that our technological edge is narrowing. One reason is that they are investing a great deal in their research infrastructure and we are not investing as we were in the past, again, partly as a result of these budget caps.

So, I want to authorize an additional $3.5 billion for science and technological investment. Federal research centers like NIH, the National Science Foundation, NASA, and ARPA-E, all provide hope for treatments and cures, like threatening and debilitating diseases, generate new technology, and make scientific breakthroughs. They are also key in helping to strengthen our economy and maintain our competitive edge—the foundation of our national security.

Again, the technological edge that we enjoyed over our near-peer competitors in the past is narrowing. Every defense official will say that. We are not simply going to fix it by putting some more money into defense-directed DOD research. We have to put money throughout our entire research enterprise. One other area is increasing our basic education. This funding would support full implementation of several bipartisan legislative efforts, including the bipartisan Student Success Act, the Individuals with Disabilities Education Act, the Workforce Innovation and Opportunity Act, and efforts to improve college affordability.

We can never be fully secure if we are not fully providing for the development of the children of this country, because they will eventually rise to positions of leadership, not just in the military but in other critical areas that will make this Nation strong and continue our ability to provide the finest military force in the world.

We have tried to articulate throughout that our national security is much more than simply the funding we give to the Department of Defense. A well-trained and workforce and productive workforce contributes to our economy, and that contributes to our defense. Innovation through scientific research is important to our national security.

The agencies that I cited, particularly the Department of Homeland Security, the Department of State, and all of these agencies have a critical role overseas. They will not be able to play that role if we simply increase funding in the Department of Defense and not for these other agencies. For some time now, the President and Secretaries Carter, Hagel, Panetta, and Gates have implored Congress to end the harmful efforts of the arbitrary spending caps and sequestration.

During last year's debate, I repeatedly and forcefully argued that using the OCO account as a way to skirt the budget caps set a dangerous precedent. That was the reason why I reluctantly had to vote against last year's bill. I was deeply concerned that if we used this OCO approach for 1 year, it would be easy to do it next year and every year after that, ensuring an enduring imbalance between security and domestic spending. Such an approach would be completely counter to the original rationale of the Budget Control Act, which imposed proportionally equal cuts to defense and nondefense discretionary spending to force a bipartisan compromise.

Ultimately, we must return to an era of budget deliberations in which all discretionary spending, both defense and nondefense, is judged by its merit and not by arbitrary limits. We need to begin working together now to remove the budget caps and the threat of sequestration, not just for the Department of Defense but for all Federal agencies that contribute to national and economic security. Providing relief from the caps to only the defense portion of the budget, while ignoring the very real consequences of continuing to underfund the nondefense portion of the budget, moves us farther away from that goal.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COTTON). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

JOINT MEETING OF THE TWO HOUSES—ADDRESS BY THE PRIME MINISTER OF INDIA

RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess subject to the call of the Chair.

Thereupon, the Senate, at 10:30 a.m., took a recess subject to the call of the Chair, and the Senate, preceded by the Secretary of the Senate, Julie E. Adams; the Deputy Sergeant at Arms, James Morhard; and the Vice President of the United States, Joseph R. Biden, Jr.; proceeded to the Hall of the House of Representatives to hear an address delivered by His Excellency Narendra Modi, Prime Minister of India.

(The address delivered by the Prime Minister of India to the joint meeting of the two Houses of Congress is printed in the Proceedings of the House of Representatives in today's RECORD.)

At 2:20 p.m., the Senate, having returned to its Chamber, reassembled and was called to order by the Presiding Officer (Mrs. Ernst).

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2017—Continued

The PRESIDING OFFICER. The Senate from Vermont.

Mr. LEAHY. Madam President, I thank the distinguished Presiding Officer. What is our parliamentary situation?

The PRESIDING OFFICER. The Senate is considering S. 2943.

Mr. LEAHY. Madam President, I ask unanimous consent to speak as in morning business.

INDEPENDENCE OF OUR FEDERAL JUDICIARY

Mr. LEAHY. Madam President, I wanted to speak based on my experience over the years as a member of the Senate Judiciary Committee, the ranking member, as the chairman—on something very public that has happened.

Many Senators in both parties have appropriately condemned the racist comments recently made by the Republican Party’s presumptive Presidential nominee about Judge Curiel. Sadly, these baseless allegations have made against a distinguished Federal judge come as no surprise. We have seen for years the Republican Party’s attempt to undermine and compromise a coequal branch of government.

For more than 7 years, Senate Republicans have tried to block judicial nominations through stalling and delaying. They have even distorted the records of the men and women nominated to serve on the Federal bench. This systematic—and it has been systematic—obstruction has hurt courts across the country. But it is not just those that I am worried about; it is the American people who go to those courts seeking justice. Judicial vacancies have soared under Republican leadership, even though we have dozens of nominations that have bipartisan support, and they are languishing on the Senate floor.

Earlier this year, Senate Republicans took their obstruction one totally unprecedented step further. Within hours of the news of Justice Scalia’s passing, the Republican leader declared his unilateral refusal to allow anyone to be confirmed to the Supreme Court until the following year, even though he said this in February. It was an extraordinary partisan decision. There is no precedent for it in the United States Senate under either Democratic or Republican leadership. Since confirmation hearings began a century ago, never, never has the Senate denied a Supreme Court nominee a hearing.

Recently, two law professors extensively analyzed the history of the Supreme Court. They concluded that...
there is no historical precedent for this refusal to consider Chief Judge Garland’s nomination. In fact, according to their report, there have been 103 prior times in history when an elected President has filled a Supreme Court vacancy. The election of our next President and has done so with the advice and consent of the Senate—103 times. The Republicans’ unprecedented obstruction—and I quote here—‘threatens to damage the appointment of the future and risks significant harm to the Court.’

The Senate Republican leadership has chosen to put the functioning of our highest Court in jeopardy for more than a year. That is the partisan attack on our independent judicial system that more Americans need to understand. When the dust settles on this latest series of accusations by the Republican's standard bearer, I hope the American people will say about him, as the Senate Judiciary Committee said about his disrespect for the rule of law, what it says about his disrespect for our justice system, what it says about how he will treat those who may disagree with him, and what it says about those who fail to hold him accountable.

Our Founders understood that this great Nation needs an independent judiciary. They designed our courts to be insulated from the political whims of the moment. They designed our judiciary to serve as a check on the political branches, including on the power of the President. Can you imagine a future President who does not respect the role judges play? A President who thinks judges should be disqualified from doing their jobs simply based on their race or their gender?

For the good of the country, I call on my Republican friends to stop diminishing the Federal judiciary. It is too important to be treated like an election-year pawn. Our Federal courts, from the Supreme Court all the way down, deserve to be at full strength, and the Senate needs to treat fairly dozens of nominees before us, all of whom have earned bipartisan support.

It is not fair to attack sitting judges for political gain when they cannot even respond to the attack. It is also not fair to make allegations against judges who, as nominees, cannot respond because Senate Republicans refuse to have a public hearing.

In the past, a President would have responded to the rhetoric of the campaign trail, they should take that seriously and call the President. Actions speak louder than words. They should have Chief Judge Garland provide a public hearing and a confirmation vote as soon as possible. They should allow a roll call vote on the 22 judicial nominees who have been reported favorably by the Senate Judiciary Committee and who just sit here, waiting for a vote.

The American people deserve leaders who respect and support our Federal courts and have the courage to take action.

Let me say from a personal point that I remember the day I stood before the Vermont Supreme Court as though it was yesterday. I took my oath as the newest lawyer in Vermont, and I was the youngest lawyer in the State of Vermont. I was very conscious of that, being both the newest and the youngest. But I remember the senior partner of our law firm, who was a well-known conservative Republican throughout the State, and as a young lawyer he told me: Do the best job you can. Always be true to your convictions. You might not like their decisions. You can always appeal them. Maybe you will win; maybe you will lose. But protect the integrity of our courts. They are above politics. They should not be brought into it.

Frankly, the attacks against a judge born in Indiana, a man who has defended our Constitution, the people of this country, even when his life was threatened—to attack him, to make racist charges about his race, to demean the courts, to demean our judiciary, our Federal system, the best in the world—it made my skin crawl. It was peculiar; it was wrong. I hope that all of us in both parties will stand above that and protect the integrity of our Federal judiciary.

Madam President, I yield the floor.

I suggest the absence of a quorum.

THE PRESIDING OFFICER. The clerk will call the roll.

THE SENATE LEGISLATIVE CLERK. The senior assistant legislative clerk proceeded to call the roll.

Mr. MURPHY. 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. MURPHY. Mr. President, I ask unanimous consent that I speak about my amendment No. 4290.

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

Mr. MURPHY. Mr. President, I do not have a lot of Americans know this, but we are at war in the Middle East. We are part of the Saudi-led coalition that is in the middle of a very dangerous and catastrophic war inside Yemen. The Saudi-led coalition in Yemen began on March 26, 2015. The Houthis, a group within Yemen, had captured the capital in September of 2014. The Saudi-led coalition, of which the United States is an indispensable part of this coalition; thus, the United States is at war inside Yemen today, and very few people are talking about it. But we should, because in addition to a U.S. and Saudi-led coalition resulting in the death of tens of thousands of civilians inside Yemen, this war is in direct contravention of U.S. national security interests.

One of the damage done to U.S. credibility in the region and amongst Muslim populations should be obvious to all of us when it is our bombs that are killing civilians. If you talk to Yemeni Americans, they will tell you that in Yemen this is not a bombing campaign; this is a U.S.-led coalition bombing campaign, so every death inside Yemen is attributed to the United States. We need to accept that as a consequence of our participation in this campaign.

Secondly, this coalition has made a very purposeful decision to target the Houthis instead of targeting terrorist groups, such as AQAP, which have used this civil war to expand their base of...
operations. The coalition has made a very purposeful decision to target the Houthis instead of targeting ISIS, which had virtually no footprint in Yemen before this bombing campaign and now is growing by the day.

Here is what the State Department’s annual counterterrorism report states about the civil war inside Yemen:

AQAP benefitted during 2015 from the conflict in Yemen by significantly expanding its presence in the southern and eastern governments. The group was able to increase its recruiting and expand its safe haven in Yemen. It also insinuated itself among multiple factions on the ground, which has made it difficult to target.

I almost want to read that again because what our own counterterrorism report has told us is that the U.S. intervention in Yemen has resulted in the dramatic growth in the strength of AQAP, an element of Al Qaeda, a named enemy of the United States. We don’t have a resolution that commits the United States to war against the Houthis. We have given the administration the power to fight the Houthis. We have given the administration the power to fight Al Qaeda. There is still no effective authorization of war against Al Qaeda. Inside Yemen, there are the Houthis and there is Al Qaeda. A Saudi-led campaign, with participation from the United States, is fighting the Houthis—not a named enemy of the United States—while largely ignoring AQAP, which has grown in scale and scope.

The State Department further affirms that both AQAP and ISIL have “carried out hundreds of attacks” in Yemen last year, including suicide bombings, car bombings, assassinations, et cetera, et cetera.

So why are we doing this? Why is the United States relatively quietly facilitating a Saudi-led bombing campaign in Yemen that is in contravention to our national security interests? Well, there are a lot of guesses as to why.

One is that as a consequence of the Iran nuclear agreement, we have to make a renewed commitment to the Saudis to push back on Iranian influence in and around the region. There is no doubt that there is a very direct connection between the Houthis and the Iranians. Houthis are not an Iranian proxy, but there is a link, and there are going to be times where I would support U.S. efforts to push back on Iranian influence in the region. But in this instance, there is an indirect connection between the Houthis and the Iranians and all sorts of damage done to U.S. credibility and national security interests by participating in this coalition in the way that we are today.

The second argument is that if the United States weren’t involved, the targeting would be wrong. There would be 3,000 civilian deaths in that would be 20,000 civilian deaths if the United States were not helping. Well, that may be true, but that is not an invitation to be involved in a civil war, because U.S. intelligence and targeting could probably always mean that fewer civilians would be killed. The fact is that it is likely that Saudi Arabia wouldn’t engage in this conflict or bombing campaign at all if it weren’t for U.S. support.

I think it is time for this body to do some oversight on a conflict that has been raging for over a year with billions of U.S. dollars at stake, the consequence being the dramatic increase in the number of operations that have plots against the United States. Remember, AQAP is the most lethal and most dangerous element of Al Qaeda when it comes to potential threats directly to the U.S. homeland. It is AQAP that sits at the pinnacle of Al Qaeda’s potential ability to strike the United States. Yet this Congress has remained almost completely silent as a bombing campaign funded and orchestrated in part by the United States has allowed the group to become stronger.

God forbid that AQAP is successful in attacking the United States and that they do it from a base in Yemen that was made possible by U.S. paid for and directed bombs dropped on that country.

I think the White House has recently recognized the danger of continuing along this same pace. There are reports that the White House recently placed a hold on a pending arms transfer of U.S.-origin cluster munitions to Saudi Arabia over concerns about their use in Yemen in areas inhabited by civilians. But we have to do our due diligence and our oversight as well. If we are really serious about upholding our article I responsibilities to oversee the foreign policy of this Nation, then we have to add some conditions as well.

The amendment that I have helped offer to the NDAA would place two pretty simple conditions on our support for the bombing campaign. Important, my amendment doesn’t prohibit the United States from continuing to fund this effort. If I had my druthers, I certainly would argue that we at least take a pause, but I understand that the consensus may not be here in this body to temporarily or permanently halt our support for this campaign.

All I am suggesting is that we place effectively two conditions on our financial support and logistical support for this campaign going forward. Importantly, my amendment doesn’t prohibit the United States from continuing to fund this effort. If I had my druthers, I certainly would argue that we at least take a pause, but I understand that the consensus may not be here in this body to temporarily or permanently halt our support for this campaign.

So, I am suggesting is that we place effectively two conditions on our financial support and logistical support for this campaign going forward. Importantly, my amendment doesn’t prohibit the United States from continuing to fund this effort. If I had my druthers, I certainly would argue that we at least take a pause, but I understand that the consensus may not be here in this body to temporarily or permanently halt our support for this campaign.

No. 1, that the Saudi-led coalition make a commitment that it is doing everything necessary to reduce civilian casualties and that they are conducting this campaign in concert with international humanitarian law. I can’t figure out why anybody would oppose that. Let’s just say that if we are going to fund this bombing campaign, those we are funding should make a commitment to try to kill fewer civilians instead of more civilians.

Second condition should make a commitment to use U.S. support to fight terrorist groups—Al Qaeda and ISIS—instead of just fighting the Houthis. The United States isn’t at war with the Houthis. We haven’t declared war on that group. We have declared war on Al Qaeda, and Al Qaeda is growing in its lethality, influence, and territorial control inside Yemen.

Another condition, as contemplated by our amendment, is to simply have the President certify as a condition of continued support for the bombing campaign that the coalition is fighting terrorist groups alongside the Houthis. There is no authorization if I had 100 different conversations with Members of the Senate, I can’t imagine there would be a lot of objection because of course we want to fight terrorism. Of course that is our priority, not the Houthis. And of course we want to do everything possible to reduce civilian casualties.

I am grateful to Senator Mccain, Senator Reed, and also Senator Cardin and Senator Corker, who have some jurisdiction here, too, that they are going to look at this amendment. I am not offering it today because we are contemplating ways to structure the language to make it acceptable to the chair and to the ranking member.

I will end this with a plea for the Senate to get back in the game when it comes to the oversight of this administration’s foreign policy, in particular in places like Yemen. We have been out to lunch when it comes to authorizations of military force for a long time. There is no authorization right now to fight ISIS, but we are doing it. There is a decade-old authorization to fight Al Qaeda that we should renew. If we are going to be involved in spending all of this money and all of this time putting our soldiers and airmen at risk in the Yemen campaign, then we should authorize that, too, and if we don’t authorize it, then the administration shouldn’t do it.

I am not an authorization I am proposing; it is simply a couple of commonsense conditions. I hope we can find a pathway to get a vote on this amendment, and I hope this body has the courage in the future to step up and call a spade a spade and do our constitutional duty, perform our constitutional responsibility to provide oversight of the foreign policy by this administration.

Thank you very much, Mr. President, and I yield the floor.

I suggest the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 499

Ms. Baldwin. Mr. President, it is no secret we are living in a dangerous time. We face a variety of threats to our security at home and abroad. We all agree we need to make investments
in a strong military to protect and defend our national security. We have also come together in agreement on the need to take on our national security challenges and our challenges here at home in a balanced way.

The budget agreement that we passed into law last year was far from perfect, but it provided much needed certainty for our economy by preventing the ongoing threats of a government default or a government shutdown. It restored investment in both our economic security, ensuring that every dollar of investment in defense was matched by a dollar of investment in a stronger economy and a stronger middle class.

A balanced approach has served us well. It was a necessary compromise grounded in fairness that should guide our bipartisan work going forward. I understand that the chairman would like to give the Defense Department $16 billion more than they currently have, at the American taxpayer, but I also know the American people need stronger investments in the challenges they face each and every day just trying to get ahead.

If we are going to spend more on our military, then it is only fair that we also invest more in education, in job training, and workforce readiness to raise incomes and create a stronger economy for all. If we are going to spend more on the Pentagon, then it is only fair to invest more in putting people to work and rebuilding our crumbling infrastructure and transportation and water infrastructure.

I also know we have unfinished business in the Congress to bolster our vulnerable cyber security and to boost TSA security and to better support our law enforcement needs. We also have a responsibility to act on the public health crisis posed by Zika. We simply must do more and approve the necessary funding to prevent, protect, and respond to this serious and dangerous threat.

We need to provide relief to the people in Flint, MI, who are still suffering from the impacts of lead contamination.

I understand the military has asked for more helicopters and more fighter jets, but I also know that the American people need Washington to be a stronger partner in the fights we are confronting in communities across our country today. That is why I am pleased to support Senator Reed's amendment to invest $18 billion to help our middle class, to keep our country safe, and to respond to the Zika virus, lead contamination, heroin, opioids, and the crisis that we are facing with drug abuse throughout our Nation.

As I have traveled in Wisconsin, it is clear that we face a heroin and opioid epidemic. I know that many of my colleagues in the Senate face that same crisis in their home States.

In Wisconsin, it is a big problem, and it demands a bold response from Washington. We are in the midst of a crisis that is touching far too many across our State. I have heard stories from family members who have tragically lost loved ones to addiction, and I have heard from people who are on the path of recovery.

At one of my community meetings in Pewaukee, a father came up to me to courageously share a story of tragically losing his youngest son to addiction right after Christmas a couple of years ago.

Recently, I heard from Leonard, from Colfax, WI, whose grandson Nathan was killed in a car accident when he was just 16 years old. The driver of the other car was under the influence of heroin at the time.

I have also heard from a mother from South Milwaukee whose son suffered from addiction for 20 years. While he is now in recovery, at one point she found him on their bathroom floor, unconscious from a heroin overdose.

Another mother from Mukwonago wrote to tell me that her own son's life was saved by paramedics who administered the drug naloxone during his overdose, allowing him to survive.

The message is clear. Families simply cannot afford to wait any longer for help from Washington. It should not be easier for Wisconsin residents to get their hands on opioids or heroin than it is for them to get treatment for their addiction.

Today, as we consider increasing our spending for our military, let's not forget American law enforcement, first responders, health care providers, and citizens on the frontlines to combat our opioid and heroin crisis. Let's not forget those struggling to get sober and to stay healthy.

