

Do we want to preserve the “advice” part of advice and consent? If we do, I would suggest that we look at the blue slip as a useful tool for accomplishing a very important part of the process. If it is abused—at least while I am chairman, you don’t have to worry about it going away. But if it is abused, someday it will go away, and then all we are going to have, when it is all said and done, is consent.

I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. McCONNELL. Mr. President, I listened carefully to the excellent remarks of the chairman of the Judiciary Committee, outlining the history of the blue slip. I am going to say to the chairman that he has outlined a sensible use of the blue slip, which involves consultation but does not lead to a one-Senator veto of a nominee.

I thank the chairman for the history lesson. It is a history lesson that the Senate needed to hear.

I also thank the chairman for the spectacular job that he has done all year long with this new administration in processing and bringing forward highly qualified nominees. For generations to come, Americans who follow the third branch will be indebted to the chairman for the way he has handled these nominations, processed them, moved them out on to the floor, and given the Senate the opportunity to express its will.

I wish every Member of the Senate had been able to hear the chairman’s remarks, but I am certainly going to call these remarks to the attention of our Members every opportunity I get, and I thank the Senator from Iowa.

Mr. GRASSLEY. I thank the leader.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska.

NATIONAL DEFENSE AUTHORIZATION BILL

Mrs. FISCHER. Mr. President, I rise today to speak about the National Defense Authorization Act. The process of negotiating the annual defense bill is one that has a long and important history on Capitol Hill.

This afternoon, the Senate voted to pass a conference report, continuing a tradition of 55 consecutive years in which the National Defense Authorization Act has been a must-pass bill for the Congress. People have a habit these days of assuming that Congress cannot pass major legislation, but this bill is a testament to the fact that when it comes to supporting our men and women in uniform, we work together to provide them with the support they need. I am happy to say that this year, we are carrying on this proud tradition.

This year’s National Defense Authorization Act was passed by overwhelming bipartisan majorities in both the Senate and the House. As a member of the Senate Armed Services Committee, I have been proud to do my part to help craft this bill and to be a part of the process.

We live in a rapidly changing world, and, unfortunately, one that presents a

growing number of threats and challenges that our military must face. Across the globe, we have witnessed the rise of dangerous new threats that make the mission of our warfighters even more challenging. In Europe, Vladimir Putin has shown a complete disregard for international law and order and threatens key allies and democracies that underpin the democratic backbone of Europe. In the Pacific, we face a nuclear-armed dictator in North Korea who murders his own people while threatening mass death and destruction to the United States and to our allies. In the Middle East, we have witnessed the rapid and fearsome emergence of radical extremist groups like ISIS, whose barbarism shocks the world. Their horrific acts of bloodshed show just how dangerous this warped ideology is, and the efforts of the men and women in uniform have played a critical role in the fight to stem this dark tide.

Unfortunately, this same ideology of radical extremism is finding new followers in Europe, Africa, and Asia. These threats demand that we be ready. The fact is that the United States has faced challenges before, and if one thing holds true throughout history, it is that our Armed Forces will be called upon to defeat the enemies of freedom and safeguard this Nation. For them to succeed, the Congress must provide the men and women in uniform the support they need to execute their missions. That is why I am so proud to stand before you today and speak about the National Defense Authorization Act.

This legislation sends a clear message: Now is the time that we begin to rebuild our military. Contained in this bill is the necessary funding to start filling the gaps and ensuring our force remains the best in the world. This includes increases to the size of the Army, Navy, Air Force, Reserves, and our National Guard. It also means that new, battle-ready systems are going to get the funding they need to be put in the field as quickly as possible. On land, the NDAA authorizes funding for 85 Abrams tank upgrades and 93 Bradley fighting vehicles. At sea, it revitalizes our fleet, authorizing 13 new ships for our Navy. In the air, it provides 90 new F-35 aircraft and 53 UH-60M Black Hawk helicopters.

Across all of these domains, the fiscal year 2018 NDAA authorizes funding for critical modernization priorities to help ensure that on every battlefield the men and women of America’s Armed Forces have the resources they need to complete the missions they are given.

I serve as chair of the Armed Services Committee’s Subcommittee on Strategic Forces, and my top priority has been the modernization of our nuclear forces and the Department of Energy’s nuclear weapons complex.

