

also thank Hannah Katch from Senator FRANKEN's staff, Rohini Kosoglu from Senator BENNET's staff, Jennifer Boyer from Senator ROBERTS staff, and Anna Abram and Margaret Coulter from Senator BURR's staff. I know that they have developed close working relationships with my staff throughout this process, and I am sincerely grateful for your dedicated efforts.

I also thank my own staff on the HELP Committee, who have spent many a night and weekend with Senator ALEXANDER's staff, other member offices, and our colleagues in the House working to come to consensus on the critical policy issues in this legislation. I thank Pam Smith, Jenelle Krishnamoorthy, Elizabeth Jungman, Nathan Brown, Emily Schlichting, Allison Preiss, Kate Frischmann, Abraham White, Jim Whitmire, Chung Shek, Frank Zhang and Evan Griffis.

We would be remiss if we did not also thank the Congressional Budget Office for their knowledgeable and capable team that dedicated many hours to estimating the budgetary effects of this legislation. Finally, we owe an enormous debt of gratitude to the staff members in the Legislative Counsel's Office—specifically Kim Tamber, Stacy Kern-Sheerer, and Bill Baird. They, too, worked long hours, nights, and weekends to assist my staff in drafting this legislation and working out technical issues.

This bill's final passage is a victory for the millions of Americans who need safe medicines—a victory that would not have been possible without the dedicated work of our Senate family. I thank you all for your extraordinary public service.

WELCOMING BACK SENATOR INHOFE

Mr. REID. Mr. President, I see our friend here who has returned from his surgery and the death of his son, if he wishes to say something before I complete my remarks.

Mr. INHOFE. Mr. President, the majority leader should go ahead. My remarks will be longer.

Mr. REID. Mr. President, through the Chair to the senior Senator from Oklahoma, we are glad to have him back. We all empathize with something only a parent can understand. I am grateful to him for the example he sets for all of us.

SCHEDULE

Mr. President, we are going to be in a period of morning business until 5 o'clock today. Following morning business, the Senate will proceed to executive session to consider the nomination of Robert Wilkins to be U.S. Circuit judge for the DC Circuit. At 5:30, there will be up to two rollcall votes, including cloture on the Wilkins nomination. If cloture is not invoked, there will be a second cloture vote on the Defense authorization bill.

NOMINATIONS

Mr. REID. Mr. President, today the Senate will consider yet another qualified nominee to be a DC Circuit Court

of Appeals judge, considered by many to be the second highest court in all the land.

It is troubling that Senate Republicans, for the fourth time this year, appear poised to reject an exceedingly capable nominee to this court for blatantly political reasons. Republicans have blocked three highly qualified female DC Circuit nominees in a row: Caitlin Halligan, Patricia Millett, and Nina Pillard. Today they are expected to block confirmation of District Judge Robert Wilkins, an extremely competent and experienced nominee and one who has bipartisan support. I say that because no one has questioned his qualifications or abilities; likewise, no Senator objected to the qualifications of Ms. Halligan, Ms. Millett or Ms. Pillard. Instead, Republicans have blocked these nominees solely to deny President Obama his constitutional right to appoint judges.

In years passed, my Republican colleagues agreed to block judicial nominees only in "extraordinary circumstances." These are their words, not mine.

In 2005, the senior Senator from South Carolina LINDSEY GRAHAM defined extraordinary circumstances for the benefit of this body. Being a highly qualified trial lawyer, I think he is qualified to respond and set this definition that we all agreed with. Here is what he said:

Ideological attacks are not an "extraordinary circumstance." To me, it would have to be a character problem, an ethics problem, some allegation about the qualifications of a person, not an ideological bent.

No Senator—I repeat, no Senator—has questioned the character, ethics, or qualifications of these three women that have already been rejected for the DC Circuit. No one has questioned the character, ethics or qualifications of Judge Wilkins. So I am frustrated that Republicans would once again filibuster such a highly qualified nominee—a nominee so highly qualified, in fact, that he was confirmed 3 years ago by voice vote to become a district court judge.

Judge Wilkins is an Indiana native who graduated cum laude with a degree in chemical engineering, and then he got a law degree from Harvard Law School. He has worked as a staff attorney for the DC Public Defender Service. He was a partner specializing in white-collar defense, intellectual property, and complex civil litigation at the private law firm of Venable. That is an outstanding law firm with lawyers all over the country.