As communities continue to confront this epidemic on a daily basis, Washington needs to step up and needs to be a strong partner with State, local, and nonprofit efforts.

The first place we can start is by making emergency investments for prevention, intervention, treatment, and recovery efforts. I was proud to support bipartisan legislation that provides this funding because these resources are vital as we continue to respond to this national emergency. Unfortunately, this funding was blocked by congressional Republicans. This epidemic knows no political party, and it should be an issue that unites us all.

We must do more because fighting this nationwide epidemic is a shared responsibility, and we must step up in addressing this crisis, and Congress should be no exception. The communities we represent need the resources necessary to win this fight.

From talking to the people I work for in Wisconsin, the opioid and heroin epidemic is a problem that neither law enforcement nor the health care system can tackle alone. The Federal Government cannot solve this problem by itself, just as we cannot expect State and local communities to address it by themselves.

Together we must continue our fight and rise to this challenge. Let's work together to help our communities recover from this epidemic and stay healthy.

The Senate will soon vote on the Reed amendment. This amendment would provide $1.1 billion to respond to the opioid and heroin crisis. The amendment would invest a total of $18 billion, equal to the amount of funding that my Republican colleague, Chairman McCain, is proposing to spend on the Department of Defense.

The vote is about fairness and priorities. I believe that, if we are going to provide more funding to the Pentagon, we should also invest in our middle class, ensure our security here at home, and step up to the plate and provide the resources Americans need to respond to the serious emergencies they face here at home.

I yield back the remainder of my time.

I suggest the absence of a quorum. I suggest the absence of a quorum. The PRESIDING OFFICER. Mr. Paul, 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 Arizona.

AMENDMENT NO. 429

Mr. McCain. Mr. President, on Monday I came to the floor to speak about the important provisions of the NDAA, sweeping reforms to the organization of the Department of Defense, the Defense Acquisition System, and to the Military Health System. But I noted there was one challenge the Committee on Armed Services could not address in the NDAA: the dangerous mismatch between growing worldwide threats and arbitrary limits on defense spending in current law. This mismatch has very real consequences for the thousands of Americans who are serving in uniform and sacrificing on our behalf all around the world and the consequences for our society.

From Afghanistan to Iraq and Syria, from the heart of Europe to the seas of Asia, our troops are doing everything we ask of them, but for too long we in Congress have failed to do everything we can for them.

Shamefully, our military is being forced to confront growing threats with shrinking resources. This year's defense budget is more than $150 billion less than the fiscal year 2011, before the Budget Control Act imposed arbitrary caps on defense spending. Over the last 5 years as our military has struggled under the threat of sequestration, the world has only grown more complex and dangerous.

In 2011, we have seen Russian forces invade Ukraine, the emergence of the so-called Islamic State and its global campaign of terrorism, increased attempts by Iran to destabilize U.S. allies and partners in the Middle East, and dangerous steps by China and the militarization of the South China Sea, numerous cyber attacks on U.S. industry and government
agencies, and further testing by North Korea of nuclear technology and other advanced military capabilities. Indeed, the Director of National Intelligence, James Clapper, testified to the Armed Services Committee in February that over the course of his distinguished five-decade career, he could not recall “a more diverse array of challenges and crises” than our Nation confronts today.

The Bipartisan Budget Act of 2015— or BBA—provided our military service members with much needed relief from the arbitrary caps on defense spending in the Budget Control Act. The BBA was a credit to the congressional leadership, and many of us supported it as a necessary compromise that provided our military with vital resources for fiscal year 2016 but was more constrained in the resources it could provide for fiscal year 2017. The fact remains that despite periodic relief from the budget caps that have imposed those cuts, including the BBA, each of our military services remains underfunded, undersized, and unready to meet current and future threats.

By the end of this fiscal year, the Marine Corps will be reduced to 182,000 marines, even though the Commandant of the Marine Corps, General Neller, testified last year that the optimal size for the force is 186,800. Facing a short-age of eight amphibious ships, the Marine Corps has been forced to examine options for deploying forces aboard foreign vessels, and a recent news report revealed the crisis in Marine Corps aviation.

Years of budget cuts have left us with a Marine Corps that is too small and has too few aircraft. The aircraft it does have are too old and can barely fly—and only by cannibalizing parts from other aircraft. Pilots cannot train and receive fewer flight hours a month than their Chinese and Russian counterparts. Young marines are working around the clock to keep planes in the air with shrinking resources, knowing that if they fail, their comrades flying and riding in those aircraft could pay a fatal price.

Another news report showed what it means to have the oldest, smallest, and least ready Air Force in history, as our Nation now does. The service is short 700 pilots and 4,000 maintainers for its fleet, which is smaller than its mission requirement and lacks the spare parts it needs to keep its planes in the air. It is so short on aircrews that maintenance and training at Tyndall Air Force Base has led to a shortage of qualified pilots.

This amendment prioritizes restoring military readiness. Over the past 5 years, the combination of expanding threats, high operational tempo, budget cuts, shrinking forces, and aging equipment have created a growing readiness crisis in our military. Indeed, over $23 billion of the requirements identified by the military services, almost $7 billion were directly related to readiness. The NDAA took a first step in addressing these requirements with $2 billion in targeted savings toward improving readiness. My amendment would add an additional $2.2 billion to help alleviate the readiness crisis and mitigate the growing risk posed to the lives of our service members.

This amendment would stop misguided cuts to the size of our military that are based on outdated assumptions about the world. For example, cuts to the size of the Army were set in motion before the Russian invasion of Ukraine and the rise of ISIL. There is simply no strategic logic for continuing these cuts now and placing a dangerous burden on the backs of our soldiers. That is why my amendment cancels the planned reduction of 15,000 Active Army soldiers. It also restores end strength in the Navy, Marine Corps, and Air Force National Guard and Reserve. The amendment also prevents cutting a 10th carrier air wing.

as budget cuts force the Air Force to retire more aircraft than it procures.

The story is similar in the Army. The Army has been reduced by 100,000 soldiers since 2012, bringing the Army to a size that Army Chief of Staff Mark Milley testified before the Army at “high military risk.” As the size of the Army has shrunk, readiness has suffered. Just one-third of Army brigade combat teams are ready to deploy and operate doughnut just two—of the Army’s 60 brigade combat teams are at the highest level of combat readiness. To buy readiness today, the Army is being forced to mortgage its future readiness and capability by reducing the flight hours and deploying vital modernization programs, and the result of budget cuts, force reductions, and declining readiness is clear. In an unforeseen contingency, General Milley testified in March that the Navy today is too small to address critical security challenges. Even with recent shipbuilding increases, the Navy will not achieve its current requirement of 308 ships until 2021, and there is no plan to meet the bipartisan National Defense Panel’s unanimous recommendation of at least 323 and 346 ships. A shrinking fleet operating at a higher tempo has forced difficult tradeoffs. Extended deployments have taken a heavy toll on our sailors, ships, and aircraft, and the Navy today is not only underfunded, but it also cannot carry the constant carrier presence in the Middle East or the Western Pacific.

In short, as threats grow, and the operational demands on our military increase, defense spending in constant dollars decreased. The President’s defense budget is $17 billion less than what the Department of Defense planned for last year. In order to make up for that shortfall, the military was forced to cut things it needs right now: Army fighting vehicles, Air Force fighters, Navy ships, Marine Corps helicopters, and critical training and maintenance across the services. As a result, the military services’ unfunded requirements total nearly $23 billion for the coming fiscal year alone.

Then there is a massive and growing defense bill that we keep pretending does not exist. Over the next 5 years, the Department of Defense says it needs an additional $30 billion above the budget Control Act caps on defense spending, add to that nearly $30 billion in base budget requirements that are currently hiding in the emergency account for contingency operations—or OCO. That is another $150 billion over 5 years.

Put simply, according to our own Department of Defense and our own military leaders, our Nation needs an additional quarter of a trillion dollars over the next 5 years just to execute the current defense strategy—a strategy that I think many of us would agree is not doing enough to address the expanding threats we face. My colleagues, we are fooling ourselves and we are misleading the American people about the true cost of defending our Nation. This makes no sense, and it is time to put a stop to this madness. That is what my amendment would begin to do.

This amendment would increase defense spending by $18 billion. These additional resources would be used to restore military capabilities that were cut from the President’s defense budget request; address unfunded requirements identified by military commanders; and support national security priorities consistently identified by military leaders and defense experts in testimony and briefings before the Senate Armed Services Committee.

This amendment would increase the pay raise for our troops to 2.1 percent. The President’s budget request sets pay raises at 1.6 percent, which would make this the fourth year in a row that pay raises for our troops were below inflation. Our troops deserve better, and if this amendment passes, a 2.1 percent pay raise would match the employment cost index and keep pace with private sector wage growth.

This amendment would increase the pay raise for our troops to 2.1 percent. The President’s budget request sets pay raises at 1.6 percent, which would make this the fourth year in a row that pay raises for our troops were below inflation. Our troops deserve better, and if this amendment passes, a 2.1 percent pay raise would match the employment cost index and keep pace with private sector wage growth.

Our military confronts an ongoing strike fighter shortfall, which is especially severe in the Navy, and a readiness crisis across aviation in the services. This amendment would begin reversing this dangerous trend by increasing aircraft procurement, including 14 F/A-18 Super Hornets and 11 F-35 Joint Strike Fighters.

The amendment also accelerates Navy shipbuilding to mitigate a looming funding crunch in the next decade. My amendment provides the balance of funding to fully fund additional Arleigh Burke-class destroyers. It also replaces funds for a third Littoral combat ship in the next fiscal year.

This amendment supports the recommendations of the National Commission on the Future of the Army. In order to support combat aviation across the total Army, including the Guard and Reserve, the amendment includes funding for 36 additional UH-60 Black Hawks and 17 LCH-73 Lakotas, 5 CH-47 Chinooks, and 5 AH-64 Apache helicopters. The amendment also includes advanced procurement funding for 10 more Apaches.

Despite the fact that our troops are still fighting in Afghanistan, where the Taliban is making steady gains and ISIS is on present on the battlefield, the President's budget request funds less than two-thirds of the current level of U.S. forces in Afghanistan. Both Republicans and Democrats on the Armed Services Committee have recognized that U.S. troop levels in Afghanistan should be based on conditions on the ground. That is why this amendment provides full funding for the current level of 9,800 troops in Afghanistan to help our Afghan partners preserve the gains of the last 15 years and take the fight to terrorists who seek to destabilize the region and attack American interests.

This amendment supports the European Reassurance Initiative by modernizing 14 M1 Abrams tanks and 14 M2 Bradley fighting vehicles for deployment to Eastern Europe to deter Russian aggression.

The amendment also provides vital support for our allies and partners. My amendment provides $150 million in security assistance for the Ukrainian people to defend themselves against Vladimir Putin's aggression. It also provides an additional $320 million for Israeli missile defense programs, including cooperative programs with U.S. industry in order to protect one of our closest allies from a growing missile threat.

In short, my amendment gives our troops the resources, training, and equipment they need and deserve to rise to the challenge of a more dangerous world.

I would also add one important fact about this amendment. Whatever some of my colleagues on the other side of the aisle may say, this amendment is completely compliant with last year’s budget agreement, the Bipartisan Budget Act. That legislation set binding spending caps on defense and nondefense discretionary spending, but the BBA set what the Congressional Research Service called nonbinding target levels of funding for overseas contingency operations, or OCO. In other words, it was recognized that the flexibility to increase OCO spending to meet current and future threats if it saw fit. There is no doubt that this additional spending is needed, and this amendment provides it in full compliance with last year’s budget agreement.

That said, I understand that some of my colleagues on the other side of the aisle believe we also need increases in nondefense spending. That is why the Senator from Rhode Island has offered a second-degree amendment that would add $18 billion in nondefense spending. This amendment has some laudable programs.

I have long said that national security is not just the Department of Defense. I agree that we should provide additional funding for the Department of Homeland Security, the FBI, and the Coast Guard. I would have added the CIA and some of our other intelligence programs. But I do not believe there is any national security justification for adding billions in taxpayer dollars to a defense bill to pay for infrastructure, national parks, affordable housing programs, or agricultural research.

While the Senate may not reach full agreement on the amendment by the Senator from Rhode Island, what I believe his amendment does show is that we all agree our military needs the additional resources my amendment provides.

I do not know whether the amendment by the Senator from Rhode Island will succeed or fail, but if it does fail, my Democratic colleagues will be left to answer a simple question: Will you vote to give our military servicemembers the resources, training, and equipment they need and deserve? This vote will be that simple.

Let's be clear what voting no would mean.

Voting no would be a vote in favor of another year where the pay for our troops does not keep pace with inflation or private sector averages.

Voting no would be a vote in favor of cutting more soldiers and Marines at a time when we should be increasing requirements for our Nation's land forces—from the Middle East and Africa to Europe and Asia—are growing.

Voting no would be a vote in favor of shrinking the number of aircraft that are available to the Air Force, Navy, and Marine Corps at a time when they are already too small to perform their current missions and are being forced to cannibalize their own fleets to keep our Nation's pilots flying at far higher risk.

Voting no would be a vote in favor of letting arbitrary budget caps set the timelines for our mission in Afghanistan instead of giving our troops and our Afghan partners a fighting chance at victory.

In short, voting no is a vote in favor of continuing to ask our men and women in uniform to perform more and more tasks with inadequate readiness, inadequate equipment, an inadequate number of people, and unacceptable levels of risk to their missions and themselves. This is unfair, and it is wrong. It is wrong.

For the sake of the men and women in our military who, as we speak, are putting their lives on the line to defend this Nation, I hope my colleagues on both sides of the aisle will make the right choice.

For 5 years we have let politics, not strategy, determine what resources we give our military servicemembers. If we keep doing this, our military commanders have warned us that we risk sending young Americans into a conflict for which they are not prepared. I know the vast majority of my colleagues on both sides of the aisle recognize that the mistakes of the past 5 years have created this danger. Yet this is the reality our soldiers, sailors, airmen, and marines are facing. It is our urgent and solemn task to confront it.

I say to my colleagues, Republican and Democrat alike, it doesn't have to be this way. We don't have to tolerate this anymore. Let's stop allowing politics to divide us when we should be united in support of our military servicemembers. Let's begin charting a better course today, one that is worthy of our service and sacrifice of those who volunteer to put themselves in harm's way on our behalf.

Let's adopt this amendment to give our service members the support they need and deserve, and in so doing, let's do our duty.

Mr. President, I know there are speakers on this amendment. I hope they will come to the floor to discuss these amendments so that we can set a time—hopefully this afternoon, if not today—on this amendment and the second-degree amendment by the Senator from Rhode Island.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. Scott). The Senator from Maryland.

AMENDMENT NO. 4549

Ms. MIKULSKI. Mr. President, I rise in support of the Reed-Mikulski amendment to respond to threats to our Nation by raising the caps for both defense and nondefense discretionary spending.

All agree that we must defend the security of the United States. So many argue that we need more money for DOD, even though DOD already consumes 50 percent of all discretionary spending.

Here is a quick tutorial on the Federal budget. Discretionary spending is $1 trillion. The other two big expenditures are interest on the debt and trust funds, particularly for earned benefits like Social Security and Medicare. But on discretionary spending—what we can decide to spend of that $1 trillion—about $500 billion goes to defense.

...
We all know we are under some pretty big threats. We have fought a 15-year war. Our men and women deserve the best training, the best technology, and support for themselves and their families. I don’t argue that. But I want people who like to say I am a numbers guy—let them know what the numbers are.

I take the position that we need to make sure our national security is what it should be, but I argue that not all of national security is in the Department of Defense. There are big threats and present dangers to the people of the United States that are met by other agencies.

When we passed the Bipartisan Budget Act last October, we agreed on parity. What we said was that there would be parity between defense and nondefense. What does that mean? That means defense gets about $500 billion and nondefense, which is all of the other programs for the United States that are met by other agencies.

That means everything from Pell grants and the National Institutes of Health to Homeland Security, the Department of Homeland Security, the U.S. Marshals Service. From the Drug Enforcement Agency to the National Institute of Standards and Technology, and others, coming up with new information for security technology. There are a lot of numbers and data, but I will skip over that.

There is the legacy of war. The legacy of war is why we need law enforcement to fight terrorists, why we need Customs and Border Protection to help provide port security. We need the U.S. Coast Guard out there protecting us against drug dealers, terrorists, and helping to provide port security. We need Customs and Border Protection to secure borders.

We need to protect our people who work abroad, both our military and those who work at our Embassies. We need Embassy security. We need for our aid to respond to real human needs while avoiding creating new enemies or new problems abroad. We need the State Department, but we also need Homeland Security. We need to protect our borders. We need the U.S. Coast Guard out there protecting us against drug dealers, terrorists, and helping to provide port security. We need Customs and Border Protection to secure borders.

There is the danger of heroin, and there is a danger in terms of other kinds of environmental dangers, such as what's going on in other parts of the country. Let's make no mistake—we appropriators aren't exactly these wild big spenders. Neither is the Budget Act. The Budget Act, before working under the deficit reduction caps, is at the fiscal 2010 level. The Amendment authorizes funding to meet real problems.

Other Members will come to discuss that, but I want to make clear that if you want to keep our troops safe, the best way is to give peace a chance. It is not a song from another era. If we want to try to prevent war, to contain war, or to end war, we need diplomacy. That is what the State Department does around the world—quelling conflict, stopping terrorism, supporting treasured allies.

We need to protect our people who work abroad, both our military and those who work at our Embassies. We need Embassy security. We need for our aid to respond to real human needs while avoiding creating new enemies or new problems abroad. We need the State Department, but we also need Homeland Security. We need to protect our borders. We need the U.S. Coast Guard out there protecting us against drug dealers, terrorists, and helping to provide port security. We need Customs and Border Protection to secure borders. There are those who want to build a wall. I want to make sure we love the men, women, and technology to secure these borders. We need law enforcement to fight terrorism abroad and also to fight the drug dealers, human traffickers, cartel people, and organized crime. That is why we need the FBI’s help and help from the Justice Department and the U.S. Marshals Service.

This would authorize $1.4 billion for the Department of Homeland Security and the Department of Justice to make sure we have enough people and the right technology to protect us, in addition to the spartan situation we find in the Appropriations Committee. We need to be able to do that. When we look at cyber security, this is all hands on deck. We do need DOD to help with threats to our military.

We are increasingly relying on digital technology. I am so proud of what we do at the National Security Agency, on protecting the Nation. I am proud of the cyber command, but I am also proud of what we do through our cyber security in terms of what we do with the Department of Homeland Security, the National Institute of Standards and Technology, and others, coming up with new information for security technology. There are a lot of numbers and data, but I will skip over that.

Then there is the legacy of war. The legacy of war is why we need law enforcement to fight terrorists, why we need Customs and Border Protection to help provide port security. We need the U.S. Coast Guard out there protecting us against drug dealers, terrorists, and helping to provide port security. We need Customs and Border Protection to secure borders. There are those who want to build a wall. I want to make sure we love the men, women, and technology to secure these borders. We need law enforcement to fight terrorism abroad and also to fight the drug dealers, human traffickers, cartel people, and organized crime. That is why we need the FBI’s help and help from the Justice Department and the U.S. Marshals Service.

