

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

of combat power, allow the enemy more time to build its defenses, and would likely prolong combat operations altogether. This a formula for more American casualties.”

That is the Commandant of the Marine Corps.

Such an outcome would be immoral and a dereliction of duty. If we expect the men and women of our military to go into harm's way to protect America, we have an obligation to provide them with the training, technology, and capabilities required to decisively overwhelm any adversary at any time and return safely home to their loved ones. Under this sequestration, we cannot do it. That is what we are talking about right here when I say we are talking about our obligation to provide the training, technology, and capabilities. That is shown in all that orange on the chart. That means that is what we are not going to do.

This is why ending sequestration and protecting the readiness of our military men and women remains my top priority. However, something must be done now to mitigate the devastating impacts to readiness until we can find a long-term solution.

Again, I am just talking a little bit about the significance of having our Defense authorization bill come to the floor, get it started, start working on amendments. This is what is important. But in order to address the shortfalls we have, I have an amendment that would phase sequester in a way that would allow our senior military leaders to enact reforms without disproportionately degrading our ability to train and prepare our military men and women to protect this country.

Let me say quickly, one of my closest friends in this Chamber is one of the Senators from Alabama, JEFF SESSIONS. JEFF SESSIONS, as we speak, is on a plane on his way back from California, so he cannot be here. JEFF SESSIONS has come up with an amendment. He is on the Budget Committee. He is a real budget hawk, and he still is willing to increase the military by 1 percent with a proposed amendment he might have. When JEFF SESSIONS gets back, I am going to talk to him about going together on his amendment so we can maybe merge the two amendments.

My amendment seeks to leverage what General Odierno refers to as “ramping,” a rephrasing of the sequestration cuts that reduces the impact in fiscal year 2014 and 2015 to a more manageable level and shifts the remainder of the required cuts across the remaining years. So we are talking about that you would not feel it as much in these first 2 years, and yet we would make up for it, and that is why it is budget neutral. The Congressional Budget Office has told me this amendment will not score. That is very important to a lot of people.

Let me be real clear: I remain committed to ending sequestration of our military men and women. My amendment does not fix sequestration nor

will it impede my continued push for fixing sequestration. We are going to continue to do that. It is immoral that we are not doing it. However, the damage being done to our military is so egregious and reckless under the current sequester mechanism that I have no choice but to take this step to avoid an even greater readiness catastrophe that would seriously damage our national security.

I talked just a few minutes ago to General Odierno. He is the Commander, the top person in the U.S. Army. I made a couple of notes here. I want to make sure I do not misquote him because he said if we can do what we are trying to do with this amendment—in other words, backload some of this stuff—it would actually save money 3 or 4 years from now because if you start cutting right now across the board, as would be mandated by sequestering, then you are going to be cutting in areas where it is going to cost you more to come back and do that. So I think you will find most of the military is very anxious to do that.

Again, I am not going to offer this until we have a chance to talk to Senator SESSIONS and hopefully come up with something that will be sellable to this body.

In addition to my concerns about sequestration, this bill contains several provisions that I find deeply problematic. In particular, I strongly oppose the sections that would loosen restrictions on the transfer of detainees from Guantanamo Bay into the United States or to countries such as Yemen that remain vulnerable to Al Qaeda and its terrorist affiliates.

I have to ad-lib here a little bit because I cannot remember how many years I have been trying to save one of the greatest assets this country has, and that is Guantanamo Bay. I say to my good friend, the Presiding Officer, this is one of the few good deals we have because we have had Guantanamo Bay since 1904, and it has cost us—I think the total is \$4,000 a year—and Castro forgets to collect about every other year. So it is one of the few good deals we have out there.

It is the only place you can put these combatants where they are in a position where they can be interrogated and we can save American lives, and I do not know why this President, President Obama, has this obsession to turn these people out of Guantanamo Bay back into the United States. He first did this his first year—4 years ago. He had a plan. He had located, I think it was, 17 places in America where he could send these terrorists.

