy created when Justice Kleinfeld took senior status. That vacancy has existed now for 18 months, which should concern all of us, given the heavy workload that faces the Ninth Circuit. That said, it often takes a little bit of time to get the best, and there is no doubt in my mind that when President Obama selected Morgan Christen for the Ninth Circuit, he selected the best.

I have known Justice Christen for almost 25 years now. We graduated from law school at about the same time. We both clerked for the Alaska court system at the same time and we have kept in touch over the years. I have come to know Morgan, her husband Jim, and her family.

Morgan Christen is an experienced, very well-rounded attorney. She is an exceptionally well-rounded jurist with experience on the trial and the appellate bench. She is an individual with a keen intellect and an impeccable reputation for integrity. She is highly regarded across the ideological spectrum in Alaska as a judge who keeps politics and ideology off the bench.

Given the bruising nomination battles that have taken place here in the Senate over the past few years, a few of our colleagues might be inclined to challenge the notion that there is any such thing as a nonideological, nonpolitical judicial nominee. But in response, I would simply note that Morgan Christen was elected to serve on the Alaska Superior Court by Gov. Tony Knowles, a very well-known Democrat. She was then later selected to serve on the Alaska Supreme Court by Sarah Palin, our very well-known Republican Governor. Under Alaska's nonpolitical judicial selection process, she was vetted by the Alaska Judicial Council before her selection to the superior court in 2001, and once again prior to standing for retention election in 2004. Justice Christen was then vetted for yet a third time before her selection to the Alaska Supreme Court in 2009. In each case, she secured high marks from Alaska's very diverse legal community. In fact, she was ranked the top candidate for the supreme court position in a scientifically conducted study of Alaskan attorneys.

I have appreciated that Justice Christen has been mindful of the separation of powers throughout her judicial career, and mindful of the fact that her personal views have no bearing when it is time to determine the rule of law. I know we can expect her to continue in that vein when she moves on to the Federal bench.

Morgan Christen was educated at the University of Washington and Golden Gate University School of Law. She

spent portions of her undergraduate years studying in England, Switzerland, and China. Following law school, she clerked on the Alaska Superior Court and then entered private practice in the Anchorage office of Preston Gates & Ellis. As a private practice attorney, she represented the State of Alaska in the litigation that followed the 1989 Exxon Valdez oil spill.

As a member of the superior court bench, she served as the presiding judge of the Third Judicial District there in Anchorage which, as was noted, is the busiest judicial district in the State of Alaska. She held that position for 4 years. As a supreme court justice, she is deeply engaged in community outreach. In fact, she won the Alaska Supreme Court Community Outreach Award back in 2008. She also holds the Light of Hope Award for work on behalf of Alaska's children. I think her voluntarism has been acknowledged and highlighted. Not only does she meet the demands of a busy bench practice, but also takes the time, with her family, to be very engaged in our community.

I inquired with some of my friends, former colleagues on the Alaska bar, about her reputation in anticipation of my comments today. One Alaskan stated:

Morgan is extraordinarily talented and is well respected by her peers. She constantly brings justice and fairness to her professional and personal life. Friends and colleagues across the country have savored her wild raspberry jam.

I have yet to have the opportunity to savor her wild raspberry jam. I do a pretty mean raspberry jam myself, so I think we are going to have to trade and see. But it is yet one more aspect about this pretty amazing woman I wanted to share today.

Another colleague stated, very simply, that she is a calm, thoughtful, and strong woman. Good words.

In closing, let me simply say that Morgan Christen is more than just a good judge; she is a good person. Justice will be well served by her confirmation to the Ninth Circuit U.S. Court of Appeals. I urge my colleagues to support this nomination with enthusiasm, as I do.

Mr. President, I yield the floor.

Mr. GRASSLEY. Mr. President, today the Senate is expected to confirm an additional judicial nominee. With this vote, we will have confirmed 62 article III nominees during this Congress. More than half of these have been for vacancies designated as judicial emergencies. That is real progress. Over 72 percent of President Obama's judicial nominees have been confirmed.

Morgan Christen is nominated to be U.S. circuit judge for the Ninth Circuit. Justice Christen received her B.A. from the University of Washington in 1983, and her J.D. from Golden Gate University Law School in 1986. After graduating from law school, she clerked for the Hon. Brian Shortell on the Alaska Superior Court in Anchorage.