This would authorize $1.4 billion for the Department of Homeland Security and the Department of Justice to make sure we have enough people and the right technology to protect us, in addition to the spartan situation we find in the Appropriations Committee. We need to be able to do that. When we look at cyber security, this is all hands on deck. We do need DOD to help with threats to our military.

We are increasingly relying on digital technology. I am so proud of what we do at the National Security Agency, on protecting the Nation. I am proud of the cyber command, but I am also proud of what we do through our cyber security in terms of what we do with the Department of Homeland Security, the National Institute of Standards and Technology, and others, coming up with new information for security technology. There are a lot of numbers and data, but I will skip over that.

Then there is the legacy of war. The legacy of war is why we need law enforcement to fight terrorists, why we need Customs and Border Protection to help provide port security. We need the U.S. Coast Guard out there protecting us against drug dealers, terrorists, and helping to provide port security. We need Customs and Border Protection to secure borders. There are those who want to build a wall. I want to make sure we love the men, women, and technology to secure these borders. We need law enforcement to fight terrorism abroad and also to fight the drug dealers, human traffickers, cartel people, and organized crime. That is why we need the FBI’s help and help from the Justice Department and the U.S. Marshals Service.

This would authorize $1.4 billion for the Department of Homeland Security and the Department of Justice to make sure we have enough people and the right technology to protect us, in addition to the spartan situation we find in the Appropriations Committee. We need to be able to do that. When we look at cyber security, this is all hands on deck. We do need DOD to help with threats to our military.

We are increasingly relying on digital technology. I am so proud of what we do at the National Security Agency, on protecting the Nation. I am proud of the cyber command, but I am also proud of what we do through our cyber security in terms of what we do with the Department of Homeland Security, the National Institute of Standards and Technology, and others, coming up with new information for security technology. There are a lot of numbers and data, but I will skip over that.

Then there is the legacy of war. The legacy of war is why we need law enforcement to fight terrorists, why we need Customs and Border Protection to help provide port security. We need the U.S. Coast Guard out there protecting us against drug dealers, terrorists, and helping to provide port security. We need Customs and Border Protection to secure borders. There are those who want to build a wall. I want to make sure we love the men, women, and technology to secure these borders. We need law enforcement to fight terrorism abroad and also to fight the drug dealers, human traffickers, cartel people, and organized crime. That is why we need the FBI’s help and help from the Justice Department and the U.S. Marshals Service.

This would authorize $1.4 billion for the Department of Homeland Security and the Department of Justice to make sure we have enough people and the right technology to protect us, in addition to the spartan situation we find in the Appropriations Committee. We need to be able to do that. When we look at cyber security, this is all hands on deck. We do need DOD to help with threats to our military.

We are increasingly relying on digital technology. I am so proud of what we do at the National Security Agency, on protecting the Nation. I am proud of the cyber command, but I am also proud of what we do through our cyber security in terms of what we do with the Department of Homeland Security, the National Institute of Standards and Technology, and others, coming up with new information for security technology. There are a lot of numbers and data, but I will skip over that.

Then there is the legacy of war. The legacy of war is why we need law enforcement to fight terrorists, why we need Customs and Border Protection to help provide port security. We need the U.S. Coast Guard out there protecting us against drug dealers, terrorists, and helping to provide port security. We need Customs and Border Protection to secure borders. There are those who want to build a wall. I want to make sure we love the men, women, and technology to secure these borders. We need law enforcement to fight terrorism abroad and also to fight the drug dealers, human traffickers, cartel people, and organized crime. That is why we need the FBI’s help and help from the Justice Department and the U.S. Marshals Service.

This would authorize $1.4 billion for the Department of Homeland Security and the Department of Justice to make sure we have enough people and the right technology to protect us, in addition to the spartan situation we find in the Appropriations Committee. We need to be able to do that. When we look at cyber security, this is all hands on deck. We do need DOD to help with threats to our military.
done at NASA, particularly in the area of space telescopes and rockets, helped us come up with the new digital mammography. Can you believe that? Because we studied space out there, we learned to protect our people right here, and it also helps others.

I also want to talk about the fact that we do help some domestic programs here in the area of children and human infrastructure. People say: What does that have to do with defense? I want you to hear what General Dempsey told me. General Dempsey told me this, and he told others. So it wasn’t like a little thing with General Dempsey. GEN Martin Dempsey, former head of the Joint Chiefs and decorated war hero said: Senator Mikulski, did you know that for every four people who want to enlist in our military, only one is found fit to serve? Either people are physically unfit, can’t read, or have had a problem with mental health?

We need to invest in our children. If for nothing else, we need to make sure all Americans are fit for duty, and that is why we need to do this.

We also spoke frequently as to why we need more money for Zika, the need to fight the addiction some have with opioid drugs, and the situation in Flint.

Mr. President, as I said, I rise in support of the Reed-Mikulski amendment to respond to threats to our Nation by raising the caps for both defense and nondefense spending. All agree that we must defend the security of the United States. We argue we need more money for the Department of Defense, DOD, even though DOD consumes 50 percent of discretionary spending. But I argue not all of national security is in Department of Defense. There are clear and present dangers to Americans met by other agencies, such as the Departments of Homeland Security, DHS, State, and Veterans Affairs, VA.

The Bipartisan Budget Act, which passed with 64 votes in the Senate last October, was a bipartisan—equal relief from the consequences of sequestration—because there have been significant consequences of sequestration for the American people.

We are willing to support the need to defend America by allowing more spending on defense. But America faces threats at home as well, and we need parity in responding to those threats. That is why we are offering this amendment to add $16 billion for defense needs and yes to $18 billion for nondefense needs, so we can make the Nation safer and more secure.

The Reed-Mikulski amendment does two things. It amends 2015 Bipartisan Budget Act to allow both: $16 billion of relief from sequestration for defense spending, the same amount authorized by the McCain Amendment, and $18 billion of relief from sequestration for nondefense spending, because there are threats that DOD can’t address.

What does the amendment fund? There are five categories: 1, national security spending, in addition to DOD, for DHS to defend our coasts and borders, Department of Justice to track down drug cartels and terrorists and State Department diplomacy, foreign aid, and embassy security; 2, funding to address urgent threats to America, including alltraditional infrastructure as exposed in Flint, the Zika virus, and cyber security; 3, physical infrastructure, including funding for bridges, roads, transit, and VA hospitals; 4, research infrastructure investments, through new products and cures; and 5, human infrastructure, providing more resources to underfunded, but overwhelmingly passed, authorizations for education and college affordability, workforce training, and food safety. This amendment meets threats to America with new funding not available in our appropriations bills due to austerity imposed by budget caps.

Current spending caps are $20 billion below the fiscal year 2010 level, 7 years ago. These cuts have consequences. This amendment authorizes funding to meet real problems. Other members of the Appropriations Committee will come to the floor to discuss needs in their states. But I want to talk about some of the dangers we are addressing with this amendment.

The best way to keep our troops safe is peace. But we live in turbulent times, which means we need diplomacy. The State Department works around the world to quell conflict and help displaced and threatened refugees, stop weapons proliferation, and support treasured allies, especially those absorbing refugees from Syria.

We need embassy security so we can bring our diplomats home safely. We need foreign aid to respond to real human needs while avoiding creating our own enemies abroad. We need the State Department to help keep America safe.

That is why we are offering this amendment. It includes $1.9 billion to continue the key security mission of the State Department.

Communities in the U.S. face lone-wolf terrorists, drug traffickers, and smugglers. The Department of Defense doesn’t fight domestic crime and terrorism. We need the Department of Homeland Security’s Coast Guard protecting our coasts; Transportation Security Administration, TSA, keeping our travel to and from safe; the Department of Homeland Security, CBP, securing the border. We also need the Department of Justice’s Federal Bureau of Investigation, FBI, Drug Enforcement Administration, and U.S. Marshals.

This amendment authorizes $1.4 billion for DHS and the Department of Justice, so they can improve outrageous wait times at airports, meeting growing passenger volume, which is up 7.4 percent from 2015, without compromising safety; hire 2,000 officers on the homeland; hire FBI, local police, and other Federal law enforcement to capture and prosecute criminals here in America—violent crime rose nearly 2 percent last year after falling in 2 prior years. The Department of Defense can’t do those things.

I now want to turn to a threat that requires all hands on deck: cyber security. We need DOD to help threats to our military, which is increasingly reliant on digital technology, and threats from nation states. I am so proud of Cyber Command, Fort Meade, and the National Security Agency, NSA, the mothership of talent, focused on protecting the Nation.

We have done enough to protect ourselves at home. More than 22 million Americans are at risk of identity theft because our own Office of Personnel Management couldn’t keep their records safe. We need the FBI finding the criminals behind the keyboards, DHS advising Federal agencies, and the National Institute of Standards and Technology setting standards. And every agency needs to secure itself.

Last year, Federal agencies reported 77,000 cyber incidents—up 10 percent from fiscal year 2014. The Food and Drug Administration and the U.S. Patent and Trademark Office need to protect trade secrets, and the Social Security Administration needs to protect our personal information. That is why our amendment includes $2 billion for cyber security, so our nondefense agencies can join DOD in the fight.

The Reed-Mikulski amendment helps America be more secure, but also safer. Americans are threatened daily with our roads and bridges falling, our waterways and ports needing modernization, and our transit systems clogged and crumbling.

Demand for flexible transportation investments is overwhelming. Since 2010, the Federal Aviation Administration’s backlog has grown by $1 billion to a total of $5 billion, risking breakdowns in air traffic control. Amtrak carries 30 million passengers each year, but can’t stop deadly derailments. Here in the National Capital Region, while “safe track” repairs clog highways and side streets, the Department of Transportation tells us there is an $86 billion maintenance backlog for bus and rail systems nationwide.

It is not just our transportation infrastructure that fails us; 60 percent of Veterans Health Administration facilities are over 50 years old and facilities are beginning to show their age. VA has catalogued almost $10 billion worth of maintenance deficiencies and code violations at existing hospitals and clinics. VA even classifies these deficiencies as Ds and Fs, from leaking roofs to air handling systems in need of replacement.

These deficiencies can cause serious problems. For example, old air handling units risk microbial contamination. If uncorrected, it could directly impact patient care because old ventilation systems would pump contaminated air into inpatient and outpatient areas. We all remember Walter Reed, where years of neglected maintenance
led to horrible conditions for injured veterans and their families. Our veterans deserve better. That is why the Reed-Mikulski amendment includes $3.2 billion to meet the physical infrastructure needs of the U.S.

It is not just our physical infrastructure, though. Research infrastructure has failed to keep pace with inflation. The National Institutes of Health, NIH, has lost more than 20 percent of its purchasing power since 2003. The history of economic growth shows we need civil society and the market to create new ideas and new jobs.

The National Aeronautics and Space Administration built a methane detector for its Mars rover that is helping find dangerous gas leaks on Earth. The National Science Foundation funded two Stanford graduate students’ effort to build a search engine that formed the basis for Google. The Department of Energy is helping big trucks sip gas like a Civic. Our NIH researchers are on the cusp of finding cures for Alzheimer’s, diabetes, and cancer. That is why the Reed-Mikulski amendment includes $3.5 billion for research and development to create jobs and find cures.

We can’t cure cancer without investing in NIH. Now, we are looking at a new health crisis and a new threat to America: Zika. Americans—particularly women and children—are in danger. The President has said $1.9 billion is needed to fight Zika and stopping it from doing any more harm. That funding is included in our amendment.

As of June 6, there were more than 1,732 confirmed Zika cases, including 341 pregnant women, in the U.S. and its territories. The mosquitoes that carry Zika are already in at least three of our States, and the Centers for Disease Control and Prevention estimates that soon they will be in 30 States.

There is still a lot we don’t know, but what we do know for sure is that Zika has terrible consequences for women and babies. Scientists have confirmed the link between the Zika infection in pregnancy and serious birth defects in babies. The details about what Zika does to the brains of unborn children are truly horrific. Zika is a threat we can stop if we have the will and the funding to do so.

Another emergency we can stop is the heroin epidemic. Every Senator and every reader should be concerned about the resurgence of heroin, which knows no boundaries—geographic or socioeconomic. Since 1999, the rate of heroin and opioid deaths quadrupled to an average of 78 deaths each day.

The Senate passed the Comprehensive Addiction and Recovery Act, CARA, on March 10 with a vote of 94-1. Authorization is nice, but we need the money to fund law enforcement, treatment and recovery and better pain management so people don’t get hooked on opioids in the first place.

That is why the Reed-Mikulski amendment includes $1.1 billion for heroin re¬sponse and treatment.

Every community is dealing with addiction, but every State also worries about its water. The amendment also includes $1.9 billion to upgrade water systems throughout the U.S. Today, nearly 100,000 residents of Flint don’t have clean and safe drinking water. Up to 9 million children are at risk for lead poisoning; some are already exhibiting signs in school. Flint’s water is still contaminated because its pipes are permanently damaged.

This is a moral crisis. Flint is ground zero. Contaminated drinking water is happening in cities and rural communities across America. This is about the infrastructure and our failure to replace it. But it is about more than just replacing pipes. It is about the human infrastructure. This is about the lives of our children.

What happened in Flint, MI is a failure of a State’s government to protect its own people. The threat from our aging water systems is real, and it can’t be solved by cutting the Labor-HHS-Education bill by more than $1 billion. We can’t say we want to solve problems with great policies, but then fail to fund the solutions. That’s why the Reed-Mikulski amendment includes $3.5 billion for authorized underfunding of education and college affordability, job training, and food safety policy.

I talked at the beginning about how the State Department makes America safe with diplomacy and foreign aid. But I want to end with how foreign aid can help make us safer by helping the lost generation of children across the globe that is on the move and on the march.

Nearly 60 million people worldwide are forced from their homes due to conflict and persecution. Refugees account for 20 million of those people, half of which are children. This is not an isolated problem. Millions of refugees are from Syria and Iraq, Yemen, South Sudan, Burundi, and other conflict zones.

What do they have in common? They are desperately in need of life-saving assistance, including food, water, medical care, and shelter. Many will not be able to return home for years—if ever.

These refugees cannot survive indefinitely on relief aid. The children need to attend school. The adults need jobs. These refugees are scared and ready to face the unknown, rather than endure the brutality at home. They are only asking for one thing: help. All of us remember a time when, as a child, we needed help or our parents needed help. This is the same for the parents and the children of those who helped and those who refused.

What do we think they are doing? Do we want these children to remember the United States as the people who let them down? If we don’t help, what are we creating? A generation of people who hate and distrust us because of our refusal when they were in need. We need the Reed-Mikulski amendment so our frugality doesn’t create a generation that hates America.

We all want to protect America. I support the troops. I support the Department of Defense. I support the men and women at Maryland’s nine military bases. The Chairman of the Armed Services says they need $18 billion more to meet the threats around the world. I support that effort, but only if there is parity. That is why we are proposing $18 billion to meet threats to America not funded by the Department of Defense. I urge my colleagues to support the Reed-Mikulski amendment to raise the caps for both defense and non-defense items that defend America.

I note that the distinguished majority leader is on that issue.

If we are going to spend more money on defense, even though we already spend roughly $500 billion—about 50 percent of all discretionary spending—let’s also spend money on other agencies that enable us to have a strong national security. Let’s also put money into the other threats to the United States. Right now there is a public health crisis with Zika. There is a public health crisis with opioid and heroin and new jobs.

The PRESIDING OFFICER. The Senator from Massachusetts.

Ms. WARREN. Mr. President, our government has work to do, but when it comes to making sure that our courts have the judges they need, when it comes to making sure that the Federal agencies have the leaders they need, and when it comes to filling a vacant seat on the highest Court in this Nation, Senate Republicans refuse to do their job.

Senate Republicans have a long history of obstructing President Obama’s nominees. Earlier this week, I released a report documenting that long history. Senate Republicans have slowed down the confirmation of judicial nominees to a crawl—the people needed to resolve important legal disputes.
They have stalled confirmations of key agency heads. These are the people needed to protect consumers, to protect our environment, and to defend our country. They are blocking Merrick Garland, a judge whom a personal colleague from Utah, Senator ORIN HATCH, called a “fine man” whom the President could “easily name” to fill the vacancy on the Supreme Court.

Instead of working to make government more efficient, Senate Republicans have made it their priority to keep key positions empty for as long as possible—to hamstring efforts to protect consumers and workers, to delay efforts to hold large corporations accountable, and to slow down work to promote equality.

The view of Senate Republicans seems to be pretty simple. If government isn’t working for them, their rich friends, or their rightwing allies, then Senate Republicans aren’t going to let it work. But it isn’t too late. They still have time to put aside their extremism and start doing what they were sent here to do.

Start with district court judges, the men and women who resolve disputes over everything from who should be the next host of Jeopardy! to whether a state can ban same-sex marriage. We are on the verge of a batch of uncontroversial nominees to fill seats on the federal district courts. These nominees have the support of Democrats and Republicans. They are ready to serve our country. One of them is from Massachusetts. We need our judge. This Nation needs its judges. So let’s vote.

Mr. President, I rise today to ask unanimous consent that the Senate proceed to executive session to consider the following 15 nominations: Calendar Nos. 357, 358, 359, 362, 363, 364, 459, 460, 461, 508, 569, 570, 571, 572, and 573; that the Senate proceed to vote without intervening action or debate on the nominations in the order listed; that the motions to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order to the nominations; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate’s action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Mr. President, re-serving the right to object.

The PRESIDING OFFICER. The majority leader.

Mr. MCCONNELL. Mr. President, we continue to process judicial nominations, and we have done so even when a majority of the Republican conference did not support the nominee, as was the case with the district court nominee from Maryland, whom we con-firmed before the recess. That is an example of a judge confirmed that a majority of Republicans did not approve of.

Just this past Monday, the first day after the recess, we confirmed two more article III judges. nominations. We tried to proceed to the recess, by the way, but our Democratic colleagues would not clear them.

President Obama has had many more judicial nominees confirmed than President Bush did at the same point in his Presidency. We will continue to process his judicial nominations, but the minority is not going to dictate to the majority when and how we will do so.

I object. The PRESIDING OFFICER. Objection is heard.

Ms. WARREN. I ask through the Chair if the majority leader will yield for a question.

Mr. MCCONNELL. I yielded the floor.

Ms. WARREN. Mr. President, I am asking if the majority leader will yield for a question.

The PRESIDING OFFICER. The majority leader does not have the floor.

Ms. WARREN. All right, I will just ask my question.

On Monday, I wanted to come to the Senate floor to make the request I just made, but I guess the majority leader was taking a lot of heat about judges and Donald Trump’s racist statements about Mexicans. I want to draw any more attention to the Republicans’ unprecedented blockade of judicial nominations. So the Republicans offered me a deal: Just go away, and we will confirm two Court of International Trade judges.

The Court of International Trade is pretty important. It handles trade enforcement cases, and nearly half of that court has been empty for a year because Republicans refused to do their jobs.

These two uncontroversial nominees have been twisting in the wind for 336 days. They are highly qualified, honorable lawyers who are ready to serve their country. So on Monday, I took the deal. The Republicans released two hostages, and the Senate confirmed them by a voice vote, without objection—not a single objection nearly a year after they were nominated.

Today, the majority leader isn’t offering my release of hostages, and my question for the majority leader is: What happened between Monday and today?

I yield the floor if the majority leader wishes to respond.