One of them happened to be in my State of Oklahoma at Fort Sill. I will always remember that. I went down to Fort Sill, I say to the Presiding Officer, because I found out we have a small prison down there. And the major, a female who runs that prison, said to me: I can't understand what is wrong with you people in Washington. You have that perfectly good facility down there

that will save American lives, and people are treated better than they have ever been treated before. One of the major problems we have down there is obesity because they are eating so much. So it is not a matter of not being treated fairly.

Well, for some reason this President has had a—and one of the problems with turning these people back in to America into our system is that a terrorist is not a criminal. A terrorist teaches others. They are in the business of teaching other people to be terrorists. You put them in our prison system and they are going to be working on the people who are there. That is why I have such strong feelings about the closing of Guantanamo—or the President trying to do that. We have stopped him from doing that for 4½ years now. We will continue. However, they are trying to make it easier for them to take people out of Guantanamo Bay and send them to my State of Oklahoma and throughout America. Hopefully we can defeat that part of this bill.

While I am pleased the bill fully funds the budget request for missile defense and includes a provision that would establish a radar site on the east coast, I remain concerned that we are vulnerable to a growing ballistic missile threat from the Middle East.

Let me comment here. I was upset. The first budget that President Obama had, I knew—and again, when you say “liberal” and “conservative” that is not name calling. “Liberal” simply means you want government to have more involvement in our lives, and he is a liberal person. And most liberals do not think we need a military, to start with.

I always remember his first budget. I went over to Afghanistan so I could be there when he announced his budget, knowing if I was doing it from there with tanks going back and forth, I would get some attention on it. Sure enough, it worked.

In that first budget, the President, in his budget, did away with our only fifth-generation fighter, the F-22; did away with our lift capacity, the C-17; did away with our future combat system, which had been the first advance in ground capability in probably 50 years.

But I think the worst of everything was, he did away with the site that we were building in Poland and the Czech Republic to be a ground-based interceptor that would take care of something coming from that direction into the United States.

You see, we have 33 ground-based interceptors. They are all located on the west coast. Our intelligence has told us since 2007 that Iran is going to have the capability of a weapon and a delivery system—by weapon, I am talking about a nuclear weapon—and a delivery system by 2015. We are talking about in less than a year and a half from now. He is going to have that capability. So we were building that for

the purpose of being able to catch something coming from that direction. Well, he took that out, and we stopped that.

There are other problems with that too because I remember when we were trying to sell Poland and the Czech Republic on the idea. They said: Are you sure now? If we agree and we make Russia angry at us by agreeing to have a ground-based interceptor in Poland and the radar in the Czech Republic, are you sure that some President is not going to come along and pull the rug out from under us?

I said: I am absolutely positive.

That is exactly what happened.

I only mention that because the radar site on the east coast certainly would not be effective by the time they are going to have that capability. Nonetheless, we are addressing it.

I am pleased that under Chairman LEVIN's leadership the committee was able to reach a compromise during the markup to address the scourge of sexual assault in the military. The Senate bill includes 16 provisions that are specifically targeted to improving the tools the Department, the services, and the commanders have at their disposal for fighting sexual assault. It includes an additional 12 provisions to make important improvements to the military justice system and the Uniform Code of Military Justice. This is a comprehensive, targeted legislative initiative that would address that. That is going to be controversial. I understand that.

I think a lot of us served in the military. It happens that I was in the military court many years before most of you guys were born. At that time the one thing I learned—and this was way back then—was that the commander's influence in discipline is necessary. We are all going to keep that in mind as we look at some of these amendments.

I look forward to bringing this to the floor as soon as we can, getting these controversial issues out of the way. I am hoping I will get favorable consideration on my amendment that is going to make it much less devastating to the military.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

DRUG QUALITY AND SECURITY ACT

Mr. ALEXANDER. Mr. President, this afternoon the Senate passed and sent to the President legislation that Tennesseans and Americans will welcome because it deals with the terrifying fungal meningitis outbreak that occurred more than a year ago that killed 16 Tennesseans and made many others sick.

The problem at that time was sterile compounded drugs that turned out not to be sterile. So when they were injected into patients for back pain or neck pain, those tainted drugs caused fungal meningitis and caused a number of Tennesseans to die and many others to become sick. Had it not been for the heroic efforts of the Tennessee State Department of Public Health, many others across the country may have been injected with that tainted medicine and become sick.

