

I yield the floor.

The PRESIDING OFFICER (Mr. PERDUE). The question is, Will the Senate advise and consent to the Patenaude nomination?

Mr. BROWN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Florida (Mr. RUBIO).

Further, if present and voting, the Senator from Florida (Mr. RUBIO) would have voted "yea".

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Florida (Mr. NELSON) are necessarily absent.

The PRESIDING OFFICER. (Mr. CASIDY). Are there any other Senators in the chamber desiring to vote?

The result was announced—yeas 80, nays 17, as follows:

[Rollcall Vote No. 196 Ex.]

#### YEAS—80

Alexander	Feinstein	Murkowski
Baldwin	Fischer	Murphy
Barrasso	Flake	Murray
Bennet	Franken	Paul
Blunt	Gardner	Perdue
Boozman	Graham	Peters
Burr	Grassley	Portman
Cantwell	Hassan	Reed
Capito	Hatch	Risch
Cardin	Heitkamp	Roberts
Carper	Heller	Rounds
Casey	Hoeven	Sasse
Cassidy	Inhofe	Scott
Cochran	Isakson	Shaheen
Collins	Johnson	Shelby
Coons	Kaine	Stabenow
Corker	Kennedy	Strange
Cornyn	King	Sullivan
Cortez Masto	Klobuchar	Tester
Cotton	Lankford	Thune
Crapo	Leahy	Tillis
Cruz	Lee	Toomey
Daines	Manchin	Van Hollen
Donnelly	McCain	Warner
Durbin	McCaskill	Wicker
Enzi	McConnell	Young
Ernst	Moran	

#### NAYS—17

Blumenthal	Heinrich	Schumer
Booker	Hirono	Udall
Brown	Markey	Warren
Duckworth	Merkley	Whitehouse
Gillibrand	Sanders	Wyden
Harris	Schatz	

#### NOT VOTING—3

Menendez	Nelson	Rubio
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The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table and the President will be immediately notified of the Senate's action.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2018—Continued

Mr. MCCAIN. Mr. President, I ask unanimous consent that notwithstanding rule XXII, there be 10 minutes of debate, equally divided in the usual form, and that following the use or yielding back of that time, the Senate vote on the motion to invoke cloture on the substitute amendment No. 1003, as modified.

The PRESIDING OFFICER. Is there objection?

Ms. BALDWIN. Mr. President, reserving the right to object, I ask unanimous consent to make brief remarks and engage in a colloquy with the chairman and ranking member.

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

Ms. BALDWIN. Mr. President, I have filed Baldwin amendment No. 329. This deals with the subject matter of "Buy American" in the National Defense Authorization Act.

I have long been a strong supporter of our manufacturing sector, of our national security, and I believe this amendment strongly supports both.

All week we have been going back and forth about whether we are going to vote on amendments to this measure. The Senate is supposed to be an institution where we can debate and bring our ideas forward, represent our States, represent the hard workers of this Nation, and I reserve the right to object to this unanimous consent request because I am frustrated, on behalf of those I represent, that we are not going to see a vote on this "Buy American" amendment.

I would additionally note the unique status we have—actually, in this case, a Statement of Administration Policy indicating strong support for the amendment that I have filed. To me, the ultimate test will be what is in the final bill that is signed into law. I am going to continue to push on, but I am, again, disappointed that this Senate is not operating in a fashion where we can offer amendments, debate those amendments, and have votes on those amendments.

I wish to yield to both the chairman and ranking member, as we have had discussions on this subject matter during these negotiations.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank the Senator from Wisconsin. I thank her for her agreement that we should move forward with this important legislation, and I am very proud of the way this legislation has proceeded before the Senate most of the way. But now I am not very proud because we are now not allowing Senators to have a vote.

I do not agree with the amendment from the Senator from Wisconsin, but I strongly believe she should have the right to have her amendment considered, debated, and voted on.

I am very proud of the fact that we have approved and agreed to 103

amendments. We still have three or four amendments that have caused us to be where we are today. It will be a conference item, the amendment of the Senator from Wisconsin, and although I do not agree with it, I will certainly make sure that it is part of the conference.

But I want to remind my colleagues again that one of the reasons we had 107 votes for and 0 against is that we went through a process of days, weeks, and months of hearings, study, debate, discussion, and bringing it to the floor. That is the way the Senate should work.

I thank the Senator from Wisconsin, and I want to tell her and the Senator from New York, Mrs. GILLIBRAND, that I will continue to do everything I can to make sure they are given the rights that they earned by being elected in the States they represent.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, the Senator from Wisconsin has pointed out one of the shortcomings in this process, which is that we have not had a series of amendments on the floor to vote on.

Through the chairman's leadership, we have, as he has indicated, cleared 103 amendments on a bipartisan basis. We think we have legislation that is important for the Nation, particularly for our men and women in uniform.

Senator BALDWIN raises an extremely important question. "Buy American" is not only for the people we represent all across the country but for the quality of goods and services that our men and women in uniform will receive. I thank her, and I join with her in the frustration of not having a vote, despite the progress we have made in so many other areas. This is something that both the chairman and I would like to see remedied in the next national defense debate on the floor.

As the chairman pointed out, this will be an issue at conference. I know Senator BALDWIN will not cease her efforts. She has been incredibly tenacious in pushing forward this "Buy American" provision on behalf of her constituents and all of our constituents. I do, in fact, support this provision, and I will work to my utmost to see that we can move this issue forward. I appreciate very much the fact that it will be considered in conference.

Again, I think we have done a lot over the last several days with the leadership of Chairman MCCAIN. I regret that we can't wrap up this legislation with several votes on issues, which each side would like to see, but I commit myself to work with the Senator from Wisconsin to see if we can move this "Buy American" provision forward.

Ms. BALDWIN. Mr. President, I had reserved the right to object, but I will not object to proceeding to the vote to move the NDAA forward. I would note that this amendment is germane

postcloture, and I still would like to see the Senate operate in a manner where Senators can bring forth their amendments, can debate them, and can get votes.

I yield back.

The PRESIDING OFFICER. Is there objection to the Senator's request?

Without objection, it is so ordered.

There are now 10 minutes of debate, equally divided.