Mr. MCCONNELL. Mr. President, we tried to confirm the three article III judges she is referring to before the recess and our Democratic colleagues would not clear them.

I don’t know whether the Senator from Massachusetts has additional UOs to present, but if she does, I would respectfully suggest she propound them.

Ms. WARREN. Then I certainly will.

Mr. President, last week the majority leader wrote an op-ed in the Wall Street Journal, and it was titled, without a hint of irony, “How the Senate Is Supposed to Work.” In his article, Senator MCCONNELL declared: “On issues of great national significance, one has to ask if the majority leader is simply using his political power over the Senate to promote his personal agenda, or if he is acting in the best interest of a divided country.”

Senator MCCONNELL agreed to confirm highly uncontroversial district court nominees on Monday because it served his political interests. Today, he doesn’t feel like it, so he forces his will on everyone else. That is not how the Senate is supposed to work.

The Constitution is clear. The Senate’s job is to provide advice and consent on the President’s judicial nominees. There is no asterisk that says “only when the majority leader has an embarrassing political problem” or “only when the President is named Barrack Obama.”

It is not what the Founders had in mind because it is small, it is petty, and it is absurd. For these district court nominees, the U.S. Senate should focus solely on the question: Are these judges qualified or not? That is it. But that is not what is happening in the U.S. Senate. Instead, good people twist in the wind, hung up as political hostages, because Republicans are undermining the integrity of our courts.

So if you will not give all 15 judges their votes, let’s at least have a vote on the 9 district court nominees who had their Judiciary Committee hearings last year. Senator TOOMEY called for some of these nominees to be confirmed last month. All of these nominees have been waiting for at least 6 months—almost 200 days—since their hearings. When President Reagan was in office, almost no uncontroversial nominees took longer than 100 days to confirm from the day they were nominated. The delay is ridiculous. Give them their votes.

Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nine nominations that have been pending since 2015: Calendar Nos. 357, 358, 359, 362, 363, 364, 459, 460, 461; that the Senate proceed to vote without intervening action or debate on the nominations in the order listed; that the motions to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order to the nominations; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate’s action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Mr. President, a majority leader be immediately notified of the Senate’s action, and the Senate then resume legislative session.
years to today—apples and apples—President Obama has had 327 judges confirmed, and President Bush had 304. President Obama has not been treated unfairly. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Massachusetts.

Ms. WARREN. Mr. President, right this minute, right here on the floor of the Senate, we face one of those "issues of great national significance" that the majority leader wrote about in the Wall Street Journal. It is an exploding number of judicial vacancies.

The Washington Post recently reported:

- Of 673 U.S. district court judgeships, 67—or 10 percent—are vacant under President Obama, nearly twice as many as at this point of Republican George W. Bush's presidency and 50 percent higher than this time under Bill Clinton or George H.W. Bush.

The number of federally designated district court "judicial emergencies"—where seats carry particularly heavy caseloads or have been empty for extended periods—is also roughly double what it was in May 2008 and May 2000.

Addressing those emergencies is good for the country. Keeping our courts functioning is good for the country. Confirming those nominees who have the support of Republicans and Democrats is good for the country.

But just a minute ago, the majority leader blocked confirmation of all 15 noncontroversial judges who are waiting for a vote. That is not putting the country first; that is putting politics first. It is forcing the will of a small number of extremist Republicans on the entire country, and the integrity of our judicial branch is suffering for it.

So let me try this again. Surely we can agree to confirm the four oldest nominations on this list—two Democratic recommendations and two Republican recommendations. They all had hearings in September, 9 months ago. What are we waiting for? Give them their votes.

Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 357; that the Senate proceed to vote without intervening action or debate on the nomination; that the motion to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order for 357; that the Senate proceed to vote without intervening action or debate; that no further motions be in order for 357, 358, and 362; that the Senate proceed to executive session to consider Calendar No. 357; that the Senate proceed to vote without intervening action or debate on the nomination; that the motion to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order for 357, 358, and 362; that the Senate proceed to vote without intervening action or debate on the nomination; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. HATCH. Mr. President, I reserve the right to object to the nomination of Merrick Garland. He was nominated a year ago. I have been twisting in the wind for 9 months since his confirmation hearing. He has been twisting in the wind for 9 months since his confirmation hearing. Give him a vote.

Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 357; that the Senate proceed to vote without intervening action or debate on the nomination; that the motion to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order for 357, 358, and 362; that the Senate proceed to vote without intervening action or debate; that no further motions be in order for 357, 358, and 362; that the Senate proceed to vote without intervening action or debate on the nomination; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. HATCH. Mr. President, I object, unfortunately.

The PRESIDING OFFICER. Objection is heard.

The Senator from Utah.

Mr. HATCH. Mr. President, I rise once again to discuss the state of our Nation's healthcare system.

The PRESIDING OFFICER. The Senator from Massachusetts still has the floor.

Mr. HATCH. Oh, she does?

Ms. WARREN. Yes.

Mr. President, I wish I could say that I am surprised by this, but I am not surprised.

The Republican leader can say whatever he wants today, but he has made his intentions very clear when it comes to President Obama. On the eve of the 2010 elections, Senator McConnell said that "the single most important thing we want to achieve is for President Obama to be a one-term president." Well, President Obama won reelection, but Senate Republicans have still stalled, delayed, and blocked his nominees. Since they took charge of the Senate last year, these Republicans are on pace for the lowest number of judicial confirmations in more than 60 years.

So can we at least confirm one noncontroversial district judge?

The nominee on the list who has been waiting the longest is Brian Martinotti. New Jersey needs this judge. He was nominated a year ago. He has been twisting in the wind for 9 months since his confirmation hearing. Give him a vote.

Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 357; that the Senate proceed to vote without intervening action or debate on the nomination; that the motion to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order for 357, 358, and 362; that the Senate proceed to vote without intervening action or debate; that no further motions be in order for 357, 358, and 362; that the Senate proceed to vote without intervening action or debate on the nomination; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. HATCH. Mr. President, I reserve the right to object to the nomination of Merrick Garland. He was nominated a year ago. I have been twisting in the wind for 9 months since his confirmation hearing. He has been twisting in the wind for 9 months since his confirmation hearing. Give him a vote.

Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 357; that the Senate proceed to vote without intervening action or debate on the nomination; that the motion to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order for 357, 358, and 362; that the Senate proceed to vote without intervening action or debate; that no further motions be in order for 357, 358, and 362; that the Senate proceed to vote without intervening action or debate on the nomination; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. HATCH. Mr. President, I reserve the right to object to the nomination of Merrick Garland. He was nominated a year ago. I have been twisting in the wind for 9 months since his confirmation hearing. He has been twisting in the wind for 9 months since his confirmation hearing. Give him a vote.

Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 357; that the Senate proceed to vote without intervening action or debate on the nomination; that the motion to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order for 357, 358, and 362; that the Senate proceed to vote without intervening action or debate; that no further motions be in order for 357, 358, and 362; that the Senate proceed to vote without intervening action or debate on the nomination; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. HATCH. Mr. President, I reserve the right to object to the nomination of Merrick Garland. He was nominated a year ago. I have been twisting in the wind for 9 months since his confirmation hearing. He has been twisting in the wind for 9 months since his confirmation hearing. Give him a vote.

Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 357; that the Senate proceed to vote without intervening action or debate on the nomination; that the motion to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order for 357, 358, and 362; that the Senate proceed to vote without intervening action or debate; that no further motions be in order for 357, 358, and 362; that the Senate proceed to vote without intervening action or debate on the nomination; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. HATCH. Mr. President, I reserve the right to object to the nomination of Merrick Garland. He was nominated a year ago. I have been twisting in the wind for 9 months since his confirmation hearing. He has been twisting in the wind for 9 months since his confirmation hearing. Give him a vote.

Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 357; that the Senate proceed to vote without intervening action or debate on the nomination; that the motion to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order for 357, 358, and 362; that the Senate proceed to vote without intervening action or debate; that no further motions be in order for 357, 358, and 362; that the Senate proceed to vote without intervening action or debate on the nomination; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?
up almost exponentially—and exponentially in some areas. Health care pre-
miums for families with employer-based coverage—one of a handful of benchmarks for measuring the costs of health care in the United States—have gone up by an average of 5 percent a year. For a two-year period, according to both the Congressional Budget Office and the Joint Committee on Taxation, is expected to continue over the next decade, with premiums in the individual health insurance market going up at an even faster rate.

Meanwhile, the Federal Reserve projects that growth in our economy will range between 1.8 percent and 2.3 percent, well below historic averages and far below the growth rate for average health insurance premiums.

Do you think we are going to do any better with a new Democratic President? I don’t think so. She has already admitted she is going to follow the principles of this President and the program that he endorsed.

Long story short, under this President we have seen mostly lackluster economic growth and a decline in household income while the cost of health insurance has eaten up an increasingly larger share of American families’ earnings and an ever-growing percentage of our national economy. According to most credible projections, it is only going to get worse. There are still 30 million people without health insurance. And there are none when they came up with this colossal wasteful mess of the health care bill.

This correlation of economic stagnation and exploding health care costs is particularly alarming for this President because his signature domestic achievement—his top priority after being elected—was passage of the so-called Affordable Care Act, a law that was, among many other things, supposed to bring down health care costs. Unfortunately, these stories are not isolated cases. The “Obamacare” is actually the operative word in the name of the law. Yet it is probably the least suitable word for describing what this statute has actually done to our health care system. It has now been 3 years since the Affordable Care Act was fully implemented and in effect. And in all 3 of those years, average health insurance premiums in the United States have gone up by double-digits in many markets. Insurers are currently making rate decisions for year 4 of Obamacare, and from what we have seen thus far, things are only going to get worse. According to one analyst, the average of the weighted rate increases requested from 28 States and the District of Columbia is approximately 20 percent. Indeed, over the past few months, it seems as though we have seen a new headline every day that highlights the failure of Obamacare to bring down premiums.

That’s why, for example, we have recently learned that in New York patients may see an average premium increase of 17 percent on the Obamacare insurance exchanges. In fact, one major New York carrier requested a rate hike of 45 percent over what they charged last year—or should I say this year, I guess.

In the State of New Mexico, one major insurer requested a premium increase of nearly 14 percent in the individual market, and those States are not outliers. Average premiums in Mississippi could increase by more than 4,000 next year, according to recent reports. Insurers have requested average hikes of nearly 14 percent in the State of New Mexico. One major carrier in New Hampshire just requested an increase of more than 45 percent for 2017. Another insurer has submitted a request to raise premiums by more than 36 percent in Tennessee. People in other States, such as Virginia, Florida, Maine, Oregon, and Iowa, are all facing potential double-digit increases in premiums, with some in the 30 percent to 40 percent range.

Keep in mind these are just the States we know about thus far. More numbers and almost certainly more requested premium hikes will be made public very shortly. We are still waiting to see specifically what will happen for the people of my home State of Utah. Still, I already know that many Utahans are facing difficulties. I hear from my constituents all the time about these rising health care costs.

For example, a citizen from Roosevelt, UT, recently wrote to me to say this about her experience with Obamacare:

I can’t afford the monthly premiums, and as long as I have to pay extra on a family deductible, I can’t continue paying for the visits as I go and not have to worry about the extra money I would have to spend in premiums, which are outrageous. I realize I will have to pay a penalty when I do my taxes, but it will be way less than the premiums I would have had to pay if I had signed up for this health care debacle.

Another constituent named Richelle from Santa Clara, UT, said this in a recent letter:

As I am looking into purchasing the health care coverage we need: I’m finding that it is totally ridiculous. The catastrophic health coverage we were promised years ago no longer exists because of the health care law. In order to get LEGAL health care for me, my spouse, and my 3 eligible children, I’m being required to pay close to $300 per month! These policies still require huge deductibles and will quickly eat up the money we’ve put away for such things.

Unfortunately, these stories are not isolated incidents throughout the country are growing more and more concerned about the cost of health care under the President’s health care law. Even without the skyrocketing cost of health care, millions of American families would still be struggling to make it under the Obama economy. Yet for these people, all of whom have had to suffer through a period of stagnant economic growth and declining incomes, these rising health care costs are, at best, a slap in the face and, at worst, a nail in the financial coffin.

I have spent a lot of time on the Senate floor over the last 6 years describ-
need is the continuation of the sky-rocketing health premiums we have seen as a result of ObamaCare. I plan to do all I can to reverse this trend.

I know there are some on the Demo- cratic side who knew from the begin- ning it wasn’t going to work. They thought that by doing that they would be able to throw their hands in the air and say: It is not working. We need to go to socialized medicine or one-size-fits-all. Federal Government control of health care in this country would provide that they are going to be a good system, boy, have I got a bridge to sell you?

The fact is, as bad as our system was before, it was better than what this is. We can make it better, but it is going to take Democrats and Republicans coming together in the best interests— and get rid of the stupid politics in- volved—to come up with a program that will work for the American people.

I can tell you this, the American people cannot live on the slow growth that is currently going on. We cannot com- pete with the rest of the world on the slow growth that is currently going on, and it has been a slow growth for all of President Obama’s time in the Presi- dency.

It wasn’t all his fault, but—by gosh—there could have been programs that would have made it better had they just relied a little bit more on the free market system that has made this country the greatest country in the world.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. Toomey). The Senator from Wash- ington.

Mrs. MURRAY. Mr. President, I come to the floor this afternoon to talk against an amendment that would un- dermine the spirit of bipartisanship we have cultivated with the last several budget deals without fully addressing our national security and domestic needs and to speak in support of an al- ternative amendment that would pro- tect our families, improve our national security, and build on our bi- partisan budget deal in a truly fair and responsible way.

As I will go into a bit more, for an amendment to a bill focused on ensuring our Nation is prepared to meet fu- ture challenges here at home and across the world, the Republican amendment ignores too many priorities in the nondefense world that are critical to our Nation’s security. It only supplements defense priorities, leaving by the wayside domestic chal- lenges, such as the Flint water crisis, the Zika outbreak, the opioid crisis, and domestic law enforcement agencies like the FBI, to say nothing of invest- ments that we also know improve na- tional security in the long run, such as education, health care, a strong econ- omy, and more. It casts aside the prin- ciples we laid down in our bipartisan agreement just last fall. If the Sen- ate is about to open that bipartisan budget agreement on this bill, then we should be doing it in a thoughtful and productive manner that allows us to build on the 2-year deal and address a fuller range of issues.

Unfortunately, the amendment we are going to vote on either later to- night or tomorrow would move us in the wrong direction when it comes to this productive bipartisan work. In- stead of building on our deal, it tries to circumvent it. Instead of working to- gether to truly restore investments, it uses a gimmick to pretend to restore investments, and instead of working with Democrats to restore cuts on the domestic-side of the budget, it says: Our Nation’s security as well, it only supports the defense side and leaves too far too much behind. I don’t think that is right, and I think we can actually do better.

If Republicans truly want to work with us to build on our budget deal in this bill in a way that truly prepares us to respond to domestic and foreign challenges facing our country, we have an alternative. Our amendment, the Democratic alternative, would restore investments that help workers, the middle class, veterans, and families all across our country at an equal level to the defense priorities. It would invest in critical priorities that clearly keep our country safe, including supporting the operations of the Federal Bureau of Investigation and supplying the Trans- portation Security Administration with the tools they need to keep our families and our communities safe that have become a target for terrorist attacks and allow us to tackle the opioid crisis that is devastating com- munities in my home State of Wash- ington and across the country.

It would provide the resources for us to respond to the water and lead issues in Flint and many communities in our Nation, and provide resources to help us address so many of the challenges facing our workers, our families, our communities, and our middle class and do it in the fair and balanced way that we all know works by building on the bipartisan budget deal and treating de- fense and nondefense equitably and fairly.

I urge my colleagues to support the Democratic amendment so we can re- store these investments in critical de- fense and nondefense programs and in- vest in priorities that keep us safe and strengthen our communities. In the America of the 21st century, having a powerful mili- tary is important to our country’s safe- ty but so is access to safe drinking water and so are TSA agents pro- tecting our transit hubs. Zika research to prevent further spread of this dis- ease, and so much more.

I hope we can work together to build on our bipartisan progress, stick to our bipartisan principles, and keep our country moving in the right direction. I yield the floor.

The PRESIDING OFFICER. The Sen- ator from Texas.

Mr. CORNYN. Mr. President, I came to the floor to talk about the visit of Prime Minister Modi of India and to speak about an amendment I have, but listening to the Senator from Wash- ington, I have to express my sense of wonder and amazement at our Demo- cratic colleagues for whom no amount of money, no growth in the size of gov- ernment is too much.

While I am certainly sympathetic to the amendment by the Senator from Arizona which would increase defense spending at a time when there is a greater array and a greater diversity of threats to our country than Director of National Intelligence James Clapper has said he has seen in his 50-year ca- reer, the idea that because we want to increase the size of the National Intel- ligence of the Federal Government, which is national security and self-defense, we have to somehow use that to leverage more spending in other areas that are non- defense-related is simply unacceptable, particularly at a time when our na- tional debt is $19 trillion.

The other day, I happened to be speaking to a young woman who said: Well, what would you tell me to tell my peers?

She must have been—who knows how old she was—in her early twenties.

She said: What would you tell me to tell my peers about politics and why
they should care and why they should be involved?
I told her: Well, if I were you, I would be angry. I would be mad. Your generation
should be angry with my generation because what we have done is spent a bunch of money we did not have, and we have simply passed the
debt and the bill off to your generation.
It is not just the $19 trillion in debt. It is also the pathway to Social Security and Medicare, the promises we
made to our seniors for a secure late-in-life lifestyle that simply can’t be kept unless we support and reform So-
cial Security and make it sustainable for future generations.
So this is not the main reason I came to the floor to speak today, but I just
want to express my own sense of wonder and amazement at our Democratic colleagues who want to continue to
spend money we don’t have because they know that if you end up spending this money they are asking for, it is
just going to be added to the bill that is going to be paid for by the next gen-
eration. So I want to remind these young folks down here who are pages. That is, frankly, immoral, and it is not ac-
ceptable.

