

Following these actions by the Trump administration and the majority, I seriously question, if you continue this, whether the current structure of the courts is going to survive.

Colleagues, Chad Readler does not deserve a lifetime appointment to the Sixth Circuit. The moment he put his name on the Trump administration's absurd legal attack on protections for preexisting conditions, he revealed that he was going to be partisan all the way and, on top of that, that he was going to exercise poor judgment. He has been a defender of discrimination in multiple forms. He has defended the indefensible abuse of vulnerable migrant families at our border. At this point, he cannot claim to be close to the standard of impartiality and evenhandedness that a Senator ought to expect from any judicial nominee.

I intend to vote against Chad Readler. I urge my colleagues to join me.

I yield the floor.

The PRESIDING OFFICER (Mr. LANKFORD). The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, today I rise to oppose the nomination of Chad Readler to the Sixth Circuit Court of Appeals.

I remember the 2018 campaign season, when so many Republicans suddenly became the world's most passionate defenders of patients with preexisting conditions. They told voters that never ever could they even imagine doing anything that would weaken the protections that stop health insurance companies from discriminating against people with preexisting conditions.

Whether they be breast cancer survivors or children born with birth defects or any of the tens of millions of Americans who manage chronic conditions like diabetes or depression or high blood pressure, well, Americans are about to find out whether my American colleagues meant a word of what they said on the campaign trail. Americans will soon see whether Republicans stand up for patients with preexisting conditions or vote to confirm Chad Readler to the Ohio Sixth Circuit Court.

This nominee's record of threatening patients with preexisting conditions is not up for debate. Chad Readler was the mastermind behind the Trump administration's effort to strip away the core of the Affordable Care Act—the principle that health insurance companies cannot deny coverage or kick a patient off their policy just because of their medical history.

On the campaign trail, President Trump spoke of protecting Americans with preexisting conditions, but we now know that was just another lie.

Apparently, it wasn't enough for this administration to stop defending the Affordable Care Act in court; the President sought to attack it in court. Initially, the Trump administration struggled to find someone at the De-

partment of Justice willing to take on this cause. In fact, three separate career attorneys at the Justice Department refused to argue the administration's position in court. One employee even resigned.

Chad Readler, the nominee we are voting on today, was more than happy to take on this cruel and unjust cause. He became the chief architect of the Trump administration's legal brief, challenging the very constitutionality of the Affordable Care Act's protections for people with preexisting conditions. In other words, Chad Readler's legal brief took the administration's effort to sabotage the Affordable Care Act to a whole new level, threatening to bring us back to a time when health insurance companies didn't have to cover cancer survivors, or individuals with substance abuse disorder, or anyone who has ever faced, ever confronted a health challenge in their life. How does President Trump reward Chad Readler for leading this assault on patients and their families? Well, the day after he filed this reckless and morally repugnant legal brief, the President nominated him to serve on the Sixth Circuit.

Now, let me tell you, I spent a lot of time crisscrossing New Jersey over the past year, and I don't think I met a single constituent who came up to me and said: Senator, what my family really needs you to do is once again let health insurance companies deny us care. On the contrary, I heard from and continue to hear from New Jerseyans who depend on these protections. They can't even believe this is still an issue.

Last summer, I spoke with a woman from Highland Park named Ann Vardeman who told me she was diagnosed with PTSD after surviving a sexual assault. Ann told me that health insurers shouldn't be able to "charge me more for something that is a horrible thing that happens to millions of people in this country through absolutely no fault of their own." Indeed, without the Affordable Care Act, there would be no Federal health protections for survivors of sexual violence like her.

Perhaps one of my constituents—Anne Zavalick of Middlesex, NJ—said it best when she wrote about her battle against bladder cancer. She wrote:

It is crucial that I continue to receive scans to make sure there is no recurrence of the cancer. . . . If I don't have coverage for preexisting conditions, I will go bankrupt. . . . Then I will probably die. So, yeah, this is kinda super important to me, personally.

It should be personal to all of us. Everyone in this body should take it personally when this administration attacks protections that 130 million Americans rely on for their health and financial security.

People remember what it was like before the Affordable Care Act, and they don't want to go backward. They remember how a woman could be denied coverage for maternity care or charged higher premiums simply for being a

woman. Today, being a woman is no longer a preexisting condition. They remember how infants born with heart deformities could hit lifetime caps within days of being born. Today, families don't have to worry about lifetime caps. They remember how cancer survivors and Americans with chronic conditions like diabetes or asthma lived in fear of being denied coverage or dropped from their policies at a moment's notice.

Today, patients are protected from discrimination, but they will not be if the courts side with Chad Readler's shameful arguments on behalf of this administration.