Mr. MCCAIN. Mr. President, I have no further use of the time.

Mr. REED. Mr. President, I yield back the time.

The PRESIDING OFFICER. All time is yielded back.

#### CLOTURE MOTION

Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Senate amendment No. 1003, as modified, to Calendar No. 175, H.R. 2810, an act to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

John McCain, Mitch McConnell, John Thune, Thom Tillis, Pat Roberts, Mike Crapo, Richard Burr, Michael B. Enzi, Orrin G. Hatch, Ted Cruz, John Cornyn, Dan Sullivan, Roy Blunt, Cory Gardner, Tim Scott, Shelley Moore Capito, David Perdue.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on amendment No. 1003, as modified, offered by the Senator from Arizona, Mr. MCCAIN, to H.R. 2810, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from North Carolina (Mr. BURR), the Senator from Georgia (Mr. ISAKSON), the Senator from Florida (Mr. RUBIO), and the Senator from Pennsylvania (Mr. TOOMEY).

Further, if present and voting, the Senator from Florida (Mr. RUBIO) would have voted "yea" and the Senator from Pennsylvania (Mr. TOOMEY) would have voted "yea".

Mr. DURBIN. I announce that the Senator from Vermont (Mr. LEAHY), the Senator from New Jersey (Mr. MENENDEZ), and the Senator from Florida (Mr. NELSON) are necessarily absent.

The PRESIDING OFFICER (Mr. GRAHAM). Are there any other Senators in the chamber desiring to vote?

The yeas and nays resulted—yeas 84, nays 9, as follows:

[Rollcall Vote No. 197 Leg.]

#### YEAS—84

Alexander	Feinstein	Murphy
Baldwin	Fischer	Murray
Barrasso	Flake	Perdue
Bennet	Franken	Peters
Blumenthal	Gardner	Portman
Blunt	Graham	Reed
Boozman	Grassley	Risch
Brown	Harris	Roberts
Cantwell	Hassan	Rounds
Capito	Hatch	Sasse
Cardin	Heinrich	Schatz
Carper	Heitkamp	Schumer
Casey	Heller	Scott
Cassidy	Hirono	Shaheen
Cochran	Hoeven	Shelby
Collins	Inhofe	Stabenow
Coons	Johnson	Strange
Corker	Kaine	Sullivan
Cornyn	Kennedy	Tester
Cortez Masto	King	Thune
Cotton	Klobuchar	Tillis
Crapo	Lankford	Udall
Cruz	Manchin	Van Hollen
Daines	McCain	Warner
Donnelly	McCaskill	Warren
Duckworth	McConnell	Whitehouse
Enzi	Moran	Wicker
Ernst	Murkowski	Young

#### NAYS—9

Booker	Lee	Paul
Durbin	Markey	Sanders
Gillibrand	Merkley	Wyden

#### NOT VOTING—7

Burr	Menendez	Toomey
Isakson	Nelson	
Leahy	Rubio	

The PRESIDING OFFICER (Mr. CASSIDY). On this vote, the yeas are 84, the nays are 9.

Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The Senator from Nebraska.

Mrs. FISCHER. Mr. President, I rise today to speak on the Defense authorization bill.

Congress has passed this bipartisan legislation every year for the past 55 years. Once again, this year, the Senate is debating this critical legislation to provide our men and women in uniform with the resources they need to keep America safe.

This is a bipartisan bill. It represents the combined efforts of Members from both sides of the aisle. It was approved unanimously by the Senate Armed Services Committee. All 27 of our members voted for it. That is more than a quarter of this body.

The distinguished chairman, the senior Senator from Arizona, spoke on the Senate floor on Monday about the geopolitical challenges we are facing and the need for this legislation. He is absolutely right.

The number and the complexity of the threats we face today are unprecedented. North Korea is relentlessly pursuing long-range ballistic missiles capable of carrying nuclear warheads to our shores. Americans are informed about the sobering threat from the Kim regime because it has dominated much of the recent news, but it is by no means the only significant challenge we face. We remain a nation at war, with thousands of men and women in uniform still deployed to the Middle East and Afghanistan. Russia and China continue to undermine rules-based international order by devel-

oping advanced military capabilities designed specifically to counter U.S. defense systems. Iran continues to pursue regional dominance and regularly harasses U.S. ships and planes operating in that region.

These are needlessly provocative acts that carry risks of an accident or a miscalculation that could spiral into serious confrontation. Additional low-intensity conflicts continue to smolder across the globe, particularly in Southeast Asia, Africa, and the Arabian Peninsula, and each one has the potential to impact U.S. national security.

The global turmoil of today highlights why the bill before us is so very important. It will provide the resources necessary to defend our Nation in the face of those challenges. But the NDAA is about more than just answering these threats; it is about helping us here at home as well.

Last Friday, I visited Naval Station Norfolk and had an opportunity to meet with some of our Nation's best—the sailors and officers of the U.S. Navy. As we stood on the pier, we watched the USS *Abraham Lincoln* aircraft carrier depart and head out into the Atlantic and join other U.S. Navy ships responding to the damage caused by Hurricane Irma.

Fighting and winning wars is the primary mission of our military, but the American people depend on it for so much more. The destruction and the devastation caused by Hurricane Harvey and Hurricane Irma have brought this point home.

This bill authorizes the resources our men and women in uniform need to respond to these crises and to do the job the Nation asks of them. It also begins to address the readiness gaps that have emerged in recent years as the Department has been asked to do more with less.

Upon returning to the Department of Defense 4 years after retiring from military service, Secretary Mattis testified before the Senate Armed Services Committee about this very issue. He said: "I have been shocked by what I have seen about our readiness to fight." Additional testimony from other military leaders has borne this assessment out as well.

Only 3 of the Army's 58 brigade combat teams are ready to "fight tonight." Sixty-two percent of the Navy's F-18 fighters cannot fly. Approximately 80 percent of our Marine aviation units lack the minimum number of ready basic aircraft for training, and flight-hour averages are below the minimum standards required to achieve and to maintain adequate levels of readiness.

Following the direction by President Trump to rebuild the military and prioritization by Secretary Mattis to improve readiness, this bill authorizes \$30 billion to address unmet requirements identified by the military services and our combatant commanders, and it provides additional resources to address emerging threats.