VISIT BY THE PRIME MINISTER OF INDIA
Mr. President, the main reason I came here to speak today was really a
historic day in Washington, DC, and in the relationship between the Government
of the Republic of India and the United States of America. Like many
of my colleagues, I had a chance to listen to Prime Minister Modi speak at a joint meeting of Congress this morning
over in the House of Representatives. I was reminded of how far our two countries have come in such a relatively
short period of time.
My first visit to India was about 10 years ago. I had been encouraged to go
because of some of my constituents back in Dallas, TX, who started the Dallas Indo-American Chamber of Commerce—basically the Indian-American community in the Dallas-Ft. Worth area and also in Houston. Around the State of Texas, we probably have some 250,000 to 300,000
Indian Americans—part of the diaspora Prime Minister Modi talked about be-
fore and of which he said he was par-
ticularly proud and which binds our
two countries together.
When I came back from my trip to India, at the same request of the same
constituent, we encouraged us to cre-
ate a U.S. Senate India caucus, know-
ning that our two countries had a lot more
work to do together. I am happy to say that 10 years ago, when Sec-
retary Clinton was Senator Clinton, she and I co-founded the U.S.-India cau-
sus. Later on, Chris Dodd—after Sen-
ator Clinton became Secretary Clin-
ton—and then after Senator Chris Dodd
left, Senator MARK WARNER is my cur-
cent cochair. He has about 30-some
odd others of this U.S.-India caucus, which demonstrates again the ak-
nowledgment of how important this relationship has become.
I am grateful for the concrete mani-
festation—the evidence of that rela-
tionship, things like the fact that, as
Prime Minister Modi said, India joins the United States in more joint mili-
tary exercises than any other country.
We also have a robust civil nuclear
agreement which allows for the exchange of critical information and technology. This has been a long time in coming. I
thought it was 2008 when the Bush admin-
istration advocated for this civil nu-
clear agreement which now, appar-
tently, is coming to fruition. I noticed
that President Obama and Prime Min-
ister Modi announced the construction plans for a number of nuclear power-
plants in India. India is a vast coun-
try—I think he mentioned 1 1/4 billion
people. Many of them simply don’t
have electricity and live very impover-
ished lives. So it is an acknowledgment of our close-knit relationship but also of the need that India has, in order to
advance and lift its own people to bet-
ter living conditions, to have access to the electricity that is going to become available once these nuclear power-
plants are in place.
Of course, our economies continue to rely upon each other increasingly for
trade and investment. As more and
more American-made goods or Amer-
ican agricultural products are sold to
India—with the rising middle class,
there are going to be more and more
people purchasing those goods and services. Of course, that is going to
help improve jobs here in the United
States, as well as the quality of life there.
Perhaps most importantly, we share growing cultural ties. Fast-forward
to today. When Prime Minister Modi spoke today, he talked about his vision for his country’s future, including
deepening and broadening the relation-
ship with the United States. That is a
very welcome statement by the Prime
Minister.
Unfortunately, over the last few years—or 8 years of the Obama ad-
mistration, many of our friends and allies around the world have ques-
tioned our commitment to those
friendships and these alliances, and,
conversely, many of our adversaries have become emboldened when they see America retreating from its en-
gagement with the rest of the world.
We do not need American boots on the ground around the globe, but we do
need American leadership around the world, working with other countries with benign intent like the United States
that can fill that leadership void.
So I was glad to hear Prime Minister Modi talking about the importance of
it. I hope we all respond appropriately.
Of course, we are not just here today, but it will become increasingly important in the 21st century. The
safety and stability of the Asia-Pacific region in particular will depend more and more on the safety and stability of
the United States. I think we have had an am-
sip opportunity to work with our friends from India in order to guar-
antee that goal.
There are a couple of pieces of legis-
lation I have cosponsored with Senator WARNER, my cochair of the U.S.-India
caucus, that will bolster our ties with
India.
The first would help bring India into and, we hope, we will strengthen the Asia-
Pacific Economic Cooperation Forum, or APEC. It would direct the Dep-
artment of State to develop a strategy to facilitate India’s membership status in
this organization, and it would urge APEC nations to support India’s mem-
bership. As the world continues to be-
come more interconnected through
trade, we need to make sure like-kind-
ed countries with economic might,
such as India, have a seat at the table.
Of course, it is a truism that coun-
tries that do business together and trade together are much less likely to
engage in some conflict against each other. So trade is good for national se-
curity and internal security as well, not just for the economy.
The second bill I introduced would help cement India’s status as a major
partner of the United States. It would
strengthen our defense and technology
ties and also make sure that India is
equipped to handle the myriad threats coming its way. The truth is that India
is at risk for many of the same sort of threats that the United States is. This
morning, Prime Minister Modi men-
tioned the cyber threat. Certainly that
is true, but we know India is a target for international terrorism. Ind-
ed, the Prime Minister mentioned the terrible attacks that occurred in
Mumbai not that many years ago,
when terrorists came in and killed a
bunch of tourists there in Mumbai or
Bombay.
I am proud to cosponsor an amend-
ment to the Defense authorization bill
filed by the junior Senator from Alas-
ka. This amendment would encourage greater military cooperation with India. Even though, is at an all-time high, it could certainly be improved through
more joint military operations and officer exchanges. This is really an
incredible source of American diplo-
matic power and strength, particularly in our military-to-military relation-
ship.
I can’t tell you how many times I
have been to countries around the
world, the way I was, for example, in
Cairo, Egypt, sitting there talking to the President of Egypt, Sisi, who was talking about his military
training here in the United States, in
San Antonio, TX, my hometown. Of course I had to ask him how he likes the
Tex-Mex, Mexican food. He said it was a little too spicy for him.
The point is that these military-to-
military exchanges with countries like
India and Egypt and others are a great opportunity for us to establish friend-
ships and connections, and people who invariably are always saying that nobody dreamed that then-Military Officer Sisi
would become the President of Egypt, but he rose in that leadership position and now is the leader of that large

June 8, 2016

CONGRESSIONAL RECORD — SENATE
S3617
country of some 92 million people. So those military-to-military relationships, those joint military exercises with countries like India are very important.

Let me close on the Prime Minister’s comments by thanking him publicly. It speaks volumes to his commitment to further the U.S.-India relationship. I look forward to continuing to play a small part in that effort through the work of the Senate India caucus.

As Prime Minister Modi’s visit illustrates, the United States cannot afford to ignore our friends and those who share common values, as Prime Minister Modi spoke. The world is simply too unstable and too dangerous. Plus, it is just plain stupid not to maintain a good relationship with your friends and allies and people who share similar values. But we also have to look at the other side of the coin, and that is to push back on our adversaries. And as I said, over his 8 years in the White House, the President has seemed somewhat detached from both of those—either encouraging stronger relationships with our friends and allies by demonstrating that we have their back or by pushing back on our adversaries when they take aggressive action. As I mentioned earlier this week, his first Secretary of State, Secretary Clinton, regularly lacked the ability to call a spade a spade, particularly with regard to challenges like our enemy in North Korea.

Not long ago—I guess it was in August of last year—I had a chance to visit with Admiral Harris, the four-star head of Pacific Command. When we asked him to list the danger spots in the world that keep him awake at night, he mentioned North Korea as the No. 1 threat. Of course, unfortunately, under Secretary of State, Secretary Clinton, normally in my view we can’t do it. We can be pushed or by pushing back on our adversaries when they take aggressive action. As I mentioned earlier this week, his first Secretary of State, Secretary Clinton, regularly lacked the ability to call a spade a spade, particularly with regard to challenges like our enemy in North Korea.

One way we can do that is by supporting an amendment I have filed that will help us hold Iran accountable for its recent hostile actions against U.S. sailors. We all remember that last January, two Navy riverine boats with 10 American sailors on board made headlines around the world when they strayed into Iranian waters. They were taken hostage for a period of time by the Islamic Revolutionary Guard Corps after being forced at gunpoint to surrender. The sailors were blindfolded. They were hauled back to Iranian soil. They were interrogated and detained. The IRGC henchmen documented the event at almost every step along the way, quickly broadcasting those videos and photos of the captured sailors among state-run media outlets. This is not in line with international norms. This is not the way we would treat a foreign country’s navy if the same thing happened, and the Geneva Convention makes clear that when a country detains military forces of another those prisoners are to be protected from public displays of humiliation, not to be used for propaganda purposes, which is what the American sailors were used for. Something called the doctrine of innocent passage—a concept of what is known as customary international law—provides that all vessels have the right of travel through another country’s territorial waters to get from point A to point B swiftly.

It is pretty apparent that Iran violated our sailors’ right to innocent passage, but we haven’t heard a peep out of the White House. Instead, the administration has put itself on the back and claimed their bad Iran deal somehow brought these sailors home safely. They claim that somehow the enhanced credibility they had from the misguided Iran nuclear deal somehow gave them a seat at the table and an ability to negotiate the release of our own sailors from Iran. This is absolutely ridiculous, and it ignores the crux of the problem. These sailors shouldn’t have been taken captive in the first place.

While the President may leave this kind of aggression unanswered, we don’t have to. My amendment would require the President to answer two simple questions in regard to actions in January violate international law? And were any Federal funds paid to the Iranian regime to effect the release of our sailors? In other words, did the Obama administration pay ransom to the流氓ish regime? In our case, certainly our taxpayers, have a right to know whether the Obama administration used their hard-earned tax dollars to pay ransom to a rogue regime like Iran’s.

If the administration does find that Iran violated international law, sanctions on those Iranians responsible would be triggered under my amendment. It is absolutely imperative we not turn a blind eye to aggression by the world’s thugs, tyrants, and renegades, which is, unfortunately, what we seem to do too often.

We need to hold Tehran accountable in some way. Since the President, unfortunately, faces has refused on his own, it is incumbent on Congress to lead on this issue, and my amendment is a good start. I am hoping my colleagues will support it so Iran knows, even if it doesn’t have to answer to the President of the United States, will have to answer to the American people through their elected representatives in Congress.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GARDNER). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

WASTEFUL SPENDING

Mr. COATS. Mr. President, it is week 45 of “Waste of the Week,” where I have been here talking about waste, fraud, and abuse, and trying to find ways to save taxpayers’ dollars. As I have said a number of times, our efforts since 2010 are to go big to address the real fiscal situation that this country is dealing with, the runaway entitlements, the ever-shrinking discretionary pot, and the deficit spending, leading to borrowing that has taken us from $10.7 trillion just in my first term here now in six years—from $10.7 trillion to $19.2 trillion. I don’t think any of us can contemplate what $19.2 trillion really means. But what it means in terms of its impact and effect is that we are passing on to generations a debt that they will not be able to repay without serious consequences to our economy and serious consequences to their pocketbooks. That is a speech for another time.

“Waste of the Week” is simply an attempt, since we have not been able to address the larger issue, to look at documented examples, exposed by inspector generals, the Government Accountability Office, and other agencies of clear waste, fraud, and abuse that has used taxpayers’ dollars in an improper way. So this 45th edition now highlights close to $170 billion, exceeding our goal of $100 billion considerably and with no end in sight.

We are debating this week and this week the National Defense Authorization Act, critically important for our national security and to provide for the kinds of things our military needs to be an effective military. So I think it is appropriate to raise the issue that no agency is sacrosanct. While I am a committed supporter of national defense, while I served on the Senate Armed Services Committee for a 10-year period of time in my former time in the Senate and I support much of what the military does, I do think that we point out that they are not sacrosanct from falling into the category of abuse, waste, or money that should have been better accounted for and spent. So I am taking this opportunity during this debate to point out the fact that each agency of the Federal Government needs to be looked at, even those that we favor and want to support. Obviously, any penny, dime, nickel, dollar, or more saved from something that needs not be spent is money that our troops can be better trained and can help us have a stronger military. If not needed there, it can be used to offset other programs.
within the Federal Government, or, most importantly, hopefully sent back to the taxpayer or reduced from the taxes that we take from the taxpayer.

Today I want to talk about the acquisition process. The Department of Defense, has been accused of the process by which DOD, or the Department of Defense, procures weapons systems or related items from various defense contractors. They include the design, deployment, construction, development, testing, and disposal of weapons used by our military.

Since 1990, the Government Accountability Office has included the Department of Defense’s weapons acquisition system on its annual High Risk List. Let me explain that, The High Risk List, which is put out every two years by the Government Accountability Office, or GAO, lists spending that falls under the category of, frankly, “Why are we spending this money in the first place?” Let’s look at how we are spending this money and see if it can be spent in better and more efficient ways.” It is looking at programs’ vulnerabilities to waste, fraud, and abuse.

One of the biggest problems with the system was that significantly large dollars are spent on weapons programs that end up never being completed. Between 2001 and 2011, the Department of Defense spent $46 billion on a dozen different weapons systems programs that were never completed. Let me explain that: $46 billion of money was spent on programs, well intended, but never completed for various reasons. I want to use just one example of that $46 billion category, and that is a program that was initiated but was never finished and it is an example of how taxpayers’ money can be spent in significant amounts and with no results.

It was clear that after 9/11 we ought to be looking at the Presidents’ transportations. Marine One is the helicopter the President uses when transferring to Andrews Air Force Base to climb aboard Air Force One or is used overseas for special short trips. Marine One was deemed to be somewhat behind on its technological capabilities, especially its communications and security capabilities. The Department of Defense initiated an effort to build a new helicopter; yet the requirements and engineering needed for this new helicopter design were never finally specified. Let us take a look at how the process was forward and the money was being spent, new ideas and new technologies came into play, and the thought was this: Well, let’s add this here and change that there and incorporate this into it. As a result, the original engineering that had been mapped out, the requirements, the design were not followed. There were constant changes, constant pleas that we need to spend more money, we need to do more and more. On and on it went. Without those fixed and delineated, the Department of Defense continued putting more add-ons over the years until, ultimately, the helicopter became so weighted with so much new technology and security position adjustments and so forth that the helicopter’s mission capability was compromised. As such, the program finally had to be scrapped in 2009, and the cost to the taxpayers was astronomical. This was just one purpose whatsoever. It was a good idea, a good intent, probably the right thing to do, but without a sufficient acquisition system and development system, without an ability to say: Look, let’s get this thing fixed in terms of what we want it to look like, what we want it to be, and let’s go forward with it, and perhaps there are a few adjustments that we can make. But, certainly, it would be better to incorporate the new technologies at a rate that we thought we could accomplish within a limited amount of time, rather than simply ongoing—2001, 2002, 2003, all the way to 2009—and finally say we are never going to get there, ending up, as I have said, with $2.7 million of waste. That is just one example.

In the 2014 report, the Government Accountability Office found problems like this have persisted within weapons acquisitions for decades. GAO found that new defense programs are launched before officials have enough information needed to determine whether the proposed program is even viable. Meaning, there is a mismatch between the new defense system’s wish list and all the things the DOD would like to purchase. What is this missing? The technological capabilities that would be able to provide within the current financial and time constraints for developing programs. In turn, the program sometimes gets the green light to move forward with unrealistic costs and timetables, leading to increased costs and development delays.

The Government Accountability Office and military experts have emphasized the need to increase DOD staff to accurately estimate project needs and technology capabilities before launching a project. Now, we would think this would have been simple. We would think this would be the guidelines from the very beginning: You don’t start a project until you estimate what the project needs and the technological capabilities and the capabilities of providing those needs before you start. But there is a history within the Department of Defense—and indeed, within the entire defense industry—to get it started. Once it is started, they are not going to turn it back down. History is replete with Department of Defense acquisitions that have incorporated changes that, once started, you can’t stop the thing. Then the narrative turns from this: Why are we doing this in the first place, because we never fixed the requirements and fixed the cost and agreed not to go beyond that cost? It turns into this: Oh, well, we need to spend more. We can’t turn it back now because otherwise we have wasted that money.

The Presidential helicopter is a perfect example. We are talking about $3.7 billion. On and on it goes. I have just given one example.

I am pleased that Senator McCain and Senator Reed, the chairman and ranking member of the Senate Armed Services Committee, have acknowledged this. The National Authorization Act of fiscal year 2017 makes some very important reforms to the DOD acquisition process. They have taken note of this, and the committee has taken note of this. Before us today is my legislation, this bill would increase training—maybe this is the most important of all—for those at the Department of Defense who plan and oversee the acquisition process. It will put greater emphasis on technological innovation, which could help save money while spearheading new, cutting-edge defense systems. That is the goal. That is the goal we have outlined in this legislation and why we need to support this legislation. It is an example of the need to take back control, to save money on waste, fraud, and abuse right now, and I encourage my colleagues to support these proposals.

Having said that, let me add, as we do each week, $3.7 billion for failed efforts to develop the new helicopter for the President, which brings our total taxpayer price tag to nearly $176 billion—not small change. Think what we could do with that if it was spent wisely or, more importantly, if we didn’t have to take it from the taxpayer in the first place.

Mr. President, having said that, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

PRESIDENTIAL TAX TRANSPARENCY ACT

Mr. WYDEN. Mr. President, I rise this afternoon to discuss the Presidential Tax Transparency Act—legislation that I have authored with Senators Warren, Bennet, Kaine, Baldwin, Boxer. This legislation is that ever since Watergate, it has been routine for Democratic and Republican Presidential nominees to release their tax returns. In effect, this has been the norm; this has been the standard operating procedure for almost four decades. What is at stake here is that we have what is called the Presidential candidate’s actions and values. They are running for the highest office in our land. They are running to be Commander in Chief for the most powerful Nation in the history of the world. When transparency is the overwhelming expectation of the American
people regarding the Presidency, my view is it ought to be the law.

We are in the midst of a Presidential election. The nominating conventions are weeks away. One of the candidates who has become his party’s presumptive nominee has so far refused to release his tax returns. In my view, this is a clean break from decades of traditions in our elections. It is a rebuke of the overwhelming majority of Americans, including a majority of Republicans, who are demanding openness and transparency from their Presidential candidates of both political parties on this issue.

The reason is that tax returns give the American people a lot of straightforward, honest answers. It is not just about what rate you pay; it is about whether you even pay taxes. Do you give to charity? Are you avoiding loopholes at the expense of hard-working middle-class families? Do you keep your money offshore?

The honest tax return shines a light on your financial integrity. It will show if a person is trying to game the system, for example, by having their company pay for personal vacations on a private jet. Certainly, that is something I would remove from the reach of most hard-working families.

My view has been that running for President is pretty much like a job interview. Every candidate has to stand up before the public and show that they have the temperament, the background, and the character to lead our wonderful country and be Commander in Chief. I believe that after decades of tradition, releasing tax returns is a big part of the process.

When it comes to a candidate’s financial background in taxes, I don’t think the public should have to take somebody’s word for it or just accept the kind of boasting you see on some of these shows that get wide viewership. The public has the right to know the truth, the facts, and the public has a right to know the truth.

The proposal that my colleagues and I have proposed is pretty simple. It says that within 15 days of becoming the nominee at the party conventions, the candidates would be required to release at least 3 years of tax returns. If a nominee stonewalls the law and refuses, then the Treasury Secretary would share the returns with the Federal Election Commission, and that Commission would make them public online. There would be an opportunity as well for redactions, which, in effect, are changes when appropriate.

When Presidents nominate individuals for Cabinet seats and executive branch jobs within the jurisdiction of the Finance Committee—the Treasury Secretary, the Secretary of Health and Human Services, Social Security—those nominees all submit 3 years of tax returns before the committee even views them. When there is a need and where it is appropriate, information from those returns is made public. Remember, that is the standard for people who would serve under the President of the United States. In my view, the Commander in Chief ought to be required to do better. The fact is, nominees have traditionally released a lot more than 3 years. So probably it is a bit modest, and a number of people who have locked up just about what our colleagues and I are doing, like the transparency, like the disclosure. A number of them have said: You really ought to think about going further.

I think colleagues would say that I probably have the most time here in the Senate as any colleague trying to promote ideas and policies and get beyond some of the partisanship that dominates these debates. I am talking about candidates on both sides being required to meet this new bar. The same rules would apply to all nominees from both parties.

A word about this notion of requiring a Presidential nominee to do this: I certainly wish that it weren’t necessary, but I think you need a law, and that is why I have proposed it. That would be my first choice. The fact is, it shouldn’t take a law because this has been the norm; this has been the expectation.

This is how I came to believe that a law was necessary. You volunteer to run for President of our wonderful country. You are not required to do it; you volunteer to do it. In my view, when you volunteer, there has been this norm, and there has been this expectation. For almost 40 years, there has been this expectation that you would make public your tax return. The failure to do so deviates from the norm, deviates away from transparency and in favor of secrecy. So my view is, when a candidate for President of the United States is not willing to disclose their taxes voluntarily and deviates from the norm, deviates from the understandable expectation the American people have, then I think you need a law, and that is why I have proposed it.

