

will have a ripple effect that could curb medical discoveries and weaken the economies across the country.

Dr. Francis Collins, Director of the NIH, says there is no question that sequestration will slow the development of an influenza vaccine and cancer research.

Eli Zerhouni, head of NIH under President George W. Bush, said:

We are going to maim our innovation capabilities if we do these abrupt deep cuts at NIH. It will impact science for generations to come.

Right now, when so much good research is moving us forward, we should be doubling down on medical education, innovation, and infrastructure. Cutting back on NIH and biomedical research is so shortsighted. Medical research saves lives, keeps America's place as a leader in science and medicine, and it generates economic growth. Frankly, these cuts shake the confidence of people in this field. Trying to decide whether they should dedicate their lives to medical research with the uncertainty of sequestration and budget cuts is unfair.

For over a century, NIH-supported scientists have led the way for important breakthroughs to improve health and save lives through the discovery of things such as the MRI, extending the life expectancy for people with cystic fibrosis, revolutionizing our thinking about cancer, improving our understanding of stroke and heart disease, and creating new vaccines that save lives.

President Obama has called on congressional leaders to come together to create an alternative to the sequestration. A balanced mix of smarter spending cuts and revenue from closing loopholes that benefit higher income individuals will mean we can keep our commitment to medical research.

This week we are going to start the debate on the continuing resolution. One of the early amendments that is likely to be offered will be by Senator HARKIN, who chairs the Labor, Health and Human Services Subcommittee in Appropriations. I have spoken to Senator HARKIN. He is determined to do everything he can to give the Senate the opportunity to continue to cut the deficit but to do it in a way that will not make dramatic negative cuts in medical research.

I hope we can get a bipartisan consensus. Diseases and the threats of ill health strike all of us regardless of party affiliation. We should come together on a bipartisan basis to support increasing medical research and maintaining America's lead in the world.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

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

REMEMBERING BORAH VAN DORMOLEN

Mr. CORNYN. Mr. President, I want to start my remarks today by remembering a great Texan who passed away just yesterday. Sandy, my wife, and I are deeply saddened by the loss of Borah Van Dormolen, a remarkable patriot, a respected leader, and a loving wife.

Borah rose through the ranks of the U.S. Army, achieving the rank of lieutenant colonel. After more than two decades serving her Nation in the uniform of the U.S. Army, she poured her energy and sense of duty into helping our State. Frequently offering frank advice in only the way Borah could, she was a leader by example and a great friend.

Borah's legacy will live in many ways, including in the young Texans she helped me select for nominations to our Nation's military academies through her service on my Military Academy Selection Committee.

Sandy joins me in sending our thoughts and prayers to Borah's husband, LTC Rich Castle, their families, and all those whom Borah touched throughout her journey in life.

THE BUDGET

Mr. CORNYN. Mr. President, I would like to mark this 1,413th day that the Senate has not had a budget. We will be talking a lot about the budget this week, as we should, in a debate that has been long overdue.

Since the Budget and Accounting Act was passed in 1921, no President has missed the legal deadline for submitting a budget to Congress. Unfortunately, for the fourth time in 5 years, President Obama will miss that deadline.

Given that our gross national debt is already larger than our entire economy, and given that we are facing more than \$100 trillion in unfunded liabilities, one would think the President would make this a priority and he would feel a greater sense of urgency about America's fiscal dilemma.

In fact, not only will President Obama be late with his budget this year, he will not even be submitting it to the House and the Senate until after we have released our own budgets. So the President will not have any input whatsoever by submitting his budget—which he should have done on February 4—he will not have any input whatsoever on the deliberations of the House and Senate as we take up our proposed budgets.

As I say, since the Budget and Accounting Act was passed in 1921, no U.S. President has ever done that. The White House has always gone first. In fact, the President is the leader of our Nation not only as Commander in Chief but also as the one the Constitution looks to in the law to bear the responsibility to make at least an initial budget proposal. The White House has

always gone first, providing a blueprint that helped guide negotiations on Capitol Hill, but not under this President.

The budget process is an opportunity for the President to outline his priorities. It is an opportunity for the President to tell the American people what we can afford and how we are going to pay for it. Above all, it is an opportunity for the President to show real leadership on issues of national importance.

As ADM Mike Mullen, the former Chairman of the Joint Chiefs of Staff, said: The greatest national security threat to the United States is our budget. What he meant by that is, unless the Federal Government gets its fiscal house in order, we are not going to be able to afford even the safety net for the most vulnerable of our people, nor are we going to be able to afford the national security that helps keep America strong and America and its allies safe.