This is a very important piece of legislation which Senators and House Members have been working on for a year. I am glad it passed. I am sure the President will sign it. In our State, we know how personal this was. There is the story of Diana Reed from Brentwood, TN, who was the caregiver for her husband, who has Lou Gehrig's disease. She had neck pain—maybe because of helping him in and out of a wheelchair—went to the doctor, and got an injection for her neck pain. The next thing she knew, she had fungal meningitis and she died. Still, her husband with Lou Gehrig's disease lives on.

That story has been told in many States. We have been told by the Commissioner of the Food and Drug Administration that if we do not act, it will happen again. If we do not act, Commissioner Hamburg said, the question is not if but when there will be another tragedy. We have acted. No one should believe we can guarantee such a tragedy will never happen again, but for two reasons, it is much less likely we will have another tragedy like fungal meningitis as the result of contaminated drugs.

No. 1, we have cleared up the question of accountability. After this happened, and it was discovered that the tainted drugs came from the Massachusetts compounding pharmacy, there was a lot of finger pointing back and forth between the FDA and the State board about who should have been regulating this pharmacy, because there were other trouble signs. This never should have happened and would not have happened if they had been either properly regulated either by the State or the Federal agency, the FDA.

That often happens when there is not accountability, when it is not clear who is on the flagpole, as I like to say—when it is not clear who is in charge. We have used the example of Admiral Hyman Rickover, who was a Navy officer. In the 1950s, when he was assigned the job of the nuclear Navy, he told his captains two things: No. 1, you are in charge of the ship; and, No. 2, you are in charge of the reactor. If anything goes wrong with the nuclear reactor, your career is over.

As a result of that level of clear accountability, since the 1950s there has never been a death as a result of a reactor accident on one of our nuclear ships. This legislation creates that kind of accountability for compounded drugs.

It preserves the traditional role of States to regulate drugstores. Compounding is something almost every drugstore does. We have 60,000 of those, and that is an important job to the States. Most States do an excellent job.

It preserves the role of the Food and Drug Administration for manufacturers, those who manufacture large amounts of drugs which are prepared without an individual prescription. But it creates a new sort of facility which we call outsourcing facility. This facility is regulated by the FDA.

Two things have happened. One is either the FDA or the State is in charge of a compounding pharmacy. It will be one or the other. The second is there is a new outsourcing facility. A doctor or a hospital in Virginia or Tennessee may choose to buy all of its sterile drugs, for example, from a compounding pharmacy that is regulated by the FDA. It doesn't have to, but it may choose to do that.

We believe many will choose to do that, particularly with the sterile drugs that are sent across State lines without a prescription. This legislation affects the health and safety of millions of Americans.

There was a second part this legislation that was passed this afternoon that is equally as important and in some ways more far-reaching. We call it track and trace. That is the shorthand name for it. Four billion prescriptions are written every year.

What this legislation does is attach a serial number to each drug that is manufactured and follows it all the way from the drug manufacturer to the individual pharmacy. Why is that important. It is important so that one will know, if given a prescribed drug, that it works, is not counterfeit, and that it is safe. It will take several years to implement this, but the drugs that make the 4 billion prescriptions will now be able to be tracked and traced from the manufacturer to the pharmacy.

Many of our disputes are well advertised around the Senate. In fact, one could argue that is what we are for—the resolution of disputes. If there weren't a dispute, we probably wouldn't be here. We would work everything out at the city council, the Governor's office or somewhere else.

The big issues of the day stand here. Some of those are hard to resolve. ObamaCare is hard to resolve, fixing the debt is hard to resolve. We have very different points of view.

On this issue, which was difficult to do, we worked for more than 1 year on the compounding pharmacy bill and more than 2 years on the track-and-trace bill. It was very difficult to do. We were able to do it.

I commend Senator HARKIN, who is chairman of our committee, Senator FRANKEN, Senator ROBERTS, Senator BURR, Senator BENNET, and many other Members of the committee. We were able to involve many people in it and