For these four decades, the American people have come to expect: If you are a major party’s nominee to be the leader of the free world, you do not get to hide your tax returns.

This is the first time I have discussed our proposal here on the floor. I hope our colleagues will support the Presidential Tax Transparency Act, and I hope our colleagues on both sides of the aisle will remember that Americans deserve this guarantee of tax transparency that I have described this afternoon.

RECOGNIZING HERMISTON HIGH SCHOOL

Mr. President, I am going to speak briefly on one other matter that was particularly striking last week when I was home. I am going to talk for a few minutes about the wonderful work talking place at Hermiston High School in Eastern Oregon.

Last week I had the honor of visiting the terrific Career and Technical Education Program—the CTE Program—in Hermiston, and I had a chance to watch some very impressive students in action. One of the programs I visited was the Columbia Basin Student Homebuilders Program that got off the ground with a small amount of State financial assistance. The reason I wanted to discuss it this afternoon is, I think this program can stand as a model not just for my State, but for the Nation. Students enrolled in the homebuilders program work with local construction professionals to actually build houses for their community. Under the supervision of a teacher, students learn the entire building process and are able to build houses for their community. It is a rebuke of those who say that nothing good comes from cheapening the vote by changing elections.

During my visit, Liz, a star high school senior and a future engineer, gave me a tour of this year’s home. It is nothing short of gorgeous. At the end of the school year, this beautiful, custom-designed home is going to be sold to a lucky family. Students are involved in every bit of the process—from planning and design, to the actual construction, to the marketing and sale of the house. Revenue from the sale of the home funds the next project, so the next round of students in the program get to participate with no future funding required.

Hermiston High School’s career and technical education courses demonstrate to students that their community leaders are committed to helping them prepare for a successful life right out of high school. One student I met, a star high school student who is starting a hospitality business, she is going to make that business a success. She is working to expand her line of cupcakes to meet customer demands.

I note that the Presiding Officer has a great interest, as I do, in promoting recreation. That is why I have introduced the RNR bill, the Recreation Not Red-Tape Act.

I was struck by Hannah’s expertise. I note that the Presiding Officer did see this, and he said: I am going to send you the RNR bill. The Denver Post had an extraordinary article describing recreation as the economic engine of the future. I am not saying that just because they were kind to the RNR bill, but they talked about the promise of recreation and tourism, particularly for our part of the world.

I was so impressed with Hannah. I said: I am going to send you the RNR bill, and I would appreciate it if you and your colleagues would look for additional ways to cut the red tape and promote recreation and tourism in Oregon, and throughout the West, and support our existing and future businesses.

The fact is that too many of our students are not graduating high school on time and far too many are unprepared for the workforce. Research has shown that students enrolled in career and technical education courses graduate from high school at a higher rate. In fact, the students at Hermiston High School told me their homebuilders program made them want to show up for school.
I am committed to increasing graduation rates in Oregon and across the country, and I think one of the best ways to do it is to support programs like the one I saw at Hermiston, because I think it is tailor-made to achieve this goal.

Funding for Perkins Career and Technical Education Act courses is a way to make sure that programs like the one I just saw at Hermiston can be started around the country, but funding for these programs has been decreasing since 1998. At the same time, there is bipartisan consensus that career and technical education programs are important, not just for kids who want to be homebuilders but for all students. It seems to me that in over-hauling the failed policies of No Child Left Behind, the Senate made a choice to move away from the era of over-tested “bubble kids” and towards an era of well-rounded, multi-skilled high school graduates. I am glad to see that the Senate Committee is working hard on a proposal to reauthorize this career and technical education program, known as the Perkins Act.

The last time it was reauthorized was in 1998. So I am going to work closely with both sides of the aisle to keep pushing for a new bill.

The fact is that the educators I saw last week are ambitious by any measure. They saw that their students were not graduating with the skills necessary to be successful in their future school and work lives. So the local educators started partnerships with local architects, engineers, and other professionals. They created a unique program that blends innovative classroom instruction with real-world application. We have businesses directly engaging with young people. Not only do they show what kinds of jobs are available in the community, but they also prove that school is an important stepping-stone in preparing students for the real world.

I have been in public service for a while. It is such a tremendous honor to represent Oregon in the Senate. But I will tell you, watching the way a small community in eastern Oregon, Hermiston, has come together and made a commitment to their young people is special. It is truly what we call the Oregon way.

I will close by way of saying that I am pleased to be here today, and I am pleased to be in Hermiston, High School, for allowing me to visit. I will do everything I can to take the student homebuilder program that I saw last week and spread the word about what the potential is here. They already sold one house for a very healthy price, and I think we would be wise—again here in the Senate, Democrats and Republicans—to come together and support career technical education programs like the ones I saw in Hermiston and urge all of us here in the Senate committee to do what we can to support Federal and State assistance for these kinds of programs, career and technical education programs, for even more students from one end of our country to the other.

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

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

FRANK R. LAUTENBERG CHEMICAL SAFETY FOR THE 21ST CENTURY ACT

Mr. CARPER. Mr. President, for some time, including times on this floor, I have said that the choice between a clean environment and a strong economy is a false one. Some people say you can’t have a clean environment and a strong economy at the same time. I just don’t think that is correct. TSCA is an acronym for Toxic Substances Control Act.

The TSCA reform legislation that we approved in this body last night is proof of the fact that we can have a cleaner, safer, and healthier environment and also have a strong economy. They got together. When I finish my remarks, folks will understand why that might be true.

Every day in this country manufacturers use a variety of chemicals. I am told there are tens of thousands of chemicals used every year. It is in the air, in the ground, in the water, and in our bodies. Manufacturers use these chemicals to make everything from carpets—like the carpet we are standing on—to cosmetics, water bottles, and dish washing soap.

Former President Gerald Ford signed the Toxic Substances Control Act of 1976 and said it was landmark legislation. He said that this is huge legislation in terms of protecting the environment and public health. He said it was important to the authority to monitor, test, and regulate the chemicals that pose a risk to human health or the environment. That was the deal. Over the past four decades, since Gerald Ford signed that legislation into law, the Toxic Substances Control Act has never worked as intended, leaving the public at risk for toxic exposures and the private sector with a broken regulatory process that has undermined innovation. Frankly, it led to uncertainty, and lack of predictability.

As a recovering Governor, I know that among the things we need in order to have a better and more nurturing environment for job creation and job preservation is to make certain that businesses, whether large or small, have predictability and certainty. When the Toxic Substances Control Act passed 40 years ago, it did not provide that predictability and certainty.

In fact, for the last 40 years, I think the EPA has spent half its time trying to make toxic substances—imagine—that six in 40 years. In the last 20 to 25 years, there were none. In the meantime, States have stood up and said: If the Federal Government is not going to do it, we will do it. Now we have a patchwork quilt of State requirements. We have businesses—not just chemical businesses but a wide variety of businesses—in the same industry that are trying to comply with laws in dozens of States, and the Federal standard that we set 40 years ago just does not work.

For a while, the Toxic Substances Control Act has been broken. That is a polite way of saying it. Over the past 39 years, we have learned a lot more about toxic chemicals, but we have not learned about how they can cause harm to our environment. They can cause harm to public health, and we also learned how best to identify and protect against these risks.

More than 3 years ago, two of my colleagues—one a Democrat, TOM UDALL of New Mexico, and the other a Republican, DAVE VITTER of Louisiana—wrote something called the Frank R. Lautenberg Chemical Safety for the 21st Century Act. That is a mouthful, isn’t it?

Frank R. Lautenberg was a Senator from New Jersey for many years, whose birthday I remember to this day. He is now deceased, but his birthday is January 23, and the reason why I know that is because that is when my birthday is. This is an issue we actually shared a strong interest in doing something about.

My recollection—it is hard to remember when people move around from desk to desk—is that his seat was back here behind where I am standing today.

My colleagues TOM UDALL and DAVID VITTER wrote a bill and named it after Frank R. Lautenberg because this is an issue we actually shared a strong interest in doing something about.

The bill written by Senators UDALL and VITTER reforms the old Toxic Substances Control Act, and it does it in ways to better protect the public—to protect us, our families, our businesses, and so forth. It is also designed to create a more manageable regulatory framework for a number of industries and innovators so they have some predictability and certainty with what they are dealing with. Whether they happen to be doing business in Delaware, Maryland, Virginia, Wyoming, Idaho, or California, they would have some certainty as to what the rules of the road were going to be for toxic substances or the chemicals they might be using in their processes.

After the bill was introduced by Senators VITTER and UDALL, I worked closely with both of them for more than a year as a member of the Environment and Public Works Committee. We led a number of meetings, had many discussions, and we were always...
focused on securing enhanced protections for public health and the environment while providing certainty and predictability for American businesses.

I focused especially on language to secure provisions that would protect children, pregnant women, and other vulnerable people and workers from toxic risk. The provisions I especially focused on included ensuring that the EPA had access to information in order for them to assess safety risks.

A third area that I looked at was to enact something to allow States to enforce Federal toxic safety law. If the EPA wasn’t doing its job, could there be a State backstop in a way that made sense? I think that was not an unreasonable thing to ask. We did that in Dodd-Frank with respect to nationally chartered banks. If the Office of the Comptroller of the Currency in nationally chartered banks is not making sure consumers are being looked after, then we allow State attorneys general—Congressional legislation would allow the States to have their own law but to enforce Federal standards and laws. I wanted to make sure that in the event that someday we had an EPA that frankly wouldn’t enforce a new version of the substance control act, then States could enforce it for them.

Chemical manufacturers and consumers alike deserve legal clarity, a timely review process, and the ability to trust that products people use every day are safe. I added that when Senator Udall and Senator Vitter started to introduce this legislation and started to gather cosponsors—I don’t mean to be presumptuous, but my guess is the Presiding Officer probably ended up as a cosponsor. At the end of the day, we had 30 Democrats and 30 Republicans. The idea was to add a Democrat, add a Republican, add a Democrat, add a Republican—a little bit of a look at how a bill is made or should be made. It is almost a textbook example of legislation could be formed or should be formed, even on a difficult and contentious issue like the one I am talking about today.

I was involved at the very beginning in the initial efforts to rewrite the Toxic Substance Control Act. I was involved with David Vitter and Tom Udall and also the chairman of the committee, Jim Inhofe. But I got to a point where I said to the coauthors of the legislation—they were looking for cosponsors, and I said: I will be willing to cosponsor your version of the rewriting of the Toxic Substance Control Act, but there are 10 changes that I would like to consider making.

They said: What are they? I said: 10, here they are.

And I gave them some idea of what they were. They asked me to put them in writing, so I put them in writing in a letter to Senators Vitter and Udall and said: These are the changes I would like be made in the bill you have introduced. If you will make these changes or agree to these changes, I will cosponsor your bill, and not only will I cosponsor your bill, but so will 10 or 11 other Democrats. We all signed the letter. This was probably about a year and a half ago.

The letter was more to Senator Vitter than Senator Udall; I think it publicized the bill. But Senator Vitter and his staff went through it piece by piece, proposal by proposal—all 10 of them. At the end of the day, they agreed essentially with all of them, and they said that they would incorporate all 10 of the proposals in the bill. They said: Now will you co-sponsor the bill?

And I said: Yes, I will. And so did the rest of us who signed the letter—all 10 of us.

When I said that I would cosponsor the bill, I also said there were three areas that still needed some work. My passion for pushing for this legislation will be tempered somewhat by your willingness to also act on subsequent changes in the bill in these three areas. I will put a hold on those three areas, but I will say that later on, some of my colleagues—Senators Cory Booker, Senator Whitehouse, Senator Jeff Merkley, and Senator Ed Markey—sort of stepped up and said: We are interested in those areas and we want to see further changes made in the bill.

With those changes, we added even more cosponsors, and finally we ended up with 60. We said: Let’s take that bill and work it through the committee and eventually worked through the Senate. It was not easy, but we finally got it done. We went to conference with the House, and, lo and behold, we passed a conference report unanimously last night by unanimous consent, and nobody objected. Considering how controversial this bill has been for years, that is amazing.

At a press conference we held today with the principal Democrats and Republicans on the House Members came over. Senator Tom Udall talked about how he felt elated to be able to unammoniously pass a contentious bill after all these years.

He likened it to standing on a mountaintop. He is a mountain climber. In New Mexico they have some tall mountains, and he said it was like standing on a mountain top. He said: I feel elation when I climb to the top of a tall mountain and stand atop the mountain. And he said this morning at the press conference that he felt elation as well.

Then, when I spoke after Senator Udall, I said that in Delaware we don’t have tall mountains. Delaware is the lowest lying State in America. We really worry about climate change and sea levels rising. Besides that being some theory, it is something that we worry about. So the highest part of land in Delaware is a bridge. Every now and again, if I want to go up high and climb something, I can climb the bridge, but it is not really that high.

The thing that gave me elation in Delaware when I was Governor—and before that the State treasurer and all—was when we all worked together. Delaware has a tradition; we call it the Delaware way. It is where Democrats and Republicans work together, set aside partisan differences, and just ask: What is the right thing to do?

That is especially true in the Senate. In order to get anything of any consequence done you are at about 55 Republicans, and roughly there are about 45 Democrats with maybe an Independent in there somewhere. So we have to figure out how to travel together.

We have been traveling a long way over the last 4 years or so, and we finally got to our destination, and I think we finally came to a good outcome in terms of the policy we have adopted. For the first time, the legislation has been adopted by both sides. We are at about 55 Republicans, and roughly there are about 45 Democrats with maybe an Independent in there somewhere. So we have to figure out how to travel together.

I mentioned that Frank Lautenberg used to sit at one of these desks behind me, and so did Ted Kennedy. I will never forget going and having a lunch with him when I was fairly new in the Senate. I wasn’t sure that we had the kind of interpersonal relationship that I wanted, and as the Presiding Officer knows, this place works a lot on relationships.

I said to him: Maybe someday I can come to your office and just sit and talk with you for a while and have a cup of coffee. He said: Why don’t you come to my hideaway, and we will have lunch together.}
I said: Really?
He said: Yes.

After about a week or two, we went to his hideaway, and we had lunch together. His hideaway was an amazing place. It was almost like a museum in terms of all the things about the Kennedy family and his brothers and his own life.

Among the things we talked about that day was his ability to find compromise and consensus with one of our current senators, a guy named Mike Enzi—a wonderful guy named Mike Enzi who the Presiding Officer knows is one of two Senators from Wyoming, a former mayor of Gillette, an accountant—I think maybe a CPA. When I was presiding over the Senate years ago, I remember Mike Enzi coming to the floor of the Senate and speaking about the 80–20 rule and how the 80–20 rule allowed the folks in a committee he served on as the senior Republican called the HELP Committee, or the Health, Education, Labor, and Pension Committee—Ted Kennedy was the senior Democrat on that committee. It was an incredibly productive committee. There were all kinds of bipartisan legislation coming out of it.

Later, when I was presiding over the Senate, I asked in the Senate Health, Education, Labor, and Pension Committee? How do you do that?
I said: What’s that?
He said: Ted Kennedy and I agree on about 80 percent of this stuff, and we disagree on the other 20 percent. What we do is we focus on the 80 percent where we agree, and we set aside the other 20 percent to another day and we will figure that out some other time.

When I talked to Ted Kennedy about the same thing, he said: I am always willing to compromise on policy, process, but not on my principles. He and Mike Enzi managed to have an incredibly productive partnership on that committee and here in the Senate.

Senator Kennedy had a similar relationship with Orrin Hatch, who now chairs the Finance Committee, as we know.

But we are where we are today because both Democrats and Republicans have worked together to compromise on policy without having to compromise our principles. The final product is a testament to a robust and a transparent committee process. I think it is a textbook example of how we can get something that difficult, that complex, and that controversial behind us in an appropriate way and get support from environmental groups, business groups, Democrats and Republicans, maybe there are some other things we can get done, and God knows we need to do that.

I am proud of the work we have done together to reach this historic agreement. In addition to thanking Senator UDALL, Senator Vitter, and the chairman of the Environment and Public Works Committee, Senator INHOFE, I also want to say a special thank-you to the members of our staff. I think those of us who serve or are privileged to work here as Senators work hard, but the consensus on this issue and some of us worked hard on this issue, but the folks who really worked hard on this issue are the members of our staff. I will not go through the names of all the folks who worked with this Senator and that Senator, but just want to say those of you who know who you are, thank you. You have done great work, and you have enabled us to do the people’s work.

I would say to a fellow who was a member of my staff for the last maybe 3 years and who worked hard and night on this legislation—a fellow named Colin Peppard who now works for the Los Angeles County Metropolitan Transportation Authority out on the west coast—about his efforts, and a special thank-you to him for all his efforts.

Mr. President, I think that is pretty much it for me today. It looks as though the Senator from Minnesota is up, and, my friend from Delaware.

Mr. President, I rise today to address the nomination of Chief Judge Merrick Garland to the U.S. Supreme Court. Today marks 84 days since President Obama nominated Judge Garland to fill the vacant seat on the Supreme Court bench. In that time the consequences of permitting that vacancy to persist have become clear. The eight-member Court has now deadlocked four times, and in two cases where the Court found itself evenly divided and unable to reach consensus it punt, sending cases back to the lower courts.

There is no denying that the Senate’s refusal to do its job, to take up the business of filling that vacancy, means that in some cases the Court is not able to fulfill its core function, meaning in some cases the Court does not resolve circuit splits and cannot serve as the final arbiter of the law. That is not just my view, that is an opinion shared by one of the Court’s current members, Associate Justice Anthony Kennedy. Testifying before the House Appropriations Committee back in 2013, Justice Kennedy described what happens when the Court is short-staffed. Although he is discussing the effect of recusals on the ability of the Court to do its job, his comments are relevant to the case of vacancies. This is what Justice Kennedy said: “On our Court, if we recuse without absolutely finding it necessary to do so, then you might have a 4-4 Court, and everybody’s time is wasted.” Let me say that again. “Everybody’s time is wasted.” Well, my Republican colleagues don’t seem to be bothered by wasting everybody’s time. It is my understanding that less than an hour after the news of Justice Scalia’s death, the majority leader proclaimed that the Senate would not consider a replacement until after the Presidential election and said that “the American people should have a voice in the selection of their next Supreme Court Justice.”

In the 116 days since the majority leader made that bold announcement, Republican Senator after Republican Senator has taken to the Senate floor to deliver variations on that theme. My good friend Senator CORNYN helpfully explained that Senate Republicans had made a decision to “give the voters a voice on who makes the next lifetime appointment to the Supreme Court.” He said: “It is clear that the American people do deserve a voice here and we will make sure that they are heard.”

We have been through this before. We agree. The American people should have a voice in this. The Constitution does not say, Tha...
President Adams lost. Nevertheless, Adams set about the work of selecting a replacement. When he eventually nominated John Marshall in January of 1801, more than 2 months after losing the election to a President of a different party—and the country still did not have a House of Representatives—Thomas Jefferson and Aaron Burr had tied, but they were not his political party. Despite an unresolved election and in the face of great uncertainty, Adams nominated Justice Marshall, and the Senate took up John Marshall's nomination and confirmed him to the post of Chief Justice on January 27, 1801, by voice vote.

