

Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Michael Jay Newman, of Ohio, to be United States District Judge for the Southern District of Ohio.

Mitch McConnell, Chuck Grassley, John Boozman, Lindsey Graham, Mike Crapo, Marsha Blackburn, Tim Scott, Roy Blunt, Mike Rounds, Pat Roberts, John Cornyn, John Thune, Todd Young, Lamar Alexander, John Hoeven, Thom Tillis, Cindy Hyde-Smith.

The PRESIDING OFFICER. The Democratic leader.

MOTION TO ADJOURN

Mr. SCHUMER. Madam President, because of this illicit process, this rush to judgment, and the worst nomination proceeding of the Supreme Court in American history that has so defiled the Senate, I move to adjourn and to then convene for pro forma sessions only, with no business being conducted, at 12 noon on the following dates and that, following each pro forma session, the Senate adjourn until the next pro forma session: Friday, October 23; Tuesday, October 27; Friday, October 30; Tuesday, November 3; and Friday, November 6; further, that if there is an agreement on legislation in relation to the COVID pandemic, the Senate may convene under the authority of S. Res. 296 of the 108th Congress; finally, that when the Senate adjourns on Friday, November 6, it convene at 4:30 p.m., Monday, November 9, and that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed.

The PRESIDING OFFICER. That motion would require consent and is not in order.

MOTION TO TABLE

Mr. SCHUMER. I appeal the ruling of the Chair, and I move to table the appeal.

The PRESIDING OFFICER. The question is on the motion to table the appeal.

Mr. SCHUMER. 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. THUNE. The following Senator is necessarily absent: the Senator from Kentucky (Mr. PAUL).

Mr. DURBIN. I announce that the Senator from California (Ms. HARRIS), the Senator from New Hampshire (Mrs. SHAHEEN), the Senator from Arizona (Ms. SINEMA), and the Senator from Michigan (Ms. STABENOW) are necessarily absent.

The result was announced—yeas 52, nays 43, as follows:

[Rollcall Vote No. 206 Ex.]

YEAS—52

Alexander  
Barrasso

Blackburn  
Blunt

Boozman  
Braun

Burr	Hawley	Roberts
Capito	Hooven	Romney
Cassidy	Hyde-Smith	Rounds
Collins	Inhofe	Rubio
Cornyn	Johnson	Sasse
Cotton	Kennedy	Scott (FL)
Cramer	Lankford	Scott (SC)
Crapo	Lee	Shelby
Cruz	Loeffer	Sullivan
Daines	McConnell	Thune
Enzi	McSally	Tillis
Ernst	Moran	Toomey
Fischer	Murkowski	Wicker
Gardner	Perdue	Young
Graham	Portman	
Grassley	Risch	

NAYS—43

Baldwin	Hassan	Reed
Bennet	Heinrich	Rosen
Blumenthal	Hirono	Sanders
Booker	Jones	Schatz
Brown	Kaine	Schumer
Cantwell	King	Smith
Cardin	Klobuchar	Tester
Carper	Leahy	Udall
Casey	Manchin	Van Hollen
Coons	Markey	Warner
Cortez Masto	Menendez	Warren
Duckworth	Merkley	Whitehouse
Durbin	Murphy	Wyden
Feinstein	Murray	
Gillibrand	Peters	

NOT VOTING—5

Harris	Shaheen	Stabenow
Paul	Sinema	

The PRESIDING OFFICER. The motion to table was agreed to, and the decision of the Chair stands.

The Senator from Oklahoma.

Mr. INHOFE. Madam President, I ask unanimous consent to be recognized for such time as I shall consume.

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

NATIONAL DEFENSE AUTHORIZATION ACT

Mr. INHOFE. Madam President, in July, the Senate passed the fiscal year 2021 National Defense Authorization Act, with 86 Senators from both sides of the aisle voting in support of it.