Unfortunately, the President has failed to demonstrate the required leadership in this area. He has also ignored the recommendations of his own bipartisan fiscal commission. He submitted two consecutive budget proposals that failed to receive a single vote in this Chamber. His administration has racked up \$6 trillion in new debt since he became President, and he created a massive new entitlement funded by a trillion-dollar tax increase—something known as ObamaCare. Now he is refusing to send us a budget until after the Senate and the House vote on their own budget proposals.

If the President really wants to play a constructive role in the budget process, he will send us his proposal right away. Further delays will only complicate and hinder our negotiations.

Mr. President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

TERRORISTS TRIALS

Ms. AYOTTE. Mr. President, I rise today to speak about an issue I am very concerned about, which involves a man who was recently captured overseas. His name is Sulaiman Abu Ghaith, and he is Osama bin Laden's son-in-law. Here is a photo of him sitting next to Osama bin Laden. In fact, he appeared with Osama bin Laden right after the 9/11 attacks on our country.

He is Osama bin Laden's son-in-law, captured overseas and brought to the United States of America. The Attorney General has made the announcement Osama bin Laden's son-in-law

will be tried in New York City in a civilian trial rather than being brought to Guantanamo Bay for further interrogation and held in military custody.

I am very concerned about this issue as this is a man who, based upon the relationship he had with Osama bin Laden in 2001 and 2002, served as a spokesman for al-Qaida. He urged others to swear allegiance to Osama bin Laden. On September 12, 2001, he appeared with Osama bin Laden and Ayman al-Zawahiri. He is shown in this photo.

He warned the United States and its allies, "A great army is gathering against you." He also called on all Muslims to battle the Jews, Christians, and Americans. He also promised more 9/11-style attacks. Right after our country was attacked on September 11, he appeared with Osama bin Laden warning of more September 11 attacks. He said, "The storms shall not stop, especially the airplane storms."

In 2002, he reportedly arranged to be smuggled to Iran where he was held under some form of house arrest. Obviously, we need to understand why the Iranians were allowing such a prominent member of al-Qaida to be kept in their country. We have deep concerns about Iran, which is the largest state sponsor of terrorism in the world. It is threatening our country and right now marching toward nuclear weapons capability. It has threatened to annihilate Israel and threaten our country, while he was under loose house arrest following his direct allegiance with Osama bin Laden.

In addition, American authorities have tied him to an October 8, 2002, attack on the U.S. Marines while training on an island off the coast of Kuwait. This was a situation where one of our marines was killed and another was seriously injured.

The attack was conducted by al-Qaida fighters with direct ties to Mr. Abu Ghaith, who is Mr. Osama bin Laden's son-in-law. Kuwait actually stripped Mr. Abu Ghaith of his citizenship because of his role in recruiting Kuwaitis to become members of al-Qaida.

Last week he pled guilty to charges in Federal court in New York City. I am concerned when we take a top member of al-Qaida after his capture overseas, such as Osama bin Laden's son-in-law, bring him to our courts in New York City, and then all the full rights of our civilian court system apply to this individual. This includes the right, when one is in custody and interrogated, to hear Miranda rights.

My former role was as attorney general for the State of New Hampshire. I have great respect for our civilian system; however, our civilian system was not designed to deal with situations where we are at war. Mr. Abu Ghaith falls clearly within the definition of what this body has authorized as the use of military force against an enemy belligerent. When we bring him to New York City, we must Mirandize him and

inform him he has the right to remain silent. We lose valuable opportunities to gather intelligence, to protect our country, and to discover if he was with Osama bin Laden.

We have photos of him one day after the September 11 attack. What does he know about al-Qaida? Who else was involved? What does he know about their network? During the time he spent in Iran, was he still communicating with members of al-Qaida? Obviously, he was because we allege he helped commit an attack in 2002 in Kuwait which killed at least one marine.

Who was he communicating with? What future attacks are they planning? What associations has he made with members of al-Qaida? When we tell someone such as this he has the right to remain silent and give him a lawyer, we lose opportunities to protect our country.

When we are at war, as we are with al-Qaida, we need to focus to discover as much information as possible about al-Qaida: who they are targeting and who are the members of al-Qaida. Obviously, all of us supported the President's decision to take out Osama bin Laden. Who are the other members of his network? What information are we losing when we bring him to a civilian court system instead of bringing him where he belongs as an enemy belligerent in Guantanamo Bay?

It seems to me inconsistent that the administration would take the position—and I support them on this—they would kill top members of al-Qaida overseas. Yet they are so averse—when they capture someone—to bringing them to Guantanamo Bay. It is their preference to take them into a civilian court system in the United States of America, where they must read Miranda rights to that individual rather than take them where they belong, to Guantanamo Bay.