In the Strategic Forces Subcommittee, which I chair, we provided

over \$500 million in additional funding for cooperative missile defense programs with Israel to fully meet the needs of our ally.

We also authorized an additional \$200 million to approve the Ground-based Midcourse Defense, or the GMD, system. These increases include funds for the development of more capable boosters and funds to improve what our military calls “discrimination,” or the ability of the system to distinguish between hostile warheads and decoys and other debris in space. The GMD is our only missile defense system capable of defending the homeland from intercontinental ballistic missiles, and the smart, targeted increases made by the subcommittee have only become more necessary as North Korea continues to demonstrate increased capabilities.

The subcommittee’s mark also fully supports the modernization of our nuclear forces and the Department of Energy’s nuclear enterprise and the sustainment activities. As part of this effort, the subcommittee added almost \$200 million to help address the backlog of deferred maintenance activities at our nuclear facilities. More than half of these facilities are over 40 years old, and roughly 30 percent date back to the era of the Manhattan Project. Dilapidated structures at these facilities pose safety risks to our workers and jeopardize essential operations.

This additional funding will enhance the administration’s efforts to address the highest priority requirements and begin reducing the immense maintenance backlog, but more work will be required in future years to resolve this very longstanding issue.

The jurisdiction of the Strategic Forces Subcommittee also includes outer space. In the subcommittee’s mark, we added over \$700 million to address unfunded needs for space operations. This includes over \$100 million to expand the development and testing of advanced prototypes in response to the urgent operational needs of our warfighters and an additional \$35 million to expedite the development of advanced jam-resistant GPS receivers.

Our forces rely heavily on the capabilities provided by our satellites, and our adversaries know it. They are developing capabilities to target our space assets, and these investments are critical if we want to ensure our forces never have to face a day without space.

I am proud of the strong provisions the Strategic Forces Subcommittee contributed to the bill before us today. In addition to the steps taken in this bill to address current threats, it makes important investments in advanced technologies to stay ahead of the challenges we might face tomorrow. For example, the bill authorizes over \$500 million in additional funding to support the Department’s Third Offset Strategy and improve the U.S. military’s technological superiority. It also prioritizes cyber security—an area of growing risk and opportunity as technology becomes more and more sophisticated.

I serve on the Cybersecurity Subcommittee, and last Congress I served as chairman of the Emerging Threats and Capabilities Subcommittee, which then had jurisdiction over our cyber capabilities. In this year’s bill, we are adding to those efforts that I worked on in past years to improve how we man, train, and equip our military’s cyber forces. The committee added over \$700 million for cyber-related requirements and included a number of policy provisions in this area, such as a requirement for the Department of Defense to undertake the first-ever cyber posture review, which will evaluate the military’s policy and capabilities in the cyber domain.

Before concluding my remarks, I would like to reply to an argument that was made earlier today by the Senator from Massachusetts against a provision in this bill responding to Russia’s violation of the INF Treaty.

The bill before us today authorizes \$65 million for researching a ground-launched cruise missile system. The committee’s report on the bill explains this in greater detail, but I would like to make a few quick points, if I may.

First, the senior Senator from Massachusetts described this provision as a “knee-jerk reaction.” I would like to remind my colleagues that Russia’s violation of the INF Treaty reportedly began in 2008. That was almost a decade ago. The United States formally raised it with Russian officials in May of 2013—4½ years ago.

This issue has been with us for some time and the provisions of this bill are anything but a knee-jerk reaction, which leads to my second point. The Senator argues that further study is needed and has proposed an amendment preventing any action from being taken before a report is complete.

In the last three Defense authorization bills, Congress has required some sort of study on this issue. The solution to this problem is not to require further studies. Costs must be imposed on Russia for violation, and that is what this provision does.

Finally, there was some discussion of the views of our military leaders, and the Senator quoted heavily from Gen. Paul Selva, the Vice Chairman of the Joint Chiefs of Staff. The General and I have discussed this issue, and we have discussed it when he appeared before the Senate Armed Services Committee in July. He specifically identified using research and development programs, within the limits of the treaty, to increase pressure on the Russians.

That is exactly what this provision does. It does not violate the INF Treaty. It takes the first step to impose costs on Russia for its violation of this agreement.

Years have gone by, no action has been taken, and Russia has only increased its violation of the treaty. Waiting for more studies to be complete only ensures that Russia’s actions will continue to go unanswered. Failing to hold Russia accountable

risks undermining this agreement and our broader nonproliferation agenda.

In the words of President Obama:

Rules must be binding. Violations must be punished. Words must mean something.

In closing, I want to express my thanks to the bill’s managers for their hard work. I have truly appreciated all they have done to bring this bill to the floor. This legislation upholds the bipartisan tradition that has characterized the National Defense Authorization Act, which has enabled it to pass for 55 years in a row. This is a strong bill that will strengthen our military. It will help ensure the military can protect our Nation in a world full of challenges. From North Korea’s belligerence to severe storms damaging our coasts, our military has a tough job to do. They must be prepared to do it. I hope my colleagues will join me in swiftly passing this bill.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

#### HEALTHCARE

Mr. CASSIDY. Mr. President, the Presiding Officer has been presiding on many occasions when I have risen to speak about the need to repeal and replace ObamaCare, and although we did not succeed in our last effort in the beginning of August, I, personally, along with Senators GRAHAM, JOHNSON and HELLER, am making one more try, and folks ask why.

The simple answer I can give is, there is a fellow back home by the name of Moon Griffon. He is a conservative talk show host who speaks with passion about the Affordable Care Act. Why does he speak with passion? Moon Griffon is very open. He has a special needs child, and he has to buy insurance. His premium per year is over \$40,000—\$40,000, with a \$5,000 deductible and an additional deductible for his pharmaceutical costs. He has to pay \$50,000 a year for insurance, deductible, and pharmaceutical deductible. The mortgage payment for a \$500,000 home is what he puts up because he has to buy insurance. He has a child with special needs.

Now, there are many Moon Griffons across our Nation. Someone said, kind of as a wag, but I think there is a ring of truth to it, that ObamaCare, the individual exchange, only works if you don’t because if you do work and you don’t qualify for a subsidy, then you cannot afford it.