I am glad that we had such a strong vote because I believe—and I have always believed—it is the most important vote, most important bill that we do all year. The NDAA, as we call it—that stands for National Defense Authorization Act—is how Congress provides the policy and resources for our national defense for the ensuing year, and it always passes by a bipartisan bill. And it has now for 60 years in a row. Well, not quite 60. It is 59 years. It will be 60 when this bill is concluded.

There is not much we do around here anymore on a bipartisan basis for this long, but the NDAA is special. Here is why: Because each and every American benefits from the bill—each family, each community in each State. Oklahoma is no exception to this rule. What makes Oklahoma special is this. Just as much as this bill takes care of Oklahoma, Oklahoma takes care of the country by the very nature of those things, those functions that we perform each year, militarily.

As chairman of the Senate Armed Services Committee, I have already been down here a lot talking about the NDAA and how this bill protects all Americans, how it cares for our military families, and how it gives our military the resources needed to defend this Nation.

Confession is good for the soul. I have to admit, as chairman, I made certain that the NDAA did the maximum benefit possible for Oklahoma. I want to talk a little bit about what the NDAA does for Oklahoma and how what we do in Oklahoma makes the rest of the country more secure—because it does.

Oklahoma is home to some of the Department of Defense's most valuable installations and assets, and it has been this way for the better part of a century. It is also the epicenter of public-private collaboration, where industry partners and universities and others work in close coordination with our military.

The defense programs based in Oklahoma protect our military advantage, making sure that we stay ahead—or, I should say, even better and more accurately now, get ahead of our competitors, especially China and Russia. I think we all understand now China and Russia are the greatest threat facing this Nation. We allowed them to—I don't say this critically of the previous administration, but during the previous administration, a lot of our military actually suffered some 25 percent, in terms of appropriations, during the last 5 years. That would have been from fiscal year 2000 to fiscal year 2015, and so we, in some areas, are not ahead of China and Russia.

I have been around for a long time. I am a lot older than some of the other people in here, and I remember the administrations since World War II. I always prided ourselves in that we had the very best of everything. We learned the hard way in World War II that that would be necessary.

Oklahomans know the importance of these programs that we have in Oklahoma, not just to our economy but to our national security. Not all Americans may know, so here are a few examples. When our planes fly long distances, sometimes they need to refuel, of course, and this can be in midair. Right now, the KC-135 has been the refueler of choice now for 60 years. It has done a great job. It is one that has lasted and has worked hard since 1956.

I remember back during the last administration—the Obama administration—I am a conservative Republican, and I wasn't real fond of the previous administration, but there is one person I really liked, and that was Deborah Lee James. She was the Secretary of the Air Force in the previous administration. She and I worked hard with the idea that we were going to have to do something about the KC-135; it had been around 60 years.

I remember, I said, when we were at Altus Air Force Base—that was where we were going to be delivering—that is the first KC-46 to replace the 135. And I remember saying that 60 years ago two wonderful things happened: No. 1, my wife Kay and I got married. And No. 2, the first KC-135 was delivered to Altus Air Force Base. Where is the KC-135 training and the maintenance base? It is in Oklahoma.

It is time to update that aircraft. The KC-46 is the next-generation tanker, and Oklahoma is going to play a key role in this aircraft as well, thanks to the NDAA. All training for this new aircraft is conducted at Altus Air Force Base, in Altus, OK; and all depot maintenance will be performed at Tinker Air Force Base, in Oklahoma City; the same as the KC-135 maintenance has taken place for the last 60 years.

We will also conduct depot maintenance on the B-21 bomber at Tinker. The B-21, which is still in the development phase, is going to be vital to our Air Force. It will be a critical part of our deterrence posture: a strong military that lets our enemies know that they can't escape us.

This is cutting-edge technology, designed to replace a few types of bomber aircraft that have lived in Oklahoma for the last half century.