John Adams was by every definition of the term a lameduck President. The Senate could have refused to fill the vacancy. They could have left the Supreme Court short-staffed. Senators could have insisted that the seat not be filled until it was clear just exactly whom the American people had selected as their next President. But the Senate recognized that it had a constitutional obligation to confirm a replacement. That should come as no surprise because of the 32 Senators serving in the Sixth Congress, 5 of them had been delegates to the Constitutional Convention: Abraham Baldwin of Georgia; Jonathan Dayton of New Jersey; John Langdon of New Hampshire; Gouverneur Morris of New York, whose first name was Gouverneur, but he wasn’t a Governor; and his mother’s maiden name was Gouverneur; and Charles Pinckney of South Carolina. All of them are real Founding Fathers. If anyone should have known what the Constitution required in this situation, it was they.

Now, picture them milling about the floor of the Old Senate Chamber on January 27, 1801, talking amongst themselves and their colleagues and whipping votes. At the time, the Senate’s practice was to consider nominations as they were received in the Senate, with the doors closed. Only Senators and certain staff were allowed in the Chamber and the proceedings were intended to be secret, so the CONGRESSIONAL RECORD contains no debate on John Marshall’s nomination. We can only imagine what Senators said, but I suspect it went something like this:

Well, John, Abraham, Gouverneur, I suppose we should vote now on the President’s nomination to the Supreme Court.

Why, yes, Jonathan, of course. I remember when we wrote into the Constitution that when a vacancies occurs, the President shall appoint a nominee to fill the vacancy and we Senators shall provide our advice and consent.

Yes, John, I recall the day we wrote that. You were in a particularly good mood because your wife Betsy had arrived by carriage the night before from New Hampshire.

Yes, I do. I recall that well. After all, it was only 13 years ago, and the next day we wrote the provisions about the Supreme Court. I remember very well how specific we were. The President appoints a nominee in the event of a vacancy and we in the Senate do our job by providing advice and consent. So by all means, let’s vote.

These men, these Founding Fathers set aside the questions they may have had about the unique circumstances surrounding John Marshall’s nomination and a lameduck President of a different party than the party that won the Presidential election. They allowed the Senate to hold a vote on his nomination. That is how we wrote the Constitution. As a consequence, John Marshall went on to serve as our Nation’s fourth Chief Justice, authoring opinions that make up the foundation of constitutional law. It was obvious to those Founding Fathers in the Senate, as it should be to all of us serving here today, that the Supreme Court is too important, too central to our democracy to ignore.

I urge my colleagues—particularly those of you who have a fidelity to the Framers’ original intent—to end their obstruction and grant the President’s nominee full and fair consideration.

Thank you.

The PRESIDING OFFICER. The Senator from Montana.

Mr. DAINES. Mr. President, I rise to speak on amendment No. 4251. I have filed the amendment; I have not yet requested it to be made pending. I would like to see this amendment move through. It seems to me the President’s authority to deny troops their mandated pay raise.

The issue of paying our troops should not be a partisan issue any longer. We have fought this battle for too many years on the Senate floor. This year I put forth a bipartisan solution with my colleagues from Montana, Jon Tester, and with Senators RUBIO, PORTMAN, and BOOZMAN. It is a long-term solution.

Since 2004, the President has been required by law to give troops a pay raise matching the Employment Cost Index, also called the ECI, but when we mandated that the President raise troop pay with the ECI, we gave the ability for an exemption: that is, when the country is facing serious economic conditions or for matters of national security.

Now, citing economic conditions, the President has used this exemption the past 6 years and he used it again this year—all while citing a growing economy. What happens is our troops are not getting the pay raise that Congress says they should, matching the ECI. When we are facing economic uncertainty, that is when our troops need it the most.

The amendment is very clear cut. It removes the President’s authority and future Presidents’ authority to cite economic concerns when sending over a presidential budget request without the mandated pay raise. It is clear that this exemption is being abused. For example, in 2016, in his State of the Union Address, President Obama said that “anyone claiming that America’s economy is in decline is peddling fiction.” But just 1 month later, in his fiscal year 2017 budget request he sent to Congress, President Obama cited “economic concerns affecting the general welfare” and only asked for a 1.6-percentage-point pay raise for our troops, despite the ECI being 2.1 percent.

As we continue to debate this bill and call up amendments, I urge my colleagues to support amendment 4251. Again, we have good bipartisan support for this amendment. This is a long-term solution. This is not just about the current President, this is about future Presidents as well and the problems we continue to face; that is, our troops have not seen a pay raise over 2 percent in the past 6 years. As our Nation continues to find itself threatened abroad, we rely on our troops now more than ever. They deserve better. It is time to act.

I thank Senator TESTER, Senator RUBIO, Senator PORTMAN, and Senator Boozman for their support.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I rise today to speak in support of an amendment offered by Senator from Alaska, Ms. MURKOWSKI, to strike the changes to the basic allowance for housing, or BAH, that are proposed in section 604 of the Defense authorizations bill. This amendment is very similar in language to one I sponsored last year.

Currently, each servicemember receives a housing stipend based on his or her rank, geographic location, and dependency status. Under section 604, however, this part of the military compensation package would no longer be considered a cash allowance. Instead, servicemembers would be compensated on an actual cost basis similar to the system that was in place in the 1990s, which resulted in a burdensome and inefficient administrative approval process.

Notably, the 2015 Military Compensation and Retirement Modernization Commission established by the fiscal year 2015 National Defense Authorization Act examined the issue of allowances as it assessed the military’s compensation and retirement system. The Commission found that the current allowance system strikes an appropriate balance in providing compensation to military members and assistance for their living expenses. The Commission deliberately chose not to recommend any changes to the allowance system, and this view is shared by the Department of Defense. In fact, the Secretary of the Navy called me today to express his concerns about this provision.

In its Statement of Administration Policy, the administration notes that it strongly objects to section 604, which, in its words, could inappropriately penalize some servicemembers over others by linking their BAH payments to their status as members of dual-military couples—"in other
words, members of our military who are married to other servicemembers. Under section 604, both members of a dual military couple would be provided a lesser compensation package than other members of equal grade, sending a message that their service is not as highly valued by the government.

The Statement Of Administration Policy went on to note that “Section 604 would disproportionately affect female servicemembers and those military families within which both military members have chosen to serve their country.” Twenty percent of servicewomen are married to other servicemembers. By comparison, only 3.8 percent—in other words, less than 4 percent of Active Duty men—are married to other servicemembers. Thus, women are five times more likely to be affected by this reduction in housing allowances than their male counterparts—five times more likely for the women members to be affected because they are more likely to be married to servicemembers.

This proposed change would similarly penalize our junior servicemembers who are more likely to live with another servicemember as a roommate, rather than help defray the cost-of-living expenses. As such, this provision could have a profound implication for both recruitment and retention of our all-volunteer force. We do not believe our best and brightestest from staying in the service.

I do recognize that the Department’s personnel costs are a budget concern, but finding savings that unfairly single out some military members is not the way to do it, particularly when one considers the growing role women servicemembers are playing and which I strongly support and admire.

Last year I spearheaded a successful movement to remove a similar provision from the fiscal year 2016 NDAA. I am disappointed to see that this proposal has resurfaced again this year. I am pleased to work with my colleague from Alaska Senator Murkowski to remove this provision in particular because I believe it is both unfair and harmful.

I do recognize the very difficult task the Senate Armed Services Committee had in putting together this bill. I commend both the chairman, Senator McCain, and the ranking member, Senator Jack Reed, for their terrific work on so many issues. I do hope they will look again at this particular cut in the basic housing allowance and support our amendment.

I yield the floor.

THE PRESIDING OFFICER (Mr. Lee). The Senator from Illinois.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as in motion possessed.

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

Tribute to Billy Lawless

Mr. DURBIN. Mr. President, we all know the Senate of the United States is composed of two Senators from each State. Today I have news. My home State of Illinois just picked up a third senator.

Last month, the Irish Prime Minister—Taioseach—Enda Kenny, announced eight appointees to the Irish Senate. One of the appointees is my dear friend in Chicago, Billy Lawless. Billy is the first Irish citizen living in the United States to be appointed to the Irish Senate. This is truly historic. Today Billy takes a seat in the Irish Senate. Ireland will get a senator who will fight for the disenfranchised, the dispossessed, and those yearning to work hard for a better life.

No one has been a stronger voice and advocate for the Irish diaspora and immigration reform than Billy Lawless of Chicago, IL. Prime Minister Kenny couldn’t have made a better choice.

For generations, sons and daughters of the Emerald Isle have landed on our shores in search of the American dream. Billy Lawless is no different. As a young boy, he grew up on a dairy farm in Galway, a city in western Ireland, delivering unpasteurized milk to local residents. As a teenager, he moved to America. After 48 years in Galway, he wanted to succeed in the United States and he personally could live the American dream.

He first went to Boston and Philadelphia, and then on December 31, 1997, New Year’s Eve, a historic day. Billy Lawless arrived in Chicago and knew he had found a home. From Galway, that most Irish of Irish cities, to Chicago, the most Irish of American cities, it was a perfect transition.

Within 6 months, Billy opened an establishment known as Irish Oak, just a couple blocks south of Wrigley Field. Today he owns four restaurants and a fifth one is about to open. All the Lawless restaurants are known for three things—great food, great fun, and great people.

Simply put, the Lawless family is restaurant royalty in Chicago. The family business started with 10 employees. Now they have 300. Since arriving in Chicago nearly 20 years ago, Billy has brought new energy to the city. As Irish energy, hard work, and a stubborn drive to succeed. With the great help of his great wife Anne and his four children—Billy, Jr., Amy, John Paul, and Clodagh—Billy achieved the American dream.

Billy could have said: I have achieved my American dream. Good luck with yours.

That is not who he is. After all, Billy is Irish. He looks out for his friends and neighbors. The first bar Billy opened, the Irish Oak, became a favorite for Irish construction workers. Many of them were undocumented and asked for Billy’s help in getting their papers in order. Billy never hesitated. He became their champion and a strong defender of Irish immigrants everywhere. When asked why he took such an interest in the issue, he said: “That’s what we Irish do for each other.” But he didn’t stop there. When similar problems were shared by others, Billy became an eloquent and forceful advocate for all immigrants.

Billy Lawless gets it. He understands that protecting immigrants’ rights is part of the strength of our immigrant Nation. I know he will continue to be an energetic and compassionate guardian of the Irish diaspora and all immigrants’ rights from his seat in the Irish Senate.

The United States and Ireland have long and proud histories, forged in the fires of a proud and rebellious spirit and united in friendship. Having Billy Lawless’s unique and authentic voice in the Irish Senate will only strengthen our relationship with countries both here and abroad. He represents the very best of the both the Irish and American spirit.

It was only 2 years ago that I came to the Senate floor to congratulate Billy and his wife Anne on becoming citizens of the United States. They had waited a long time, and they had worked hard for it. I was proud to call them not just my friends but my fellow Americans. Today I am proud to call Billy Lawless my fellow Senator.

Congratulations on a well-deserved honor.

INDEPENDENCE OF OUR FEDERAL JUDICIARY

Mr. President, I rise to address an issue of serious constitutional gravity. I rise to address the latest in a long line of appalling and insulting remarks made by the Republican Party’s presumptive Presidential nominee last week Donald Trump attacked the ethnicity of U.S. district court judge Gonzalo Curiel, who is presiding over a civil fraud lawsuit against Trump’s so-called university.

Mr. Trump referred to Judge Curiel’s heritage in a lengthy tirade about the judge’s ruling in the case. He also called Judge Curiel a “hater” and “a total disgrace,” suggesting that the judge should recuse himself due to his “negative” rulings.

When pressed on the issue, Mr. Trump doubled down. In an interview with the Wall Street Journal published last Thursday, Mr. Trump stated that Judge Curiel had “an absolute conflict” in presiding over the lawsuit because the judge is of “Mexican heritage.”

Mr. Trump went on to explain that the judge’s ethnicity presents an “inherent conflict of interest” because of Mr. Trump’s campaign pledge to build a wall on the U.S. border with Mexico.

Let me be clear. Mr. Trump’s attacks on Judge Curiel have been characterized—even by Republican Senators and Congressmen—as inappropriate, and completely unfounded.

Judge Curiel is an American. He was born in East Chicago, IN, just steps...
away from the border with my State. His parents had emigrated from Mexico to the United States.

He has a distinguished record. After attending law school at Indiana University, Judge Curiel practiced law in Indiana and California. In 1989, he joined the faculty at the University of California, Los Angeles, and served as a deputy district attorney in the Southern District of California. As a Federal prosecutor, Judge Curiel served in the Narcotics Enforcement Division and worked to bring down drug cartels. After prosecuting a major cartel, he received a death threat and was forced to live under guard for months.

In 2007, he was appointed by a Republican Governor in California to serve as a State judge. President Obama later nominated Judge Curiel to the Federal bench. The Senate confirmed his nomination by a unanimous vote on September 22, 2012.

Judge Curiel is well respected in the legal community. A former colleague recently said: "His integrity is beyond reproach." And a California attorney who led the screening committee that reviewed Judge Curiel in 2011 said:

He was very highly recommended. No one could say a bad thing about him.

Despite these accomplishments, Donald Trump views Judge Curiel as incapable of serving as an impartial jurist in this case involving Trump University due to the judge’s ethnicity. Mr. Trump believes the lawsuit that Judge Curiel is presiding over should have been dismissed long ago. Maybe Mr. Trump should take a closer look at reality.

Multiple lawsuits have been filed against Mr. Trump’s so-called university, and in one of the two lawsuits that Judge Curiel is presiding over, former students allege that Mr. Trump and Trump University defrauded them by making representations about the education they would receive.

The plaintiffs provided evidence to support their claims and, as a result, Judge Curiel denied a motion from Mr. Trump to grant summary judgment in his favor, which would have avoided a trial. Nothing in this ruling suggests a lack of impartiality. Instead, Judge Curiel’s rulings indicate that a factual dispute exists in the case and the plaintiffs deserve their day in court.

Unfortunately, reality and the facts don’t seem to matter to Mr. Trump. Instead of acknowledging the inappropriateness of his attacks on Judge Curiel’s character and heritage, he has doubled down on them. Mr. Trump apparently believes that after he bullies and deems a group of people, he should never have to face a member of that community in a courtroom.

One of Mr. Trump’s most reprehensible statements—and there are many—calls for a total and complete ban on Muslim immigrants coming to the United States. In an interview that aired on "Face the Nation" on Sunday, Mr. Trump was asked:

If it were a Muslim judge, would you also feel: like they wouldn’t be able to treat you fairly because of that policy of yours?

He responded:

It’s possible, yes. Yeah. That would be possible, absolutely.

Where does Mr. Trump’s twisted logic end? Does his crude attack on a disabled reporter present a conflict of interest for a judge with a disability who presides over a case against him? Do his disparaging remarks about women disqualify female judges from ruling on lawsuits against his failed business ventures?

Mr. Trump’s assertions are not only bigoted, they also endanger the independence of the Federal judiciary as he aspires to the highest office in the land. Despite those concerns, Senate Republicans are keeping 89 Federal judicial seats vacant, including an empty seat on the U.S. Supreme Court, in the hopes that Donald Trump will be able to fill those vacancies.

After Mr. Trump’s racist diatribes, I would like to ask my colleagues how they can possibly trust Mr. Trump to appoint judges to the Federal bench. Are they comfortable with a potential President who apparently believes that the only qualified candidates for Federal judgships are those who possess racial, religious, or other characteristics that he has not yet disparaged?

Trusting Donald Trump to fill judgeships in our Nation’s Federal courtrooms is a constitutionally dangerous bet. Placing that trust in Trump would threaten grave harm to our system of justice and to our rule of law.

I thought—or had hoped—that we had moved past the dark time in our Nation’s history when defendants believed it was appropriate to try to remove judges from a lawsuit on the basis of race. It was just over 40 years ago that an African-American Federal judge named A. Leon Higginbotham, Jr. presided over a class action lawsuit involving civil rights claims.

The defendants in the lawsuit filed motions to disqualify Judge Higginbotham from the case based on his race. In his opinion denying their motions, Judge Higginbotham wrote the following:

It would be a tragic day for the nation and the judiciary if a myopic vision of the judge’s role should prevail, a vision that requires judges who preside, in their churches, in their non-political community affairs, in their universities. So long as Jewish judges preide over matters where Jewish and Gentile litigants disagree; so long as Protestant judges preside over matters where Protestant and Catholic litigants disagree, so long as White judges preside over matters where Black and White litigants disagree, I will preside over matters where Black and White litigants disagree.

In light of Mr. Trump’s reprehensible remarks, Judge Higginbotham’s words have taken on a renewed resonance. If Mr. Trump’s myopic vision for the Federal judiciary prevails, it will indeed be a tragic day for the Nation.

I yield the floor.

Mr. ISAKSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. LEAHY. Mr. President, if the Senate from Georgia would yield for me to make a unanimous consent request.

Mr. ISAKSON. I yield.

Mr. LEAHY. Mr. President, I ask unanimous consent that I be recognized following the remarks of the Senator from Georgia.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Georgia.

Mr. ISAKSON. Mr. President, last week, the Attorney General of the United States sent a letter to KEVIN McCARTHY, the majority leader of the House, to inform Mr. McCarthy and all others, that she would not defend the administration on the constitutional challenge to the firing of Sharon Helman, the director of the Arizona hospital of the Veterans’ Administration.

The firing took place because Ms. Helman had manipulated the books and overseen the manipulation of appointments to the point where as many as 40 veterans waiting in line to get their first appointment died before they were ever seen by the VA. She was convicted by a court of law for taking illegal gratuities in her position as director of the hospital.

Ms. Helman filed a constitutional challenge as to whether we had the ability in the administration to fire high Constitution officials. Loretta Lynch has said she is not going to defend the United States or the law we passed, called the Veterans Accountability and Choice Act, which calls for the firing of employees by the Secretary of the Veterans’ Administration for cause.

Today, in Phoenix, AZ, it was announced that the Veterans’ Administration is firing three more employees of the Veterans’ Administration hospital. Yet, in the shadow of that, Loretta Lynch is telling America she will not defend the country on the carrying out of the laws we pass in this country, in this body, and that the President of the United States has signed.

There is a solution to this problem, Mr. President. It is called the Veterans First Act, which was written originally by 19 members of the Senate—all members of the Veterans’ Affairs Committee. It has been signed and cosponsored by 49 other Members of the Senate. It is a no-brainer and should be the hide-and-go-seek that takes place at the Veterans’ Administration. It takes the Veterans’ Administration out from
under the Merit Systems Protection Board for all senior executive leadership. In other words, the 434 senior executives in the Veterans Administration now protected by the Merit Systems Protection Board no longer would be protected by that Board but instead would fall both to the Secretary of the Department of Defense. Rather than reject unnecessary spending for weapons and other programs the Pentagon says it does not want or need, the Senator from Arizona not only says we should fund the Secretary’s request but spend another $18 billion on defense.

I will leave it to others to defend or contest the assumptions on which Senator McCain’s amendment is based. But I do want to speak briefly in support of the second degree amendment offered by the ranking member of the Armed Services Committee, Senator Reed of Rhode Island.

Because if there is one thing we have learned over and over, it is that protection within our own country is not only about a strong military that can respond when all other options fail. It is also about homeland security, including border control and maintaining critical infrastructure. It is about law enforcement within the United States.