Judge Wilkins also helped shine a national spotlight on national profiling when he brought a landmark lawsuit against the Maryland State Police in 1992 after he and three family members were stopped and searched. Why? Because they were African Americans. It is landmark litigation.

This nominee has a bright legal mind and a remarkable dedication to the rule of law. Under normal cir-

cumstances, such as the circumstances of his 2010 confirmation, he would be quickly confirmed, but now he faces a Republican filibuster. Unfortunately, the type of Republican obstruction we face today has become quite commonplace. President Obama's circuit court nominees, including nominees for the vital DC Circuit, have waited seven times longer than those nominated by President Bush.

Republicans claim they are blocking nominees to this crucial court because the court is underworked and doesn't need to fill its complement of judges. Republicans also claim that filling these three vacancies would amount to court packing. That is absurd on its face. My Republican colleagues were happy to confirm four Bush nominees to this court. In fact, 15 of the last 19 to the DC Circuit were appointed by Republican presidents. Appointing judges to fill vacant judicial seats is not court packing, it is the President's right as well as his duty.

I do not ask Republican Senators to support President Obama's nominees or even that they vote for them, but it is right and proper that they should give President Obama's nominees the same fair consideration afforded the nominees that came before them.

RESERVATION OF LEADER TIME

Would the Chair announce the business of the day.

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will be in a period of morning business until 5 p.m. with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Oklahoma.

ORDER OF PROCEDURE

Mr. INHOFE. Mr. President, I ask unanimous consent that my 10 minutes might be extended by about 10 more minutes.

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

THANKS TO THE MAJORITY LEADER

Mr. INHOFE. Mr. President, let me start off, before the leader leaves the floor—and I was hoping to do this before the Chaplain of the Senate, Dr. Barry Black, left. I had a horrible loss eight days ago, losing a son. It was so touching to me—and I thank Barry Black, who included a good bit of some things about my son and about me in his opening prayer. Also, the comments that were made, the very gentle comments, and very helpful, that were made by the majority leader. So, through the Chair, I wish to thank HARRY REID very much for the comments he made.

NATIONAL DEFENSE
AUTHORIZATION ACT

Mr. INHOFE. Mr. President, we have something coming up that we are going to be talking about this week, and I am a little disturbed because I don't know exactly when it is going to be coming up, and I don't know how many objections there are going to be. I just know there are some people who want to delay, since it is a must-pass bill, the National Defense Authorization Act. We have passed it every year for, I think, 51 years. We have never failed to pass it. This is not going to be the first year that we fail to pass it. But I am hoping our Members will recognize how significant this is.

First of all, as the ranking member on the Senate Armed Services Committee, I thank my colleague, the chairman of the committee, Senator LEVIN, for his leadership and for his cooperation, which we enjoyed during the committee markup of this bill. We got it through the committee in pretty fast order. People realized there are some things that had to be taken up on the floor—three very controversial issues. Fine. This is where it should be taken up. It will be taken up. There will be amendments I will strongly oppose and some I will support. But I have always considered the National Defense Authorization Act to be the most important piece of legislation Congress considers each year.

This bill contains crucial authorizations that support our men and women in harm's way in Afghanistan and around the world. It supports training of our servicemembers and maintenance and modernization of their equipment to ensure they are prepared to overwhelm any adversary and return home safely to their loved ones. But—and this is a big but—it does so only as the reduced defense spending will allow.

It authorizes research and development efforts that will ensure we maintain technological superiority over our enemies and can successfully defeat the threats of tomorrow. But, again, it does so only—this is different; this has never happened before—when we are facing a reduction in our military spending. It is so unacceptably low that it has caused our leaders in all core services, which I will read in just a moment, to talk about how this is life-threatening.

But, most importantly, one thing we will continue to do is provide for the pay and the benefits of the brave men and women who are in harm's way to defend this Nation. In an era increasingly defined by partisan gridlock, the NDAA—the National Defense Authorization Act—is one of the rare occasions where Members of both parties can come together out of a shared commitment to our military men and women. This enduring commitment was exemplified this year again by the overwhelming bipartisan majority that supported the passage of the NDAA from the committee in June. I look for-

ward to continuing this tradition and this cooperation until we get this bill passed.