By the way, I think there is bipartisan agreement on this. Senator BERNIE SANDERS is now putting forward what we would call BernieCare, a single-payer proposal. He would not be putting that forward if he thought the

status quo is working. He is putting it forward because he realizes it is not. He has 16 cosponsors, if you will. Cosponsors are a testament to the fact that the status quo is not working. Well, I can tell you, since Medicare is going bankrupt in 17 years, the seniors who are on it will have their benefits threatened by adding another 150 million more Americans to the program. Those who have employer-sponsored insurance, I don't think they will want to give up their employer-sponsored insurance and trust in BernieCare.

So our last hope, we think, is relieving folks from the burdens of the Affordable Care Act in a way that preserves President Trump's goals of caring for all, taking care of those with preexisting conditions, covering all, lowering premiums, and eliminating mandates.

We have the basis of an approach. This past week, the HELP Committee has been having hearings, as well as the Finance Committee. Both Democratic and Republican Governors, insurance commissioners, stakeholders of other sorts, Medicaid directors, and all, whether Democratic or Republican, Governor or Medicaid director or insurance Commissioner, have said that if we give the States the flexibility to come up with their own solutions, they will find solutions that work better for their State than the Affordable Care Act—and it makes total sense. Clearly, Alaska is different than Rhode Island. Louisiana is different than Missouri. If we can come up with solutions specific for each State, as opposed to a one-size-fits-all that comes out of Washington, DC, these Governors, Medicaid directors, and insurance commissioners of both parties think we can do a better job.

We have a model of this. The Children's Health Insurance Program, also known as the CHIP program, has been very successful. It works on a block grant that comes down to States. States pull down the dollars. They can roll over money for 2 years, and they provide a policy for the children in their State. There are certain criteria and safeguards regarding what that policy must look like.

In fact, Senator RON WYDEN, last night, finished up his remarks praising the CHIP program, that it was reauthorized and what a victory for the health of children because this is a program that will work. There is a little irony there, as Senator WYDEN had just finished criticizing the Graham-Cassidy-Heller amendment, which is patterned after the CHIP program. The irony, of course, is that he says our amendment will not work, and then he goes on to praise the program through which the money will flow and after which it is patterned.

What we do through the program is take the dollars going to States currently through the Affordable Care Act, and we pool them together and deliver them to States in a block grant, very similar and, indeed, through the

CHIP program. Along that way, we equalize how much each American receives toward her care, irrespective of where she lives.

Why do I say that? Right now, 37 percent of the revenue from the Affordable Care Act goes to Americans in four States—37 percent of the revenue goes to those who live within four States. That is frankly not fair. I have nothing against those four States, but I don't see why a lower income American in Mississippi should receive so much less than a lower income American in Massachusetts or why someone in Arizona should be treated differently than someone in New York. I think we should equalize that treatment. Americans think that is fair. We do that with Medicare and Social Security and other popular programs. It is something we should do, as well, as we attempt to provide insurance for all to achieve President Trump's goals.

One example of this, by the way—Pennsylvania has twice the population of Massachusetts. Both of those States expanded Medicaid. Massachusetts gets 58 percent more money than does Pennsylvania. Again, Pennsylvania has twice the population of Massachusetts, but Massachusetts gets 58 percent more money. Both Northeastern States have cities with a high cost of living, but somehow Massachusetts does that much better.

Our goal, though, is through this grant that goes through the CHIP program—which Senators like Senator WYDEN have praised, and rightfully so, as being an effective program for improving health, with safeguards needed to make sure the money is used wisely and that all States and all residents within those States will receive about the same amount of money toward their healthcare. This would be, if you will, not a Democratic plan, not a Republican plan but an American plan, in which Senators vote to trust the people in their State over a Washington bureaucrat.

We have critics who don't understand our bill. It is a partisan bill, we are told.

No. If you look at the residents of the States who do better under our plan, it includes States represented by Democratic Senators. Virginia does far better because they will get the dollars they currently do not—as do Floridians, represented by a Democratic Senator; Missouri does, represented by the Presiding Officer now but also by a Democratic Senator; and others that are represented by Democratic Senators, but the lower income Americans in those States actually have resources they currently do not have. Indeed, I implore those Senators not to vote a party line but rather to vote for those lower income Americans in their States so they can have the resources needed for their better health.

I will conclude by saying one more time: We have one more chance. On the Democratic and Republican sides, we recognize that the Affordable Care Act

is unsustainable. On the Republican side, we want to give power back to the patients, back to the States, fulfilling the wish of those Democratic and Republican Governors, insurance commissioners, and Medicaid directors to give them the flexibility to do what they wish to do.

The Democratic vision, BernieCare, if you will, of which he has 16 cosponsors, is to consolidate every decision in Washington, DC. As for me, I will vote with the States, I will vote with the people, and I will vote with the wisdom of the average American as opposed to the benign "we know better than you" attitude of Washington, DC.

Thank you.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, is this a partisan approach to healthcare? I don't think so, if Missouri does better. There is a Democrat representing Missouri. There is a Republican representing Missouri. Here is the good news. We got the Republican on board. We appreciate the Republican.

Let me tell you how this works.

I like Massachusetts, I like Maryland, I like New York, I like California, but I don't like them that much to give them a bunch of money that the rest of us will not get.

If you live in Massachusetts, you don't get twice the Social Security or 50 percent more than if you live in Pennsylvania. How can this happen? ObamaCare, for whatever reason, favors four blue States against the rest of us.

Now, our friends in Mississippi, like South Carolina—we have a 31-percent African-American population in South Carolina—I think the highest in the country is Mississippi. Under this block grant approach, our friends in Mississippi get a 900-percent increase. How can that be? Well, that is money that was going someplace else other than Mississippi.

So what have we learned about ObamaCare? Rural poor, particularly African Americans, don't do so well. These four States—New York, California, Massachusetts, and Maryland, they have a lot of high wage earners.