In 1987 she was hired at Preston Gates & Ellis LLP, working as an associate until 1992. She was a partner in the firm from 1993 to 2002. At that firm she was a general civil litigator, primarily representing plaintiffs. She began by assisting with large litigation projects. One of her most notable early matters involved serving on the liability team representing the State of Alaska in its claims for compensation arising from the Exxon Valdez oil spill. After the State settled its liability claim in 1991, she defended claims brought by individuals who argued the State's response to the spill was inadequate.

By the time Justice Christen became a partner in 1993, she had developed a practice in Jones Act personal injury claims and was lead counsel in a case in the U.S. Court of Claims representing the parents of an infant who died after receiving a childhood vaccination. She also served as lead counsel on four aviation fatality cases between 1993 and 1999, representing the estate of an FAA employee who was killed in a mid-air collision, the estate of a pilot killed during a catastrophic engine failure and in-flight failure, among others. She has also served as the lead counsel in the Equal Pay Act and represented a fuel barge line in several commercial disputes. Finally, from 1999 to 2001 over half of her practice was devoted to defending two physician practice groups in a Federal Medicaid fraud investigation and related False Claims Act case, and assisting with the defense of a class action antitrust case brought against purchasers of salmon harvested in Alaska.

In 2001 she was appointed to the Alaska Superior Court, where she served from January 9, 2002, until her elevation to the supreme court in 2009. The superior court is the court of general jurisdiction in Alaska. As a superior court judge, her docket was comprised entirely of civil cases. From 2005 to 2009 she served as presiding judge of the Third Judicial District of the Superior Court. In this position she supervised approximately 40 judicial officers in 13 court locations.

Justice Christen was appointed to the Alaska Supreme Court on March 4, 2009, and has been a member of that court from April 6, 2009, to the present. She was nominated for that seat by the Alaska Judicial Council, composed by three members of the bar, three members of the public appointed by Governors, and the chief justice. She was then selected from a slate of two nominees by Governor Sarah Palin.

The American Bar Association Standing Committee on the Federal Judiciary has rated Justice Christen with a unanimous "well qualified" rating.

Mr. LEAHY. Mr. President, how much time is remaining on the judgeship?

THE PRESIDING OFFICER. On the Republican side, there is 7 minutes 16 seconds; on the Democratic side, 3 minutes 52 seconds.

Mr. LEAHY. Mr. President, I want to reiterate what I said before about Senator MURKOWSKI and Senator BEGICH for their support of this woman for the Ninth Circuit. I appreciate the work they have done on this nomination. I also appreciate the personal comments the senior Senator from Alaska made, going back to her law school days. I think sometimes we forget that these judicial nominees are real people and they have a real life and are a real part of the community. So I appreciate that.

I yield back the remainder of the time on our side.

Ms. MIKULSKI. Mr. President, I yield back all the time on the Republican side.

THE ACTING PRESIDENT pro tempore. All time is yielded back.

LEGISLATIVE SESSION

THE PRESIDING OFFICER (Mr. BROWN of Ohio). Under the previous order, the Senate will resume legislative session.

The Senator from Arizona, Senator MCCAIN, is recognized for 30 minutes.

THE MILITARY-INDUSTRIAL-CONGRESSIONAL COMPLEX

Mr. MCCAIN. Mr. President, shortly we will begin debate on the conference report of the Defense authorization bill, the 50th year the Congress of the United States has authorized the equipment, the programs, and all that is necessary to defend this Nation's security.

I want to talk today about a very important aspect of our national security, and that is the problem we are having with out-of-control spending which has, in its own way, endangered our national security as almost any threat that we face. It is unsustainable, it is unacceptable, and it is a stain on our Nation's honor.

Fifty years ago, on January 17, 1961, Dwight David Eisenhower bid farewell to the Nation as the President of the United States. At the heart of his farewell address was a warning, one keenly insightful in its sense how, in a way new to the American experience, an immense military establishment and large arms industry had developed in the 20th century post-war period. While acknowledging the need for a strong national defense, President Eisenhower called for the American people to understand the grave implications of this new aggregation of political and industrial power. In particular he warned:

In the councils of government, we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial complex. The potential for the disastrous rise of misplaced power exists and will persist.

The 50th anniversary of President Eisenhower's address gives us an opportunity to carefully consider have we considered President Eisenhower's admonition. Regrettably and categorically the answer is no. In fact, the