I have visited Guantanamo, which is a secure detention facility where people are treated humanely, kept very securely, but not on U.S. soil. We may keep them in Guantanamo Bay under the law of war and interrogate the individual as long as we need to.

Let me remind everyone the intelligence we gathered, which allowed us to find and take out Osama bin Laden, took a matter of not just months but years to gather. To take someone such as Sulaiman Abu Ghaith and immediately, after he is captured, very quickly bring him to New York City, we lose the opportunity to go back to him over time to understand the full amount of information he may have about al-Qaida. This is why we have a distinction under our law between the law of war and our civilian system.

He is not a bank robber. He is not an average criminal who should be treated the same way as any other criminal in America. He is someone who has sworn to kill Americans and has asked others to take the oath for al-Qaida, which is at war with our country. I am very worried about the fact the administra-

tion seems to be bent on bringing these foreign terrorists to the United States to give them all of the rights of our civilian court system rather than focusing on ensuring we have all the intelligence we need to protect our country.

I would like to also speak about another individual and the inconsistency we have here. This is Anwar al-Awlaki. Anwar al-Awlaki was an American citizen. He was radicalized, possessed both American and Yemeni citizenship, and became a leader for al-Qaida in the Arabian Peninsula. He advocated for violent jihad against the United States and has been linked to a dozen terrorist investigations in the United States. These include links to the September 11 attacks against our country and links to the November 5, 2009, Fort Hood shooting.

The administration made the decision in September 2011 to take out Mr. al-Awlaki overseas in Yemen. I certainly support their decision in that regard.

I want to point out how inconsistent it is that we are willing to use the drone program to take out someone like al-Awlaki, and yet we will not use all the tools in our toolbox to ensure Osama bin Laden's son-in-law is held at Guantanamo and fully interrogated to give us the time we need to gather the full information he has. It is very inconsistent, and I think the administration should be detaining enemy belligerents in Guantanamo and ensuring they are interrogated.

I wish to mention one final person, Khalid Shaikh Mohammed. Let's not forget the administration's first decision with the mastermind of 9/11, Khalid Shaikh Mohammed, was to bring him to New York City for a civilian trial in New York close to Ground Zero, as they are now making the decision with Osama bin Laden's son-in-law.

The public outrage was great over bringing Khalid Shaikh Mohammed to New York City due to the amount of security it would take to secure someone like him. There was the concern he should be treated as an enemy of our country and tried by a military commission in Guantanamo. He was transferred there eventually by the administration, but only after great pressure from both sides of the aisle in Congress to say it would be appropriate that the mastermind of 9/11 belongs in Guantanamo before a military commission.

I think we find ourselves in the same situation now with Osama bin Laden's son-in-law. There can be no doubt he is a top member of al-Qaida; that he had close relationships with Osama bin Laden; that he is charged with conspiring to kill Americans. These are very serious charges, and there can be no doubt that he falls within our operation and the use of military force; that he is an enemy of our country and that we should be treating him in a similar fashion as to how we treated Khalid Shaikh Mohammed.

Most of all, we need to prioritize intelligence gathering to prevent future

attacks against our country rather than focusing on bringing them immediately into our civilian court system. A man such as Osama bin Laden's son-in-law should never hear the words "You have the right to remain silent." We can't afford to have him be silent. We need to know everything he knows to protect our country, its citizens, and to prevent future attacks on America and our allies.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, parliamentary inquiry: Has all time expired from the respective parties utilizing their morning business allocation?

The PRESIDING OFFICER. It has.

CONTINUING APPROPRIATIONS

Ms. MIKULSKI. Mr. President, I am rising to speak on the continuing resolution to keep government funded for the rest of the year.

I chair the full committee of the Appropriations Committee. My very able and esteemed colleague, Senator SHELBY, is the vice chairman. We come to the floor to talk about our legislation, which is an amendment to the House CR to fund the Federal Government for the rest of the fiscal year. It continues the bipartisan tradition of the Appropriations Committee working closely with both sides of the aisle, and I wish to thank Senator SHELBY for his excellent cooperation and his wise counsel in doing this and actually cosponsoring this.

Our leadership, Senators REID and MCCONNELL, has been critical to allowing us to come to the floor and have our bill be debated openly, to have appropriate amendments, and then to have it voted on by the full Senate. In today's toxic environment in Washington, I must say our conversations have been characterized by civility, collegiality, and absolute candor—what we can do; what we can't do, not what we would like to do but what we must do to keep the government's doors open.