This issue is personal for millions of Americans across our country—from 3.8 million in New Jersey, to 4.3 million in Georgia, to 4.8 million in Ohio, Mr. Readler's home State. All told, 130 million Americans with preexisting conditions may suffer the consequences of Mr. Readler's assault on the Affordable Care Act. These Americans are not Democrats or Republicans or Independents; they are human beings with a right to access affordable, quality healthcare.

Does this Senate really want to reward someone largely responsible for endangering the coverage our constituents depend on with a lifetime appointment to the Sixth Circuit Court of Appeals? I sure hope not. That is not the kind of judgement we want on any court.

Last fall, we heard a lot of talk from Republicans about protecting people with preexisting conditions. We know that actions speak louder than words, and it is action that we need right now. We need every Member of this body to stand up for the right of all Americans to get quality healthcare coverage. We need every Member of this body to stand up for the proposition that Americans cannot be discriminated against in their healthcare coverage because of a preexisting condition. We need every Member of this body to vote against the nomination of Chad Readler for the Sixth Circuit Court of Appeals.

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

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

DECLARATION OF NATIONAL EMERGENCY

Mr. DURBIN. Mr. President, if you ask the Trump administration about their highest spending priority in terms of their budget, it is pretty clear—national defense. Over and over, the President has asked and Congress has voted for more money for America's military for operations, readiness, and investment across the board. I don't think there is any question that the votes reflect the bipartisan commitment to our military and the belief

that spending dollars today to train our men and women, to equip them properly, and to make sure they live in the best circumstances is in the best interests of America's future. We have done that year in and year out, but this year we are facing quite a challenge from the Trump administration.

This notion of building a \$5.7 billion wall is going to be paid for at the expense of the U.S. military. It is the military that will end up surrendering projects that are underway and investments in our troops that are underway so that the President can build this almighty wall of his that was supposed to be paid for by the Mexicans, right? I heard him say that—only 100 times, but I heard him say it. Now he is off of that. It will not be the Mexicans paying for the President's wall. It will be our military.

So we ought to be very honest about the vote that is coming up. President Trump has decided to declare an emergency and to say that regardless of the Constitution's giving authority to Congress to appropriate funds, he wants to take on that responsibility to decide where funds will be spent. That will be challenged in court, I am sure, as it should be. But for those Members of the Senate who in a few days will be asked to vote, I would like them to reflect on two things. Their vote supporting the President's approach is basically giving the authority of this branch of the government away to the Executive. Make no mistake, that is at the heart of it, and a number of Republican Senators—a handful—have stood up and said: We wouldn't have allowed this under a Democratic President; why would we allow it under a Republican President?

Yet others have said they are prepared to look the other way. If this President is popular back in their home States, the Constitution comes in second. I think that is a mistake.

Secondly, though, Members of the Senate, before they cast this vote giving this President the authority to take money out of our military to build this wall, ought to stop and take a look at where the money is coming from within our military.

I am in the fortunate position to be the ranking member on the Defense Appropriations Subcommittee. It is the biggest appropriations job on Capitol Hill, and I am happy to have Senator SHELBY, a Republican from Alabama, as my chairman of the subcommittee. I am the ranking Democrat on that committee. We have the biggest appropriation bill when it comes to discretionary spending—some 60 percent of the Federal discretionary budget, and we know how important it is to get it right. America never wants to come in second in a war, and we certainly never want to be in a position where we are mistreating or ignoring the needs of our men and women in uniform.

Each year we go through their requests and try to make sure the most important things are funded. The mili-

tary will tell us: There are certain things that are essential and timely, and we need you to spend money on them. And we have responded, not just in the subcommittee and in the full committee but in the Senate and in the House.

Now comes the President and says: Not so, we are going to take the money that we told you was so critically important this year and spend it on the Mexican border to extend the wall—\$5.7 billion worth of it.

As I have met with the heads of the branches of our military service, we have asked basic questions. I did that yesterday to several generals and Secretaries who came before me. I said: Has the administration sat down with you in terms of your branch of the military and told you where they are going to take the money to build the wall?

Consistently, the answer is no, they don't know. We are days or weeks away from that money being taken.

What we have done is to prepare a chart through the Military Construction Subcommittee, which is chaired by Senator BOOZMAN, the Republican from Arkansas, and Senator SCHATZ, a Democrat from Hawaii. I asked them: Where are the unobligated projects? These are projects that have been authorized but haven't been started. They may have had basic engineering and preliminary estimates done and so forth. They are ready to let a contract. The money is sitting there ready to move forward, and these are the projects that are on the target list for President Trump when it comes to cutting the military to pay for his border wall.