We have some rural poor States. Missouri is a very wonderful State, with big cities and rural areas. How do you get more money? Well, under this formula, you are getting money that would have gone to the four other States. So 50 to 138 percent of poverty, and there are 45 million people in America who fall in that demographic. We can figure out how many live in Missouri. We use that as the basis for the formula. You are not limited to spending the money on 50 to 138 percent of poverty, but that seems to be a fair way to redistribute the money. By 2026, the goal is, no matter where you live, Missouri, South Carolina, or California, you are going to get the same basic contribution from the Federal Government, regardless of where you

live. What a novel idea. That means places like Missouri and South Carolina do better.

To our friends in New York and California, we are giving you a long time to come down. To our friends in Massachusetts—and we have a great Republican Governor—I don't know how to explain the system where you get that much more money than everybody else. The goal is for you to have time to adjust, become more efficient, and Charlie Baker can do this.

Is it unfair for people like me, and Louisiana and Missouri, to say: No four States should get twice the amount of money for their population. I am trying to fix the problem in ObamaCare.

Who should get the money is another question. Should some bureaucrat you will never meet in Washington be in charge of your healthcare or should somebody you actually know and vote for be in charge of your healthcare?

The block grant has a beautiful concept to it. The people we empower, you actually live with them, and you vote for them. If you don't like ObamaCare and, God knows, if you don't like BernieCare, whom do you complain to?

You can tell me: I don't like ObamaCare. My premiums have gone up. My deductibles are going through the roof. You can complain to me all day long, and I will call somebody up who could care less what I think.

Now, if you have South Carolina responsible for the money instead of some bureaucrat in Washington, let me tell you what would happen. You would call me up, say: Hey, listen, this is not working for my family. I will find out who the statehouse person is, and we will call them together, and I guarantee you the Governor will listen to you because the Governor wants you to vote for him or her.

The bottom line is, the concept of who should be in charge of your healthcare is what this is all about.

Our friends on the other side deserve a great compliment. You know where you are going on healthcare. You have a plan to get there. I just don't agree with your plan, and I don't agree with where you are taking the country. But I will say this for you: You have a plan. I will say this to my Democratic colleagues: When it comes to your ideas, you fight like tigers.

I remember voting on ObamaCare on Christmas Eve, for God's sake, and we would have been here on Christmas Day if that is what it would have taken for Harry Reid to have passed ObamaCare.

Now, on our side, have we done everything we can to repeal ObamaCare? They did everything they could to pass it.

President Trump is now behind this bill.

Thank you, Mr. President. I appreciate it very much. Without your voice, we cannot succeed. With your voice, we will be successful, but it is going to take more than a letter. Get on the phone. Start calling people. Obama did.

Senator McCONNELL was very good today at lunch, saying that this is a good idea and that we need to get behind it.

A CBO score is necessary. I am sure there are a lot of good people at the CBO, but if I had one place to go before I died, it would be at the CBO because you live a long time. We need to get the CBO to score things in a timely fashion.

To my friends at the CBO, this is a block grant. We are going to spend \$1.2 trillion in the next decade—not more, not less. I didn't do that well in math, but I can figure out how much we are going to spend. I don't mean to be super critical, but we have not had scores on the Portman language or on the Cruz language in 8 weeks.

Let me tell my Republican friends, if you are upset about our not successfully repealing and replacing ObamaCare after 7 years, count me in. We tried, and we were one vote short. We have 17 days left. What would the Democrats have done? They would have been fighting. There would have been no August break. We would have been right here on this floor. We would have been arguing about their view of healthcare.

So I am encouraged that our leadership is going to push the CBO and get behind this bill. I am encouraged that the President came out for the bill. The Vice President, above all others in the administration, has been on the phone, calling Governors. We have over 15 Governors now on the Republican side who are saying: Give me the money. Give me the power. I can do a better job than some bureaucrat in Washington.

To the other Republican Governors, check it out for your States, but here is what I would ask you to consider. The money that you are getting from ObamaCare is unsustainable. It is a false promise. It is going to collapse. We can never match that system because that system is unsustainable, and it is going to fail.

What have I learned about Republican Governors? Most of them practice what they preach, and some of them have been hard to get on board. It is almost like crack cocaine, in terms of ObamaCare dollars.

I am telling you right now, Republican Governors and Democratic Governors, that this system is going to collapse in Washington. There is not enough money to keep it afloat, and I am not going to spend good money after bad. This is a chance for you, at the State level, to have control over funds and for us to be as flexible as we possibly can be in our designing systems that make sense for your States. If California wants to go to single-payer healthcare, it can. If it wants to reimpose the employer mandate and the individual mandate, it can. We will repeal the individual mandate and the employer mandate for the country at large, but if you want to put it back in place, you can.

Here is the good news. California cannot take the rest of us down the tubes with them, and we will have the debate in California about what works and what does not.

Give South Carolina, Louisiana, and Missouri the space they need to design healthcare based on their individual demographics. You cannot spend the money on football stadiums. You have to spend it on healthcare. You have to take care of people who are sick. There are guardrails around this block grant, but innovation will flourish.

Under ObamaCare, where is the incentive to be innovative? All you need to do is print more money. Under BernieCare, there is zero incentive to be creative. Just tax the rich. This is what happens. We go from four States getting 30-something percent of the money and representing 20 percent of the population to where, basically, everybody gets the same.

Let's talk about Medicaid. BERNIE SANDERS, who is a good man with a good heart, is an avowed socialist. He is the most honest guy in this building. If you left it up to BERNIE, we would have a rowboat for a Navy, a gun for the Army, a prop plane for the Air Force, and everything else would be spent on entitlements. Most of us are not in that camp.

As to Medicaid, it is a program for low-income Americans to help them with their healthcare. There is a State match. Right now, we are spending almost \$400 billion on Medicaid. By 2027, we are going to be spending over \$650 billion. That is more than we spend on the military right now—with no end in sight.

So we do two things in this bill. We tell the States that we are going to give them more flexibility. This is what we spend on the military—\$549 billion under sequestration. I hope that number goes up, but, by 2027, we are going to spend more money on Medicaid, let alone Medicare, than we do on the military. That is just unsustainable.

So what do we do?

We keep Medicaid in place as it is today. We try to give more flexibility because Indiana was a good example of what can happen if you give States the flexibility to help poor people. The one thing about Medicaid that I do not like is that, if you get a headache, you can ride to the emergency room, and we will pay a big Medicaid bill. I want to put Medicaid people into managed care. I want them to have some ownership over their healthcare. If you smoke, then that is something that ought to be considered in terms of cost. I like copayments. I want to treat fairly the people who are low-income and poor, but all of us need to be responsible for our healthcare.