This bill strongly supports nuclear modernization and makes a number of other key investments within the sub-

committee’s jurisdiction. First, the conference report builds on important provisions included in the versions that passed both the House and the Senate this year, and it includes the administration’s request for additional missile defense funding, submitted earlier this month. In total, the bill authorizes an additional \$4.4 billion above the level requested by the President when the budget was initially submitted to improve our missile defense systems. This includes a significant expansion of our Ground-based Midcourse Defense system and authorizes resources to begin construction of another 20 interceptor silos at Fort Greely, AK. To further enhance the system’s effectiveness, the bill makes valuable investments in the network of radars and other sensors that support the system’s operations. The bill also contains reasonable reforms to our military space enterprise that are designed to achieve a more streamlined and agile system that is more responsive to the needs of our warfighters.

Furthermore, the bill improves the oversight and management of our nuclear command and control architecture. Often overlooked, these programs form the connective tissue between our national leadership and our nuclear forces. Their reliability and resilience are vital to the effectiveness of our nuclear deterrent.

As the specter of great power conflict returns and the threat from a nuclear-armed North Korea continues to grow, our missile defense and nuclear capabilities will play an increasingly important role in protecting our homeland. I look forward to continuing to work with my colleagues to further modernize and strengthen these vital capabilities to ensure that we stay ahead of the threats that our Nation faces.

Beyond the strategic forces portfolio, this bill recognizes that we must also rebuild our readiness and military infrastructure here at home, which is why we have included funding increases in the bill to support 90 percent of the requirements for facilities sustainment, as well as a significant increase for facilities restoration and modernization. This means newly authorized funding to restore and modernize facilities and infrastructure ranging from barracks and hospitals to runways and hangers.

But let’s not forget the most important part of our effort in crafting this bill, and that is providing for the one asset we can never replace: our soldiers, sailors, airmen, and marines. The people who wear the uniform are more valuable than any weapons system. The dedication, sacrifice, and honor they exemplify every day is why we stand here today and enjoy the freedoms this country has to offer. For that reason, included in this bill is the largest pay raise for our troops in 8 years.

We have also permanently preserved special survivor indemnity allowance

payments to surviving military spouses. There are more than 60,000 Americans whose spouses have died on Active Duty or during retirement and, as a result of this legislation, this important payment will no longer exist on a year-by-year basis, but it will be preserved indefinitely.

Make no mistake, these are challenging times for our Nation as the world is becoming an increasingly complex place. Now more than ever, we are asking our military to tackle difficult problems and to face adversaries who consistently seek new ways to do us harm.

No matter the day, no matter the situation, America's Armed Forces stand ready to answer the call and protect our Nation. We need to uphold our solemn duty as Members of the Senate and keep faith with those who wear the uniform by giving them the tools they need.

The 55-year legacy of passing the National Defense Authorization Act did not happen by accident. It has happened because Members of this body know and Members of this body recognize that this bill represents a promise to our servicemembers. It is a promise that, as you stand in harm's way, far from your families and loved ones, we stand with you. When you are deployed during a holiday or a special occasion, as many members of our own Nebraska National Guard will be this Thanksgiving, we stand with you. During late nights and early mornings in the cold, in the heat, in battle, and in peace-time, we stand with you.

Passing the National Defense Authorization Act means keeping our end of the promise to those who serve. As a Member of the Senate Armed Services Committee, it has been my honor to play a part in helping to craft this year's bill, and I would like to thank our chairman, Senator JOHN MCCAIN, for his leadership in guiding the committee through the process. I would also like to thank America's men and women in uniform for all that they do to keep us safe.

I yield the floor.

I suggest the absence of a quorum.

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

The senior assistant legislative clerk proceeded to call the roll.

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

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

AMERICAN BAR ASSOCIATION

Mr. SASSE. Mr. President, the consideration of Federal judges with lifetime appointments is perhaps the most important and long-lasting work this body will do between now and the end of the year.

Every Senator—Republican and Democrat—took an oath to perform this duty. Nobody took an oath to outsource this duty to any outside organization. Unfortunately, some of my

colleagues on the Senate Judiciary Committee are apparently willing to hand over their voting cards to the American Bar Association, based on the claim that the ABA is an unbiased, indifferent umpire that just calls balls and strikes.