We have a long list here. The list includes almost every State—certainly, every State that has anything near a military facility. The State of Illinois has several key projects that we consider to be essential. There is one in Peoria, IL. It is a fire crash and rescue station that needs to be upgraded for the safety of the men and women who work there and those who use that important airport, and there are other things within our State.

As I said, hardly any State is omitted from this list. Any Senator who is voting to give this President the authority to cut military projects and to stop the spending on military projects should realize that it may come home and require an explanation.

The Presiding Officer is from the State of Oklahoma. I tell him that four of the projects are in Oklahoma that are on the target list—the hit list—for cuts if the President decides to cut those projects or Illinois projects to fund this wall.

I have two or three specific ones that I would like to highlight today because they came to my attention. I thought it would be a shame—in fact, it would be just plain wrong—for us to cut the spending on these projects. Let me tell you about one of them that struck me first.

The Commandant of the U.S. Marine Corps came to see me. He is a no-nonsense man. You can understand that if you come to be a four-star general in the Marine Corps, you get down to business in a hurry. We talked about some of the damage done at the premier training facilities for the U.S. Marine Corps. Last year, Hurricane Florence tore through the State of North Carolina. The Marine Corps happened to be one of the victims of that violent storm. The hurricane damaged roughly 800 buildings on base at Camp Lejeune, New River, and Cherry Point.

Here is an overhead shot that is not as graphic because it was taken after the hurricane, but the blue coverings on the tops of these roofs are an indication of the structural damage that was done to these buildings.

As I mentioned, 800 buildings on these bases were impacted and damaged by this hurricane. This overhead shot taken last month indicates the work that needs to be done before these buildings can be successfully inhabited by the Marine Corps and their families.

I have a photo of the Camp Lejeune chapel, too. There is not much left of it. That is an indication of the damage that was done there. This is a worker walking outside of the chapel. That is what is left of the chapel. Insulation is falling from the ceiling. There is no good reason to prolong the cleanup.

The Marine Corps said they want to get down to work as quickly as possible and restore this training facility for the good of the Marine Corps and for our Nation, but this is on the hit list for the President for the wall at the border.

What else needs attention this year? The U.S. Air Force needs \$750 million to begin cleaning up Tyndall Air Force Base, which was leveled by Hurricane Michael. The Army leaders need \$1 billion for everything from more training to jump-starting new technology to keep our troops safe and effective in the battlefield. The Navy has asked for hundreds of millions of additional dollars for unexpected ship maintenance. We can't afford to shortchange the men and women in the Navy. We saw what happened not that long ago with the fatal accidents involving Navy maneuvers and exercises. We never want that to happen again.

The National Guard has 2,100 personnel on the border, but it is starting to run low in its pay account. So it was hoping some of these unobligated funds, at least a small part of them, might be used so they can continue their border mission.

Unless the Department of Defense finds \$150 to \$300 million this year, the National Guard will have to cut short its summer trainings in all 50 States.

My subcommittee has identified almost \$5 billion in military priorities that need attention today, but after President Trump takes half of that—\$2.5 billion to pay for his border wall—which priorities will get cut?

The President has also decided to cut or delay \$3.6 billion in military construction projects. The President might not think these projects are timely or important, but it was just weeks or months ago when the administration said just the opposite and asked Congress to appropriate money—examples: \$800 million for essential training facilities like the National Guard readiness centers, simulators and firing ranges in the States of Alaska, Arizona, Colorado, and Montana, to name a few; \$1.4 billion worth of maintenance-related projects such as aircraft hangars and vehicle maintenance shops in Arkansas, Indiana, Missouri, and Oklahoma, not to mention many other States affected; \$1 billion worth of projects for medical and dental care facilities for the men and women in uniform; schools for military families, military barracks, and other essential facilities in Arizona, Missouri, Texas, and beyond.

Fort Campbell, KY, needs a new middle school for military children. The current building dates back to 1967 and is in serious disrepair. We were told that was a priority, but it could be stopped, cut, and eliminated if we are not careful to build this wall.

Also on this list is a new rifle range at Parris Island, SC, a training base for 20,000 new Marines every single year.

There is a new training center at Fort Bragg, NC, to provide top-notch training and prevent injuries among our Special Forces. They are using an old warehouse right now, and they want a modern facility. If it were your son or daughter serving our military at Fort Bragg, you would give them nothing less. The list goes on and on.

Are we really going to tell our military—the very people who are protecting and defending this Nation—that the needs they have identified and we have appropriated money for are going to be put on hold because President Trump made a campaign promise that he can't keep—that the Mexicans were going to build the wall?