What this year's NDAA means is the Air Force will be guaranteeing Tinker's workload for the next 50 years and beyond. You know, I have talked a lot on the floor about the NDAA and about a lot of issues, not always just military but primarily. But I have never really talked much about what we in Oklahoma do and the great contribution we make. That is kind of what I am doing right now. The third kind of aircraft we have in Oklahoma are the planes that help our Air Force pilots become the best in the world. We are talking about our training aircraft.

Many of the pilots in our Air Force conduct their pilot training at Vance Air Force Base, using aircraft like the T-38. T-38—that plane has been around since 1962, and it is still being used right now as a trainer, but it has outlived its usefulness in terms of training for modern aircraft. We can have all the modern aircraft in the world, but if we are training with vehicles that are 50, 60 years old, it doesn't train them as well as they should be trained. We have had the T-38 around for that long period of time.

The T-7 is going to be that newest aircraft. In this year's NDAA—the National Defense Authorization Act—we ensure that we continue to progress on developing this new aircraft. That is the T-7. It will be flying in the skies over Oklahoma for at least probably the next six decades.

Right here, Oklahoma is home to aircraft that support three critical prongs of our national defense, making sure that we have the skills and the equipment and the reach needed to deter and defeat our adversaries for the foreseeable future. But the Air Force is not the only service with a large footprint in Oklahoma. The Army is also a rich part of our military heritage, and Oklahoma's military installations help support the Army's No. 1 modernization priority, which is long-range precision fires. That is the No. 1 priority of the U.S. Army right now.

These are munitions that will be able to reach across hundreds, if not thousands, of miles and strike targets. They

can be used on land; they can be used in the skies; and they can be used at sea and beyond. Unfortunately, this is an area where we have already fallen behind our competitors like China and Russia, but Oklahoma is going to help us catch up.

The Paladin Integrated Management System—it is called PIM—is a critical piece of this Army modernization effort, and it is based at Fort Sill, at our very own Fires Center of Excellence. It is assembled in Elgin, OK.

This is really important, especially when you know the history. We have been working to build a modern artillery system for decades. First, starting back in 1994, we were then working to build the Crusader. The Crusader was going to be our artillery system. That was going to be the best one around. We worked, and we invested money in it. The Crusader was going to be our new, modern system that would set us up above Russia and China. This was in 1994.

We spent \$2 billion on the Crusader. What happened to it? It was nixed, prematurely, in 2002 because it was over budget, and we thought the needs of warfare were changing. I never did believe that. I think that Crusader was a good vehicle and was what we needed for the next decades to come. But it was gone. And then some of the same mistakes were repeated in the Army's Future Combat Systems.

The Future Combat Systems—called the FCS—was cut in 2009, but it wasn't \$2 billion that we had spent on that before we cut it, it was \$20 billion. We actually used \$22 billion for an artillery system, and we still didn't have one. Billions and billions were wasted. That is how China and Russia got ahead of us—but not for long because we are catching up.

There are more than just DOD programs based in Oklahoma. Our countless industry partners work there as well and help us make sure our forces are on the cutting edge of innovation. The XQ-58A Valkyrie is an unmanned aerial system that does not need a runway to take off. It will accompany the next-generation aircraft, like the world-class F-35 on its missions. It will perform an escort function. It is one that takes off vertically, and it is one without a pilot.

This is one of the Air Force's top priorities. It is what they call a Vanguard Program. It is what the future of air superiority looks like, and it is assembled in—you guessed it—Oklahoma.

That is just one example of the amazing technologies we are building across the State, but it is not just our military installations and industries supporting America's national defense. In Oklahoma, we work well together across the State—military, industry, and even educational universities.

In Lawton, just outside of Fort Sill, we have something called FISTA, where we try to get all of these stakeholders together in one building. It is a private sector. I have to say this about

the private sector in Oklahoma. We have gone through five different efforts to change our military. And in each one of the five—these are called BRAC rounds. A BRAC round is the Base Realignment and Closure Commission—they meet and evaluate all of the military installations in the country, in America, and evaluate which ones should be expanded and which ones should be done away with and which ones should be reduced. I would say, in the State of Oklahoma, we have five major military installations, and we are the only State that has increased with each one of the five BRAC rounds since 1987.