I also want to comment on the excellent tone and conversation we have had with the House, specifically our House counterparts, HAL ROGERS, the chairman of the House Appropriations Committee, and Congresswoman NITA LOWEY. We have talked with each other and worked together, and if we continue to do that without other intervening dynamics, we can get this bill done.

Before I go into our bill to offer its content, I want everybody to understand there are three things at play in Washington this week. We use arcane language, so nobody knows what is going on. There is the sequester, there is the continuing resolution, and there is the Budget Committee. Everybody is going to get confused because everybody is getting it commingled. All of it is getting press and the American peo-

ple don't understand there are three separate solutions to three separate problems.

Let me go to the Budget Committee, which will be on the floor next week, and Senator MURRAY is vociferously and persistently working on that bill. That is for fiscal year 2014. That is the framework on how we are going to approach our overall budget: What are we going to spend, what revenues we are going to have to raise, if any, and also a review of mandatory spending. That is going on over there. That is for fiscal year 2014.

The Mikulski-Shelby continuing resolution is the appropriations bill—not a personality bill—that will fund the government through 2013. The American people might say: Didn't you do that in October? Isn't our fiscal New Year's Eve October 1? Well, not really. What happened is we were going into the heat and passion and prickliness of an election year, so the wise heads thought it best to extend it where cooler heads would prevail in March. So here we are. We are the cooler heads, and we are ready to prevail. What we have here now is that legislation.

Everybody needs to understand this: On March 27, that continuing resolution expires. If we do not pass our bill and then have an agreement between the House and the Senate that is signed by the President, we could face a government showdown. There is no will on either side of this institution that wants to do that. We are absolutely committed to no shutdown, no showdown, no lockdown, no slamdown. We want to do the job, and that is why we have been working very carefully to do that.

What we will offer today is funding through the fiscal year, which will take us to October 1, and that meets the mandatory cap assigned to us by the Budget Committee of \$1.4 trillion. That is a lot of money, but it is a big government with big responsibilities. It includes everything from defense—defending us over there—to the border control—defending us here—to meeting compelling human need and making investments in science and technology while ensuring we do what we need to do.

Our legislation is quite simple and straightforward. It includes five appropriations bills. Two are already in it from the House—defense, military construction, and veterans. It will also include agriculture, homeland security, and a subcommittee that Senator SHELBY and I are chair and vice chair of that funds the entire Justice Department. That means FBI, Federal law enforcement, and science and commerce. So we have Ag, CJS, homeland security and defense. Defense and military construction are identical to the House. Agriculture, CJS and homeland security are consistent with bipartisan and bicameral agreements negotiated last fall.

Remember, we are reaching across the aisle, we are reaching across the

dome. That is how we are trying to do it. However, there are seven remaining bills in the continuing resolution, and they are energy and water—money for things such as the Corps of Engineers—interior and environment, financial services, transportation, Labor-HHS, state and foreign ops, and the legislative branch. That means they are provided current funding levels and policies with some very limited changes to fix present problems. These are called anomalies.

The Senate version, as I said, totals \$1.43 trillion, which is equal to the House CR. So the top line is the same; the difference is how we achieve national goals. It is equal to the House continuing resolution, and it is the same as required by the Budget Control Act. We are absolutely in compliance with the Budget Control Act.

Sequester mandates another \$86 billion in cuts. That comes over what we do, and that solution is to be negotiated by the President and the leadership with the concurrence of both bodies. That is part of the charm offensive that is going on now. OK. Sequester needs a balanced solution, and we will be listening and awaiting their ideas, but right now we are looking at our bill that includes bipartisan amendments, minimizing the problems of operating and returning to a regular order for fiscal year 2014.

The amendment we offer is much better than an extension of the current continuing resolution. Why don't we take a date and just change 2012 to 2013? We don't do that because our bill makes reforms. We actually get more value for the dollar. If we just extended it, we would sometimes be spending money on unneeded programs, one of which would be—in our bill, CJS—\$500 million for a space shuttle that doesn't exist. We want to change that and put it where it belongs, into the proper defending of our Nation and investing in science and technology. So a date change in a continuing resolution is not workable.

The Senate amendment improves the House CR by adding those three domestic bills and, as I said, includes a number of changes. I could go through each and every one of those changes, such as in agriculture, but what I wish to do is explain the process now. I do want to explain the content of my bill; however, I am going to take 1 minute now and yield to Senator SHELBY for his opening statement and then I will come back and explain the details of our actual funding.

I must say again, I have appreciated not only the civility and the collegiality but the candor. We had to look at not what we would like to do and not even what we should do but what we must do to keep government operating, to achieve the national goals America wants: our national security, both those who wear the uniform of the U.S. military as well as others who defend the Nation, such as border control, Federal law enforcement, law enforcement at the local