Republicans and Democrats in the Senate should join the House in rejecting the President's emergency declaration. The Senate should reject any effort by the President to take money from our troops, from the military—from the Marines, from the Air Force, the Navy, the Army, the National Guard units—to build this wall. We may not agree on much, but we used to agree on fundamental things. The Department of Defense was a priority. The men and women serving there deserve not only our gratitude but the investment in their training, operations, readiness, and a way of life that shows our respect for what they are doing in service to this country. We can do nothing less.

When we face the vote—quite likely a week from today or tomorrow—on whether we agree with the House, I hope that the Senate, Democrats and Republicans, will put the national defense of our Nation first and our mili-

tary first and vote no on President Trump's effort to extend this emergency designation and to try to assume constitutional responsibilities beyond what is already written.

We are a branch of government—article I of the Constitution. Our responsibility is to appropriate funds. When we give away that responsibility, we walk away from the reason we were elected. I hope that Members on both sides of the aisle will consider that as we face this historic vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

NOMINATION OF CHAD A. READER

Mr. PETERS. Mr. President, I rise in opposition to the nomination of Mr. Chad Readler to the U.S. Sixth Circuit Court.

There are certainly many reasons to oppose Mr. Readler's nomination. His track record paints a very clear picture of what he values and what he does not. Mr. Readler fought to uphold President Trump's travel ban that targets people because of their religion. He has argued in favor of a business turning away customers simply because they are LGBT. He worked to unravel programs made during the past administration that would ensure low-income workers would actually receive their hard-earned benefits. Of the things that Mr. Readler values, protecting Americans from wrongful acts of discrimination is clearly not among them.

Yet it still remains difficult for me to understand why Mr. Readler—and any of my colleagues who choose to advance his nomination today—would support going back to an era when health insurance companies are allowed to discriminate against people with preexisting health conditions. I have heard plenty of my colleagues from across the aisle make public statements in favor of preexisting coverage protections. That is probably because they hear, like I do, from people all across my State who fear losing coverage as a result of having that preexisting condition.

What are preexisting conditions? Well, it is things like diabetes, asthma, or even high blood pressure, and they are a reality for over 4 million Michiganders. This range of fairly common to fairly complex conditions is experienced by one in every four children, over half of the female population, and 84 percent of adults in their late fifties and in their sixties.

Today, there is a broad consensus that we need a Federal law in place that prevents insurance companies from denying coverage or jacking up prices based on someone's health status, their age, or their gender. We have a law on the books right now that protects people with preexisting conditions, but this law must be defended, not undermined.

I worked hard to pass this important coverage during my first term in the Congress, and I have fought to preserve it every day since then. Although this

fight has been successful so far, it is based on the premise that the laws passed and upheld by Congress will be defended in court. Yet the Department of Justice Civil Division, under Mr. Readler's leadership, decided not to do so. His actions fit into the story of the Trump administration's ongoing partisan efforts to sabotage our healthcare system and dismantle strategies that would lower premiums and expand quality, affordability, and coverage, generally. The President is constantly looking for ways that he can sidestep Congress and attack legislation that has brought health insurance to over 20 million Americans and cut Michigan's uninsured rate in half.

We should not be advancing a Federal court nominee whose disregard for the rule of law comes at the expense of the health and the financial stability of millions of Americans. I urge my colleagues to vote no on Mr. Readler's nomination and his track record of promoting discrimination.

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

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

THE GREEN NEW DEAL

Mr. GRASSLEY. Mr. President, I appreciate my colleague from Iowa, Senator ERNST, for organizing this opportunity for several of us in the Senate to discuss the Green New Deal and to do it this week.

To put it mildly, the Green New Deal is ambitious. To frame it more accurately, it is an unworkable, pie-in-the-sky attempt to reshape every aspect of everyday Americans' lives.

First, let me say that I am proud of my record in successfully advancing the availability and affordability of renewable energy. Many have called me the father of the Wind Energy Incentives Act. I suppose after—what?—probably 26 years, that makes me the grandfather of the Wind Energy Incentives Act. My legislation sought to give this alternative energy source the ability to compete against traditional, finite energy sources. At that time, we never knew about fracking for natural gas and for oil. We thought we were going to be completely dependent upon Saudi Arabia for our energy. Now we know that is not true, but back in 1992 and before, we did everything to think up every alternative energy we could in order to be less dependent upon the Saudis. One of those acts that I was involved in was wind energy.

The wind energy bill—now law—has been extremely successful. Iowa supplies more than 35 percent of its own electricity from wind. We were the first State in the country to generate more