You might say that is political influence. It is not. It is community support. That is what we have always done. For example, even in our universities, the University of Oklahoma is working on research that will accelerate the work of the Long-Range Precision Fires Air Missile Defense Cross-Functional Team at Fort Sill—top modernization priorities for the Army. The FISTA is just one piece of this research and innovation done in Oklahoma. It is really happening all around the State. Oklahoma State University is also conducting critical research on drones, unmanned systems, where our military has growing needs. We are leaders in Oklahoma. This will support operations where traditional methods are not sufficient for takeoffs and landings and ensure our military can penetrate any environment. We have made sure that we have committed funding especially for this kind of research, and Oklahoma State University is the perfect candidate because of the successful work it has already done on these systems. We are ahead of others.

Also, Tulsa University has been designated by the National Security Agency as a cyber center of academic excellence. This year, in the NDAA that we will be passing, which is probably going to be in the later part of November, it directs the Army Corps of Engineers to form a partnership with an academic institution like Tulsa University to conduct critical cyber research that will support our national security. TU has a track record of success. It is certainly a go-to for just this type of research, and I anticipate that this is exactly what is going to happen.

Our universities really are second to none in terms of this research, and their hard work and ingenuity are going to help us catch up to China and Russia and ensure our military superiority will be there for years to come.

With the massive amount of work lined up for the State of Oklahoma, I knew our bill had to help communities across the State provide the number of workers that will be needed. One provision we included to address this allows for the appointment of recently retired members of the armed services—armed services members who have retired—to assume DOD positions at certain pay grades without their having to wait the requisite lengths of time. This ensures

more people will stay in Oklahoma. Skilled workers won't need to leave the State to find work. These are the people who know the programs best. It is what they have spent their careers doing, and they are going to be able to continue working on them even after they have transitioned out of Active Duty.

This is all in this Defense authorization bill that we have under consideration today that we are going to pass. Our work ethic is just one of the trademarks of the Oklahomans I am lucky to represent.

Another is what we call the Oklahoma standard. Oklahomans know how important it is to care for and support each other, especially our military families. Our military families don't have it easy. The nature of the job means frequent moves around the country and around the world. This means they make a lot of sacrifices. We can't ask military spouses to sacrifice as well. So what we have done is, actually, what we started in last year's Defense authorization bill. At that time, we put in a program to help spouses and families circumvent some of the time they waste but that they have to have when they move into new occupations. We have now done the same thing, but this was in last year's bill.

One way we did it was by extending the DOD program to reimburse spouses for the costs of new professional licenses and credentials. This year, we have improved on that. We have made it easier to transfer those licenses across State lines, but you can't do that until after this bill has passed. We know that, when we improve family readiness, we improve overall military readiness.

I have to say that there are a lot of people around here who don't think we need as strong a military as we need. They talk about it, and I have heard the statement. I have heard it a hundred times. They say we spend more on our military than China and Russia do put together. Well, there is a reason for that. In our military, we look after the troops, after the individuals. You know about the housing problems that we have had, and we have spent a lot of money to correct that problem. We are doing this at the current time. We also have schools for the kids of our troops and educational facilities. Now, in Russia and China—Communist countries—they give them guns and say: Go out and shoot people. That is it.

The last thing I want to point out about this year's NDAA is also the readiness issue. This year, we made sure that we would not have a BRAC round. I mentioned a minute ago that a BRAC round is a Base Realignment and Closure Commission, and we are not going to have one. Now is not the time to reduce our military footprint any further, not when we face so many threats around the world and not when we have worked so hard with President Trump to rebuild and repair our readi-

ness. It is easy to see how these provisions we fought so hard to include in this bill will help Oklahomans and, really, all Americans.