Consideration of this year's NDAA comes at a pivotal moment for our national security. The global security environment we face is more volatile and dangerous than any other time in my memory or, I suggest, in the history of the country. Yet our ability to protect the country against these growing threats is at serious risk. After losing \$487 billion—that just came out of the defense budget through the first 4½, 5 years of this administration—we now are looking at sequestration. Sequestration is an outcome thought to be so egregious and irresponsible that it would never be allowed to happen. None of us believed it would happen, that we would—after already losing \$487 billion from our defense system—have to be facing sequestration.

I never can say “sequestration” without reminding people why it is only 18 percent of our budget goes to defending America. Yet they have been forced to endure 50 percent of the cuts. It is wrong. But, nonetheless, that is what has been happening over the last—it has been in effect for 8 months. Its drastic across-the-board cuts are exacerbating the effects of an already declining national security budget.

As a result, the military is experiencing a dramatic decline in readiness and capabilities. I have a chart in the Chamber.

General Odierno, the Chief of Staff of the Army, recently said that his forces are at the—I am quoting now—“lowest readiness levels I've seen within our Army since I've been serving for the last 37 years” and that only two brigades are ready for combat—only two brigades. This is General Odierno.

The reason I wanted this chart put up is because it tells us where we are today. The part shown in orange, which is the huge cuts coming from sequestration, is far greater than the rest of it. That is readiness. That is what we are talking about.

We do hear a lot about the cost of personnel and all of that, but that is shown in the lower colored blue. So you are not talking about if you are able to do away with those actually coming up with any major reductions. The part shown in yellow is force structure. Now we are talking about, as General Odierno said, being down to only two brigades that are ready for combat. That is because of what has already been happening in the last 8 months in the force structure.

The modernization is shown in green on the chart. Modernization is always the first to be cut when force cuts come in because they figure that is something you don't feel the pain of today. But I want you to concentrate on the part shown in orange because that is where it really would hurt us.

So we had General Odierno saying his forces were at the lowest readiness levels he has seen in his 37 years in the U.S. Army. I was in the Army many

years ago, and I can remember back then when it always had priority over everything. Defending America seemed to be the thing.

Admiral Greenert, Chief of Naval Operations, said:

... because of fiscal limitations and the situation we're in we don't have another strike group trained and ready to respond on short notice in case of a contingency. We're tapped out.

That is our Navy.

Our top military leaders now warn of being unable to protect American interests around the world. Admiral Winnefeld—he is the Vice Chairman of the Joint Chiefs of Staff, the next-to-the-highest military person—said earlier this year: “There could be, for the first time in my career, instances where we may be asked to respond to a crisis and we will have to say we cannot.”

General Dempsey, the No. 1 military person, the Chairman of the Joint Chiefs of Staff, has warned that continued national security cuts will—and I am again quoting—“severely limit our ability to implement our defense strategy. It will put the nation at greater risk of coercion, and it will break faith with the men and women in uniform.”

That is why I am so troubled by this disastrous path we are on. In the face of mounting threats to America, prolonged budgetary uncertainties and the mindless sequestration cuts are crippling the people who are vital to our security, our men and women in the military.

To be clear, our military was facing readiness shortfalls even before sequestration took effect. Sequestration has only been in effect for 8 months. We never dreamed it would, after all the cuts we have gotten out of it from, quite frankly, this administration.

So the equipment, the problems we have—rather than rebuilding the ability of our military to defend the country, we are digging ourselves deeper into a hole. The longer we allow military readiness and capabilities to decline, the more money and time it will take to rebuild.

We are falling victim to the misguided belief that as the wars of today wind down, we can afford to gut investments in our Nation's defense. This is an irresponsible and dangerous course. I remember back during the middle of the 1990s. They talked about a peace dividend at that time. I can remember them saying: Well, the Cold War is over. We no longer need that strong of a military. Now, in this day and age, it is so much more serious than it has been in the past.

Our top military leaders agree. In testimony before the Armed Services Committee last week, General Amos—he is the Commandant of the Marine Corps—testified that if he is asked to respond to a contingency in the current budget environment—I am quoting—“we will have fewer forces arriving less-trained, arriving later to the fight. This would delay the buildup