Rather than having a Medicaid Program that just writes checks no matter what the outcomes are, we are going to, in year 8, begin to slow down the growth of Medicaid. It grows faster than medical inflation. Medical inflation is what it costs for you and your

family. Medicaid is way beyond that. Why? Because it is inefficient. We have proven at the State level that you can get a better bang for your buck from Medicaid.

The bottom line is that the first block grant begins to slow the growth of Medicaid to make it affordable for the rest of us and incentivize innovation in year 8.

If we do not do that, here is what will happen to the country. By 2038, all of the tax money that you send to Washington will go to pay the interest on the debt, Medicare, Medicaid, and Social Security. There will not be one penny for the Department of Education or the Department of Defense. That is how quickly these programs are growing.

So we do two good things. We put Medicaid on a more sustainable path because it is an important program, and we allow flexibility in order to get better outcomes for the taxpayer and the patient. What a novel idea.

The second block grant is money that would have been spent by a bureaucrat in Washington. Under the first Republican proposal, you would get a refundable tax credit to go out and try to buy insurance somewhere, and we would give insurance companies money so that they would not collapse on the ObamaCare exchanges.

Instead of giving a refundable tax credit to an individual to buy a product that is going to go away because ObamaCare will not work and instead of giving a bunch of money to the insurance companies to prop them up, we are going to take that same amount of money and give it back to the States so that, by 2026, they will all get the same basic contribution.

Now, what did we do?

We repealed the individual mandate and the employer mandate. That is \$250 billion in savings. The States can reimpose it if they would like. That is up to the States. We repealed the medical device tax because that hurts innovation. We left the other ObamaCare taxes in place. There is no more taking from the poor and giving to the rich. I wish that we would not have to do that, but we need the money to transition in a fair and sound way to a State-centric system.

To my friends on the other side, we leave the taxes in place. We just give the money to somebody else. It is called State control, local control, not Washington-based healthcare. We do it in a way in which, basically, everybody gets the same contribution from the Federal Government. What a novel idea.

Now, to President Trump, without you, we cannot do this. Your pen will be the one that signs the law if we can ever get it to your desk. You said today that you would veto BernieCare.

Let me tell everybody in America not to worry. Single-payer healthcare will never get through the Republican-controlled House, and we have the majority in the Senate.

Mr. President, we are not going to need you to veto single-payer healthcare. What we need you to do is to put in place a new system to stop the march toward single-payer healthcare because, if we do not change where we are going, the Federal Government is going to own it all from cradle to grave. On your watch, you can stop that.

Once we get the money and the power out of Washington, that will be the end of single-payer healthcare. Once people know that they have somebody to respond to their needs at the State level versus some bureaucrat they will never meet, there will be no going back to Washington-based healthcare.

President Trump, you have the chance in your first term to set us on a new path: healthcare that is closer to the patient, money based not on where you live but parity, and innovation versus bureaucracy. What a legacy it would be. For that to happen—and I know you are busy with hurricanes and North Korea—you are going to have to get on the phone, and you are going to have to help us sell this. I believe you will, and I know you can, and I am asking you to do it.

To Senator MCCONNELL, thank you for what you said today. Thank you for being willing to push this forward.

To my colleagues on this side, there are three options left for America: propping up ObamaCare, which will never work; BernieCare, which is full-blown single-payer healthcare; or this block grant approach.

I ask this question: Who are we, and what do we believe as Republicans? Our Democratic friends are pretty clear on who they are and what they believe when it comes to healthcare.

Here is what I believe. Send the money home. Send the money back to where the patient lives. Put it in the hands of doctors and hospitals in the communities and make sure that the people in the State are responsive to the needs of the individuals in that State. Replace a bureaucrat with an elected official. You will improve quality, and outcomes will be better, and it will be more fiscally sustainable.

At the end of the day, that Governor, whoever he or she might be, who can figure out quality healthcare in a sustainable fashion, will not only get re-elected, but other people will copy what he does. If we leave the money and power here, there is never going to be any innovation. It is always going to be more money. Single-payer healthcare only works with a printing press—with unlimited dollars. Just keep printing the money. A block grant will bring out the best in America. It will create better outcomes for patients, and it will take us off the path of becoming Greece, because this is where we are headed.

Senator CASSIDY was a doctor in a low-income, nonprofit hospital. He knows more about this than I could ever hope to learn. There is a reason that I did not go to medical school. I

could not get in. I just cannot tell you how impressed I have been with BILL CASSIDY's understanding of how healthcare works for average, everyday working people. He has dedicated his life to that segment of the population.

Rick Santorum. There would be no GRAHAM, CASSIDY, HELLER, JOHNSON without Rick. Rick said: LINDSEY, we did this with welfare reform. They said that we could not do it, but we block-granted the money and unleashed innovation at the State level, and not one dime of extra spending has occurred since 1996 because we were generous in the beginning. The Governors figured it out. It was a better way of dealing with the welfare population.

I had a bill to opt out of ObamaCare, and Rick said: Why don't you just do a block grant like we did with welfare reform. So, when you look at it, it is such an elegant, fair, commonsense solution to a complicated problem.

DEAN HELLER. DEAN HELLER is in the fight of his political life. A lot of people around here—and I understand it; I am included sometimes—just wish hard problems would go away. This is a tough business to be in. Dean was told by all of the experts—and he said this today—to just lay low. Do not get your fingerprints on this healthcare debate. There are no winners. Healthcare is too complicated. Just stay away from this fight. Lay low.

DEAN told us today in the conference: I didn't get elected to lay low. If we don't now get healthcare right, all of us are going to pay later. So DEAN HELLER, who is in one of the most competitive seats in the country, said: Sign me up.

Nevada gets 30 percent more money under this formula. It gets more control than ObamaCare would ever give them. DEAN HELLER believes that Medicaid is worth saving and that this is a way to save it. With the second block grant, 20 percent can be used to help traditional Medicaid.

The bottom line is that DEAN HELLER stood up today and said: Nobody in this conference has a tougher race than I do. Count me in because this is the right thing to do.