That is why I think the NDAA is the most important bill of the year, not only for Oklahoma but for the rest of the Nation as well. Serving as chairman of the Committee on Armed Services and representing Oklahomans are the two things I am most proud of. I am proud that we can do right by our Armed Forces and Oklahomans with this year's NDAA.

The next step is to make this bill law, and the next step is going to take place when our colleagues from the House have a conference report. I think most people know that, with a bill like this, the Senate passes a bill, and the House passes a bill. Then there is a conference report, and they have to get together and have a conference. It is not going to be easy because there are a lot of differences to iron out.

For those who want to know when it is going to happen, as for the conference report, the House is not going to appoint its conferees until November 16, so it is going to be a while. It doesn't matter. The deadline is actually December 31, and that will happen. It has happened for 60 years in a row, and it is going to happen this time. No matter what, we are going to get it done. We have for the last 59 years, and we are going to do it again.

I was talking to people at Tinker Air Force Base today, and they were talking about the things that they are needing to do. Tinker Air Force Base has turned into probably—I believe it is—the largest military complex in the country. People are doing incredible work there. I was talking to the whole team, and those on the team were talking about what they are preparing for in the next year. I can assure you it is all going to be good and that Oklahoma is going to fare well. We are going to fare well in our equipment and in our training. I am proud of Oklahoma's contribution to the safety of America, and we are doing a good job in Oklahoma.

I yield the floor.

The PRESIDING OFFICER (Mr. BARASSO). The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I had the chance to hear Chairman INHOFE's remarks. I speak for many of us when I offer my appreciation for his chairmanship of the Armed Services Committee, for his commitment to our troops, and, in my case, particularly, for the great way he works with my senior Senator, JACK REED, who is the ranking member on that committee, in order to get all of this work done. While he may have bragging rights over airbases in Oklahoma, Rhode Island has bragging rights on submarine construction, and it is very important to us. So I offer my appreciation to the chairman for all of his support for the submarine program that has meant so much to our Nation's security and to Rhode Island.

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

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

The Senator from Pennsylvania.

NOMINATION OF AMY CONEY BARRETT

Mr. CASEY. Mr. President, I want to start tonight by just making a few remarks regarding what is ahead of us in the next few days, and that is the debate about a Supreme Court Justice. I won't be able to cover everything tonight that I want to cover, but I will just make some preliminary comments about healthcare, which has been the driving debate in this nomination or at least the issue that has dominated the debate so far.

We made, in my judgment, great progress in 2010, when the Patient Protection and Affordable Care Act was passed. Some refer to that statute as ObamaCare, which isn't really the name of the statute and doesn't adequately describe what it is about. The patient protection part of the act—or the name of the statute—is the part that I think involves most Americans, all the coverages that are provided, all the protections, I should say, that are provided. One example of that, of course, is the protection for preexisting conditions. The state of the law prior to that was if an insurance company did not want to cover someone because of a preexisting condition, they had the authority to do that or they could cover the person but charge them more. That is no longer permitted, and in a State like Pennsylvania, that number—the number of people who are protected by that provision of the law because they have a preexisting condition—that number is 5.5 million people. Nationally, it is as high as 135 million. So we know what is at stake in the debate, and it just so happens in this context that it is part of the debate about the Supreme Court nominee, Judge Barrett.

I have a threshold, initial concern that is even before we get to the debate about the Affordable Care Act and what might happen to it by virtue of the lawsuit filed that is now before the Court with an argument date of November 10. I think that is the primary reason for the rush of her nomination—so that she can be a member of the Court for that argument on November 10 and make that decision, which I think is highly likely to be a decision against upholding the constitutionality of the Patient Protection and Affordable Care Act.

The threshold concern I have, though, is just the way this process has unfolded, not just more recently but over time. The President, when he was a candidate, said he would choose from a list that was developed basically by