The American Bar Association is not neutral. The ABA is a liberal organization that has publicly and consistently advocated for left-of-center positions for more than two decades now. The ABA has no right to special treatment by Members of this body.

It is pretty simple. If you are playing in the game, you don't get to cherry-pick who the referees are.

Take, for just a moment, a look at the amicus briefs they have filed in recent years.

In *District of Columbia v. Heller*, the ABA supported denying an individual their constitutional right to keep and bear arms.

In *Christian Legal Society v. Martinez*, the ABA supported forcing Christian organizations on campuses to accept members that reject their faith.

In *Medellin v. Texas*, the ABA supported forcing States to recognize the judgments of the world court in order to stop the execution of a gruesome murderer.

In *United States v. Windsor*, the ABA supported the recognition of same-sex marriage through judicial fiat rather than through legislative debate.

In *Arizona v. United States*, the ABA supported a constitutional ban on State and local law enforcement assisting in enforcing Federal immigration laws.

The list goes on. In each of these cases, the ABA decided to weigh into divisive and contentious issues. This is their right, indeed, but it is definitely not neutral. In each of these cases, and many more, the ABA took what can only be described as a left-of-center position. In each of these cases, the ABA was picking a side.

Again—to be clear—they are absolutely allowed to do this. It is what makes this country great. But it is laughably naive to suggest that they are an objective and neutral organization. They are not.

The ABA cannot make liberal arguments to the nine members of the Supreme Court, and then walk across the street and seriously expect that the 100 Members of this body in the Senate will be treating them like unbiased appraisers. That is essentially what Attorney General Bill Barr said in 1992 when the ABA first began to openly take pro-abortion positions—which, by the way, led to thousands of members quitting in protest because those members knew that the ABA claims to neutrality about political issues were no longer even possibly defensible.

Then-U.S. Attorney General Bill Barr commented on the ABA's pro-abortion advocacy at the time by saying: "By adopting the resolution and thereby endorsing one side of this debate, the ABA will endanger the perception that

it is an impartial and objective association."

Twenty-five years later, Barr's words were right. His words ring true.

Again, I want to be perfectly clear. The ABA is allowed to have any view that its members want to have, and they are allowed to advocate and to protest on behalf of those views and on behalf of their members. This is America, and that is exactly what the First Amendment is about. That is fine. But what is not fine is that the ABA, which is a liberal advocacy organization, would masquerade as a neutral and objective evaluator of judicial candidates.

The ABA cannot take blatantly liberal positions on the one hand, and then masquerade as a neutral party on the other, and then demand a special seat at the table in the Senate Judiciary Committee and in the Senate—in this body—to try to tell us who is and isn't supposedly qualified to be a judge.

Just as the ABA has every right to advance its liberal policy positions, every Senator has the right—and indeed, the duty—to give our advice and consent on judicial nominees. If Senators decide that they like and value the ABA's policy positions and they like and value the ABA's rating, they are free to give them due deference and consideration, but don't hide behind it.

Don't pretend that the ABA is something that it is not. Do not ignore the facts of what the ABA has become. The American people deserve honesty, not thinly veiled partisanship.

Thank you.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

NATIONAL DEFENSE AUTHORIZATION BILL

Mr. REED. Mr. President, I rise to discuss the fiscal year 2018 National Defense Authorization Act.

After several months of negotiations, the House and Senate Armed Services Committees have arrived at a completed conference agreement. Earlier today, we passed the NDAA for the 56th consecutive year.

Let me highlight some of the important issues that we addressed in this agreement. This conference agreement authorizes a total of \$692 billion, which includes \$626.4 billion in base budget funding for the Department of Defense and certain security activities of the Department of Energy and \$65.8 billion in overseas contingency operations, or OCO, funding.

Of course, we could not have done it without the cooperation of all the members of the committee, including the Presiding Officer, and I thank him for his contribution and his service.

This includes the administration's \$5.9 billion budget amendment we received earlier this month, which seeks an additional \$4.7 billion in base budget funding to bolster missile defense and to repair two Navy ships after recent collisions, as well as \$1.2 billion in OCO funding for operations in Afghanistan and for additional capabilities in the Central Command area of operations.