RON JOHNSON. If there were ever a "Mr. Smith Goes to Washington," it is RON JOHNSON. This is his last term. If you want to have an interesting evening, do not go to dinner with RON JOHNSON and BILL CASSIDY. They are wonderful people, but they know numbers, and they love to talk about details and how systems work. RON JOHNSON has brought energy and a can-do attitude to this debate. He is the closest thing that I have seen in a long time to "Mr. Smith Goes to Washington." He is not going to run again. He is doing what he thinks is best for Wisconsin and the Nation.

Scott Walker. If it were not for Scott Walker, we would not be here today. Scott Walker said: I have been talking about federalism all of my political life, and this is the first time that I have seen somebody in Washington try

to empower me here since welfare reform.

Scott Walker has been the moving force on the Governors' side.

As for the Governor of Utah, Mike, you should be proud of him. He is a really great guy. Mike, thank you for working with us to make this as flexible as possible.

Senator LEE has really driven this very hard in order to give as much flexibility to the State level as possible.

Thank you. Your Governor has been just absolutely awesome.

Asa Hutchinson in Arkansas stepped up. Our good friend Governor Bryant in Mississippi is all in. I could go on and on and on.

I know JOHN MCCAIN likes the concept of the block grant. JOHN MCCAIN wants to reform healthcare. He knows what happens to Arizona under ObamaCare, and this is our last, best chance to stop what I think is a march toward single-payer healthcare. I hope we can find a way to get our friends in Arizona at the State level on board because ObamaCare is failing your State. If we don't find a replacement—and I think this is a great replacement for the people of Arizona—everything is going to collapse.

So to all of those on the staff who have spent hours and hours and hours listening to us change our minds, do it one way, do it another: Thank you, thank you, thank you.

I have been in politics now—I came in a little bit before the Presiding Officer in the Senate. I have worked on a lot of things. I have had a lot of fun, a lot of disappointments. I don't think I have worked on anything more important than this. It has been fun. It has been frustrating.

I believe this is our last, best chance to get healthcare on a sustainable footing and to stop the march toward single-payer healthcare, which I believe with all my heart will reduce quality and explode costs, and that doesn't have to be the choice.

To my Republican friends: They know what they are for. Do we know what we are for? They are committed to their causes. Are we equally committed to ours? I hope the answer is yes. And if we can get 50 of us here, I will make a prediction. A few of them over there are going to sign on because their State does so well. There are some Democratic Senators who are my dear friends who are going to have to turn down more money and more power for their State to keep the status quo.

I can tell my colleagues this about bipartisanship. I am a pretty big believer in bipartisanship. I have taken my fair share of beatings—working on immigration; I believe climate change is real. I have done deals, and I understand that you have to work together. But our friends on the other side are never going to vote for anything that fundamentally repeals and replaces ObamaCare. They just can't do it. They are not bad people; they are just locked

into a different way. And their way is that the government makes these decisions, not the private sector. My belief is that healthcare closer to the patient, like government, is better healthcare.

This is the last, best chance we will have to stop the march toward single-payer healthcare.

Mr. President, we need you. We need the weight of your office and the strength of your voice.

Senator MCCONNELL, thank you for what you said today, but all hands on deck. Our friends on the other side moved Heaven and Earth to pass ObamaCare. I am going to do everything I can to repeal ObamaCare and replace it with something that is not good for Republicans but is good for Americans, because many Democratic States, including Illinois, do far better under this approach than under ObamaCare, and all of us will do better than BernieCare. If we don't stop this now, single-payer healthcare is the fate of the Nation.

To all who have been involved, thank you very much. We can do this. We have the time. Do we have the will?

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Mr. President, I wish to speak for a few minutes about an amendment I have offered to the National Defense Authorization Act. The name of this amendment is the Due Process Guarantee Act.

Alexander Hamilton, writing in *Federalist* No. 84, called arbitrary imprisonment one of the "favorite and most formidable instruments of tyrants." The Constitution includes safeguards against this form of tyranny, including the right of habeas corpus and the guarantee that American citizens will not be deprived of life, liberty, or property by the government without due process of law. Our commitment to these rights is tested from time to time. It is most tested in times of crisis. We have not always passed these tests.

During the Second World War, President Franklin D. Roosevelt unilaterally authorized the internment of over 100,000 Japanese Americans for fear they would spy against the United States. The government presented no evidence that these Americans posed any threat to their country because the government had no evidence. Most of the detainees were themselves native-born citizens of the United States of America. Many had never even visited Japan during their entire lives. That episode in our Nation's history is sadly personal to the State I represent. The U.S. Government unjustly detained thousands of Japanese Americans in Utah at the Topaz War Relocation Center.

Japanese-American internment is the most dramatic and shameful instance of detention in our Nation's history, but it is far from the only instance. In 1950, in a climate of intense fear about Communist infiltration of government,

Congress enacted the McCarran Internal Security Act over the veto of President Harry Truman. That law contained an emergency provision allowing the President to detain any person he felt might spy on the United States.

More recently than that, in the post-9/11 era, there has been renewed pressure to diminish our constitutional protections in the name of security. Lawmakers from both parties have authorized the detention of Americans suspected of terrorism without charge, without trial, and without meeting the evidentiary standard required for every other crime—potentially for life. In the National Defense Authorization Act for Fiscal Year 2012, Congress authorized the indefinite military detention of suspected terrorists, including American citizens arrested on American soil.

These episodes—Japanese-American internment, the McCarran Internal Security Act, and the NDAA for 2012—are teachable moments, if you will. In all three cases, the United States faced real threats from totalitarian foes—foes hostile to our very core values and ideals as a nation. But instead of defying our foes by holding fast to our core values, we jettisoned them in a panic. Fear and secrecy won out. The Constitution and constitutional values lost.

Thankfully, that isn't the whole story, for there have also been times when Americans have stood up for the Constitution in the face of threats, thus sending a strong message to the totalitarian forces arrayed against us. For instance, in 1971 Congress passed the Non-Detention Act, stating that "[n]o citizen shall be imprisoned or otherwise detained by the United States except pursuant to an Act of Congress."

Congress can make another stand for the Constitution by allowing a vote on the bipartisan Due Process Guarantee Act, by correcting the mistake—the very same mistake—it made in the NDAA for Fiscal Year 2012 and protecting Americans from indefinite detention by government.

What, one might ask, is the Due Process Guarantee Act? In short, the amendment would raise the bar that the government has to clear in order to indefinitely detain American citizens and lawful permanent residents who are apprehended on U.S. soil. It would forbid the government from justifying such detentions using general authorizations for the use of military force, such as the 2001 AUMF against the 9/11 plotters. Instead, the government would have to obtain explicit, written approval from Congress before taking such action with regard to Americans if they are detained within the United States.

The Due Process Guarantee Act is based on a simple premise: If the government wants to take the extraordinary step of apprehending Americans on U.S. soil without charge or trial, it has to get extraordinary permission and should, at a bare minimum, require

an express act of Congress authorizing such extraordinary action. And if my colleagues want to grant the government this power over their constituents, they should authorize it themselves; they shouldn't hide behind vague authorizations so the voting public doesn't know what they are doing.

This begs the question whether we would ever want to do this—whether we should ever do it. It is difficult for many of us to imagine any circumstance in which anyone would want to authorize such extraordinary action, but that is exactly the point—the point contemplated by the suspension clause in the U.S. Constitution. If something like that is going to be done, Congress needs to do it and needs to do it expressly and identify exactly what the threat, the war, the insurrection is that is being addressed.

I am offering this amendment because of my faith in our law enforcement officers and judges. And I have great faith in those people who fill those roles in our country, who have successfully apprehended and prosecuted many homegrown terrorists. Their example to us proves that our security is not dependent on a supercharged government and a weakened constitution.

Moreover, we must remember that our security and our privacy are not necessarily at odds with each other. Indeed, our privacy is part of our security. It is part of what makes us secure. We can secure the homeland without using the formidable instruments of tyrants.

It is with this objective in mind that I propose to my colleagues and request the support of my colleagues for the Due Process Guarantee Act, which should be adopted so as to make sure we are both free and safe, while remaining secure.

Thank you, Mr. President.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. MCCONNELL. Mr. President, I ask unanimous consent, notwithstanding rule XXII, that at 5:30 p.m. on Monday, September 18, the McCain amendment No. 545 be withdrawn, the Senate adopt the McCain substitute amendment No. 1003, as modified, and the Senate vote on the motion to invoke cloture on H.R. 2810; further, that if cloture is invoked, all postcloture time be considered expired and the Senate vote on passage of the bill, as amended.

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

## EXECUTIVE SESSION

### EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session for the en bloc consideration of the following nominations: Executive Calendar Nos. 280, 281, 283, 284, 285, 286, 304, 305, 306, 307, 308, 309, and 310.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the nominations en bloc.

The senior assistant legislative clerk read the nominations of Peter E. Deegan, Jr., of Iowa, to be United States Attorney for the Northern District of Iowa for the term of four years; Marc Krickbaum, of Iowa, to be United States Attorney for the Southern District of Iowa for the term of four years; D. Michael Dunavant, of Tennessee, to be United States Attorney for the Western District of Tennessee for the term of four years; Louis V. Franklin, Sr., of Alabama, to be United States Attorney for the Middle District of Alabama for the term of four years; Jessie K. Liu, of Virginia, to be United States Attorney for the District of Columbia for the term of four years; Richard W. Moore, of Alabama, to be United States Attorney for the Southern District of Alabama for the term of four years; Bart M. Davis, of Idaho, to be United States Attorney for the District of Idaho for the term of four years; Kurt G. Alme, of Montana, to be United States Attorney for the District of Montana for the term of four years; Donald Q. Cochran, Jr., of Tennessee, to be United States Attorney for the Middle District of Tennessee for the term of four years; Russell M. Coleman, of Kentucky, to be United States Attorney for the Western District of Kentucky for the term of four years; Brian J. Kuester, of Oklahoma, to be United States Attorney for the Eastern District of Oklahoma for the term of four years; R. Trent Shores, of Oklahoma, to be United States Attorney for the Northern District of Oklahoma for the term of four years; and Daniel J. Kaniewski, of Minnesota, to be Deputy Administrator for National Preparedness, Federal Emergency Management Agency, Department of Homeland Security.

Thereupon, the Senate proceeded to consider the nominations en bloc.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate vote on the nominations en bloc with no intervening action or debate; that if confirmed, the motions to reconsider be considered made and laid upon the table en bloc; the President be immediately notified of the Senate's action; that no further motions be in order, and that any statements relating to the nominations be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

There being no further debate, the question is, Will the Senate advise and consent to the Deegan, Krickbaum, Dunavant, Franklin, Liu, Moore, Davis, Alme, Cochran, Coleman, Kuester, Shores, and Kaniewski nominations en bloc?

The nominations were confirmed en bloc.

## LEGISLATIVE SESSION

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to legislative session.

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

## MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

## REMEMBERING PETE DOMENICI

Mr. HATCH. Mr. President, I would like to take a few minutes amidst the Senate's business to memorialize my good friend, fellow colleague, and long-serving Senator of New Mexico, Pete Domenici. It is altogether fitting that we may offer tribute right in the middle of a busy day. Pete was a true legislator, the kind we just don't see all that often any longer. He was at his best when we were here getting things done—and often we were getting things done because of his efforts. He will be sorely missed by those of us who had the distinct privilege of serving alongside him.

Pete's life was a testament to the American Dream; born to immigrant parents, Pete grew up working in his father's store before going on to earn his degree in education. Later, he would teach math at a local junior high school, before making his way into city politics and, from there, join the Senate in 1972. Some will no doubt recall that he was the first Republican elected as Senator of New Mexico in nearly 40 years, but most will remember that he always put the people of his State and his Nation ahead of partisan interests.

While serving in the Senate, Pete fulfilled his charge with diligence, passion, and decorum. His time here still serves as an example to many of us. Pete was regularly willing to reach across the aisle, always willing to take the first step, and never one to shrink from an opportunity presented, whether difficult or not. Pete's efforts to bring the Federal budget under control were especially admirable, and his leadership was crucial in achieving the balanced budget of 1997. That has proven a rare accomplishment. His work as an advocate for the mentally ill showed