It is about cyber security. It is about educating the next generation of Americans and creating jobs that lead to advancements in science and technology. And it is about strengthening the capabilities of foreign partners and acting as a leader in international diplomatic efforts to prevent and respond to threats to global security.

The fiscal year 2017 budget allocation for the Department of State and foreign operations is $591 million below fiscal year 2016. That, coupled with the fact that the President’s budget underfunds programs for refugees and other victims of disasters by $1 billion, presents us with an untenable budget situation now protected by the Merit Systems Protection Board but instead be protected by that Board and instead of having that Board, we believe our next Commander-in-Chief will also need the civilian tools in our arsenal to keep our nation strong and secure.

For centuries, the blessing of two large oceans on our flanks acted as geographical barriers. But in the modern era, technology has made the world smaller and increasingly interconnected. The recent attacks in Brussels, Paris and San Bernardino, Calif., remind us that global threats do not respect borders and oceans and are too numerous to preserve our peace and prosperity. The security challenges our nation faces today are not the same as when we began our service during the Cold War. . . .

Military force will continue to be a necessity, but it is not enough. We have to do more to keep our nation safe. The security challenges our nation faces today are not the same as when we began our service during the Cold War. . . . Twenty-first century problems require fine scalps, and the military is a broad sword. We can start by better resourcing and strengthening our own institutions.

Mr. President, we should also remember that the Balanced Budget Act is based on parity. The spending caps we put in place have consequences for both the defense and nondefense sides of the ledger. To get the Secretary’s one-dimensional approach ignores this bipartisan compromise. His amendment ignores the essential roles that development and diplomacy play in national security. It ignores the many domestic components to a strong defense, like a well-trained workforce and reliable infrastructure, like energy independence, like health systems that have the resources to protect the public from infectious diseases, contaminated drinking water, and unsafe food.

I urge the Presiding Officer and the other Members of the Senate to join with me when our bill comes to the floor and to pass the Veterans First Act. It brings about real accountability in the Veterans Administration, real choice for our veterans, and real care for our Vietnam veterans. It addresses the opioid problem and once and for all provides for a comprehensive reform of the Veterans Administration, which has taken place in decades and decades.

I commend the members of the Veterans’ Affairs Committee for their leadership. I thank the Presiding Officer for the chance, and I yield to the distinguished Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont.
power, but it cannot be the only option. To preserve our flag and freedom, there are three areas where America must do better.

1. We must strengthen not only our soldiers, airmen, Marines, Coast Guard, and airmen but also our diplomats and development experts who are critical to our national security.

2. Fighting terrorism means more than bombing the Middle East from the air. It means supporting weak or fragile states, in increasing foreign military training and assistance, and devoting more resources to fight weapons proliferation. These are battles best fought at the local level with knowledge of cultures, economics and history.

3. We must strengthen the humanitarian values that undergird American global leadership.

U.S. foreign assistance has helped cut extreme poverty in half since 1990. It has increased a majority of the developing world by 33%, afforded two billion people access to clean water, and the number of children in primary school has tripled over the last 25 years.

Pandemics and diseases like Ebola and the Zika virus are more easily defeated in the countries where they originate when those countries have strong health care systems, an educated population and the economic means to combat the virus. We can help build those institutions. To those concerned about the cost of assistance to the developing world, we would submit to you that economic development is cheaper than sending in the military.

Twenty-first century problems require fine scalps, and the military is a broad sword. We can start by better resourcing personnel and strengthening our own institutions. The State Department, the Peace Corps and USAID are the front lines of keeping our country safe, but they are underfunded and underfunded.

Facing the largest global displacement of people since World War II, we have much more work to do. If we are not helping to support allies and friends, we are sacrificing our own prosperity.

We must help create economic opportunity in the developing world by 33%, afforded two billion people access to clean water, and the number of children in primary school has tripled over the last 25 years. Pandemics and diseases like Ebola and the Zika virus are more easily defeated in the countries where they originate when those countries have strong health care systems, an educated population and the economic means to combat the virus. We can help build those institutions. To those concerned about the cost of assistance to the developing world, we would submit to you that economic development is cheaper than sending in the military.

General James Mattis got it right when he said: “If you don’t fund the State Department fully, then I need to buy more ammunition.”

Keeping all the tools of American national security strong will help save lives and promote global stability and prosperity. Regardless of who is elected in November, a candidate who understands these challenges, and acts accordingly, will be in America’s best interests.

Mr. LEAHY. Mr. President, I see the distinguished senior Senator from Alaska on the floor, and I yield the floor to him.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I rise today to speak about an amendment that I have filed to the National Defense Authorization Act. This amendment, No. 4222, and it addresses an issue of great interest to military families not only in my State, where we are proud to host a strong contingent of military that defend our Nation, but this is an issue that really stretches across the country. What we propose in amendment No. 4222 is to strike section 604 of the NDAA, which represents a paradigm shift in the way that the basic allowance for housing is paid to our Active-Duty members.

The Department of Defense and our military families have long believed that BAH is part of a total compensation package to ensure that pay is fair and competitive. Section 604 turns the BAH into a reimbursement program. So instead of having BAH in your bank account to spend on living expenses as you deem fit, Section 604 essentially requires servicemembers to turn in receipts and have an accounting office and basically plead your entitlement to that reimbursement for the cost of your housing as well as utilities. I suppose alternatively you could take your entitlement and accept the risk that some verification process will require you to pay something back, perhaps a lot back. Section 604 does not explain how that whole verification process will work.

Believe me, when I had an opportunity to visit with military spouses at Fort Wainwright just last week about this, they asked me: How does this reimbursement work? How do I get these utilities statements in for reimbursement? Already there are not enough people to process these forms. The system that goes on for reimbursement of other expenses like permanent change of station moves. Tell me how this is going to be a better system.

Our military families are very familiar with deep bureaucracy and endure a fair amount of hassle to get what they are already entitled to.

I heard loud and clear from these military spouses the concerns they had about a proposal. They are looking at this as an unalleviated problem; perhaps it is not a well-formed solution and it could have extreme consequences for those who serve in highly rural places, like in Alaska.

The BAH doesn’t pay only for housing, it pays for the utilities. BAH pays for lights and heat, but keep in mind what it means to be in a very remote, very rural place. In places like Fairbanks, you are limited in terms of your options for energy, for power. Your costs are high. You could be looking at a bill of $100 a month. It could be a monthly basis that could actually exceed the cost of your mortgage. Think about what that means. You may be in the enviable position of having found a home in a community that you think is affordable, the mortgage might be affordable, but if it is an older house, if it is not fully weatherized, if you are on home heating fuel, you may be looking at a situation where you are paying more in utilities than for the cost of your housing.

Another cost you might use your BAH to pay is snow removal. It is not fully weatherized, if you are on home heating fuel, you may be looking at a situation where you are paying more in utilities than for the cost of your housing.

Another cost you might use your BAH to pay is snow removal. It is not fully weatherized, if you are on home heating fuel, you may be looking at a situation where you are paying more in utility costs for your mortgage than for the cost of your housing.

The stories I hear about our military families I spent time with. These are families who are accessing our community food banks—our military families are worried. They are worried about what is happening at home, the financial issues they are faced with.

This was one concern I heard specifically: If this is a reimbursement system and I have to submit receipts for expenses—expenses that may exceed the cost of the mortgage, exceed the cost of a mortgage, and it takes a long while to get this reimbursement—what happens if I can’t pay my bills on time?
June 8, 2016

My bill, the Department of Defense Authorization Act of 2016, includes a number of initiatives designed to address the unique challenges faced by our military families. Among these initiatives is the provision to increase the Basic Allowance for Housing (BAH) for servicemembers and their families. I believe this provision is necessary to ensure that our military families are able to maintain a decent standard of living while deployed and that they are able to afford necessary support services, such as child care and other family necessities.

I am deeply concerned that the current BAH structure is not adequately compensating our military families for the cost of living in regions where our servicemembers are stationed. This is particularly true for families stationed in high-cost areas, such as urban centers, where the cost of housing and other necessities far outstrip the BAH allowances provided.

I am also aware of the concerns raised by some members of the Senate about the potential for this provision to impact the readiness of our military forces. However, I believe that the benefits to our military families far outweigh any potential negative impacts on readiness. In fact, I believe that providing our military families with adequate housing support is essential for their ability to focus on their military duties and support our national security objectives.

I urge my colleagues to support this provision and to join me in ensuring that our military families receive the support they deserve and need to lead a decent life while serving our country.

Chairman of the Senate Armed Services Committee, Mrs. Murkowski of Alaska, and Ranking Member, Senator Tillis of North Carolina.

DEAR SENATOR TILLS: I am writing to thank you for your continued strong support for our men and women in uniform and their families. As most recently recognized by your introduction of amendment #4222 to remove § 604 and urges other mem-

ners from the Military Officers Association of America as well as the Air Force Sergeants Association in support of my amendment.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MILITARY OFFICERS ASSOCIATION
OF AMERICA,
May 27, 2016.

Hon. Lisa Murkowski [R-AK],
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR MURKOWSKI: I am writing to thank you for your continued strong support for our men and women in uniform and their families. As most recently recognized by your introduction of amendment #4222, which would remove § 604 from S. 2943, the Senate’s FY17 defense policy legislation, I am writing to urge you to reconvene more than $200 million annually from the Regular Military Compensation (RMA), earned by servicemembers through reductions to the Basic Allowance for Housing (BAH), a main component of RMA of which they are enti-

led to under law. These reductions would begin in January 2018 for new entrants into military service and after the next Perma-

nent Change of Station (PCS), for those al-

ready serving.

The reductions to BAH, as called for in § 604, would require the diligent work done by Congress over the past 15 years to rectify the out of pocket housing costs long borne by servicemembers and clearly sends the wrong message to them and their families—that their service and sacrifice is not important.

At a time when we have asked servicemembers to contribute more to their retirement savings, more to their housing, and possibly more to their healthcare, this proposal is wrongly conceived, unfair, and would do harm to the retention of our current service serving men and women and their families.

The Military Officers Association of America (MOAA) strongly supports amendment § 604 and urges other members of the Senate to support the amendment as well.
Thank you for your leadership and for your continued strong support for our men and women in uniform and their families.

Sincerely,  
DANA T. ATKINS.

AIR FORCE SERGEANTS ASSOCIATION.  
Sault, MI, June 1, 2016.

Hon. Lisa Murkowski,  
Hart Senate Office Building,  
Washington DC.

Dear Senator Murkowski: On behalf of the 90,000 members of the Air Force Sergeants Association I want to thank you for introducing amendment § 222 to S.2943. Removing §604 from the Senate’s FY17 NDAA, as articulated in your amendment, is absolutely the right call.

To propose BAH reductions while servicemembers are already constantly contributing more to their retirement and potentially to their healthcare clearly sends the wrong message. Keeping in mind that vast numbers of military families funneled their children into similar service, retention of those now serving in uniform as well as recruitment of future talent both stand to suffer.

AFPSA strongly supports amendment § 222 to remove §604 from S.2943 and urges other members of the Senate to also support this amendment.

Respectfully,

ROBERT L. FRANK.  
Chief Executive Officer.

Ms. Murkowski. Mr. President, I yield the floor to my colleague from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. Hoeven. Mr. President, I thank the senior Senator from Alaska. I appreciate that.

I rise today to speak in support of the NDAA, the National Defense Authorization Act, which we are currently working on. The NDAA is clearly one of the most important pieces of legislation we take up in Congress because it authorizes vital programs designed to keep our Nation secure and our people safe.

We have worked very hard to make sure the bill upholds the nuclear missions at our missile bases, as well as unmanned aerial systems—the UAS missions—that have emerged as a vigorous part of our Nation’s defense.

I commend the chairman and the ranking member for their good work in bringing this bill to the floor. It is a massive undertaking. In particular, I thank them for their support on some important priorities.

This bill fully authorizes programs to sustain our forces, including plans to upgrade the Minuteman III ICBM, the venerable B-52 bomber, and our nuclear cruise missiles. The bill also fully authorizes the Global Hawk program, which is proving its worth every day and demonstrates the value of unmanned aircraft in performing intelligence, surveillance, and reconnaissance missions.

The Appropriations Committee, on which I serve, approved the National Defense Appropriations Act last month, putting in place the funding to support our armed services. As soon as we pass the authorization bill that is now before the full Senate, I understand we will work to bring its companion bill, the appropriations bill, to the floor for a vote as well. Both are vital for our armed services.

Together, these two bills—the National Defense Authorization Act and the National Defense Appropriations Act—will provide our armed services with both the blueprint and the funding they need to defend our Nation and the American people.

As I have said, I have filed several amendments that I believe will strengthen the bill and our national security, and I wish to take a minute to talk about them now.

First, I have filed a measure that requires the Air Force to procure, in a timely manner, Black Hawk helicopters to replace the Vietnam-era Huey helicopters that currently provide security to our intercontinental ballistic missile fields. These fields are located near Minot Air Force Base in my home State of North Dakota, as well as at F.E. Warren Air Force Base in Wyoming and the State of Montana.

The Air Force uses helicopters to provide security for missiles that are in transit, as well as to move security forces quickly to any missile field site that could come under any kind of threat.

I love the old Huey helicopters. They are great. I have flown in them for many years, on many occasions, and it is certainly an iconic aircraft and one that has served our Nation’s military very well through the Vietnam era and through today. But the reality is that it is no longer able to do the job that we need done.

I spent some time with pilots at Minot Air Force Base earlier this year and heard about the challenges they face. For example, the front panel of the Huey sometimes will not light up. Remember, these are aircraft that were manufactured in 1969. The pilots flying these aircraft are a lot younger than the helicopters they are flying, but they do a remarkable job. The mechanics do an amazing job in keeping them going.

For example, sometimes the front panel of the Huey will not light up. When they are flying at night, they stick a portable LED light on the dash so they can see their gauges. Think about that. We have amazing young men and women in the military flying these helicopters that are much older than they are—helicopters from 1969. Some of the gauges don’t have lights on them, so they put LED lights on as a makeshift way to see the gauges in the dark when they are flying to the missile fields performing their mission. If they hit some rough weather, guess what happens. The jostling knocks the LED lights off the control panel, and now they are in the dark. They can’t even see their gauges.

Think about being out there flying helicopters on a military mission, and it is dark. You may be in rough weather, and you can’t see your gauges. Obviously, that doesn’t get the job done.

That is not something that is acceptable for our men and women in uniform.

The Air Force acknowledges this, and they are working on getting an upgraded helicopter. To their credit, the Air Force wanted to move this as fast as possible, but under the plan DOD had approved, it would take 5 years before we would get new helicopters.

Think about the situation I just described. Here are these air men and women flying in this make-shift condition, in a situation where the Air Force has acknowledged that this equipment does not meet the mission requirements—does not meet the mission requirements. That is why we have to accelerate this timeline, and that is what this amendment does.

Specifically, my amendment instructs the Air Force to get Black Hawk helicopters on contract by 2018, which accelerates the Air Force’s current procurement plan by approximately 2 years. It would enable them to acquire Black Hawk helicopters under the Army contract. The Army is already buying these helicopters. It has been the Army’s bid. They have been using them for some period of time. It would allow the Air Force to piggyback on it and buy the Black Hawk helicopters they need. It saves millions of dollars. I think somewhere between $80 and $120 million. This is common sense stuff. I think it is a win all the way around.

This provision is coauthored by Senator Jon Tester, Democrat of Montana. Obviously, he is well aware of the problem, too, because they face the same difficulty across our border in Montana. It is cosponsored by the other members of the Senate’s ICBM coalition. It is bipartisan. We have a number of Senators on board supporting it.

Also, it is a companion bill to the amendment that Senator Tester and I included in the fiscal year 2017 Defense appropriations bill. We have already put $75 million in the Defense appropriations bill to start the acquisition. The dollars are there; this is the authorization that goes with the dollars. We worked very hard on this. We set it up the right way, and it is something we need to do.

The second amendment I introduced will help to meet the challenge of training enough pilots to fly RPAs, or remotely piloted aircraft—unmanned aircraft. I don’t know that there is any mission in the Air Force or perhaps the whole DOD that is more in demand right now than RPAs, unmanned aircraft. All over the world, we are using this amazing tool—Global Hawk, Predator—and it is in tremendous demand right now. That also creates a tremendous demand for pilot training.

Chairman McCain and Ranking Member Reed included language in the base
The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4290

Mr. GRAHAM. Mr. President, to Members that sit both sides of the aisle, I appreciate the effort to produce a bipartisan national defense authorization bill. I think our committee did a good job in coming up with a bipartisan bill, but as a body and as a country we haven’t done enough and this is a chance to rectify what I think is an incredibly big problem.

We are at war—at least I think we are. We have been at war for the last 15 years. I cannot tell you how hard it has been on the all-voluntary force. I was in the Air Force for 33 years. I retired last year. I had the pleasure of meeting a lot of men and women in uniform in Iraq and Afghanistan. I think I have been to Iraq and Afghanistan 37 times in the last decade. I have seen incredible sacrifice by those who serve our Nation to defend us against another 9/11 and what their families have gone through.

As a nation and a Congress, what have we done to those who have been fighting this war? We are on track to have the smallest Army since 1940. Sequestration—across-the-board budget cuts that have taken almost $1 trillion out of our budget. It is insanity, and nobody seems to give a damn about fixing it. None of us have to go and fly in planes that are about to fall out of the sky. None of us are commanders of troops and having to use duct tape to get our people to the right place at the right time. We worry about going over and over and over to the war zone because the war is getting worse, not better.

It looks like all of us should listen to our commanders who have said with one voice that the readiness of the U.S. military is in an emergency situation. The ability to give the flying hours our pilots need can’t be done because of budget constraints. It looks like we would want to listen to the Chief of Staff of the Army, Air Force, Navy, and the Commandant of the Marine Corps who are telling us that sequestration has taken a toll on the ability to defend this Nation.

We have had some patchwork solutions. We put some money back, but we are due to go back into sequestration next year. The amount of money we put back in the Ryan-Murray compromise was much appreciated, and Senator McCain is trying to put an $18 billion infusion into the military to meet their unfunded needs that would plus-up the Army by 15,000 and would plus-up the Marine Corps and the National Guard and would give more money for operation and maintenance. The problem is that Congress is that training hours have to give way to operational needs in theater. Let me give one small example. There is a Marine Corps readiness rapid response force in Spain that is stationed in Spain to deal with Benghazitype events throughout Africa. They have to fly—in case something went bad—thousands of miles. They have 12 aircraft, B-22s, and 2 teams. The Commandant of the Marine Corps is having to take six of these aircraft away from the United States because we don’t have enough airplanes to train the B-22 pilots. That means there is a hole in our ability to protect our citizens and diplomats in Africa.

I cannot tell you the damage that sequestration has done to our military, and we seem unmoved by all of this. I cannot believe that the body is not responsive to the needs of our military, given the threats we are facing. How much more information do we need from our commanders to believe this is an emergency?

I say to my Democratic colleagues, I know sequestration is hurting on the nondefense side, but all spending is not equal. I stand ready with you to find a way to buy back sequestration and pay for it by having some revenue come from closing loopholes and deductions like the supercommittee envisioned by using some revenue and some entitlement reform to buy back what is left on sequestration. I am not asking that you just spend money on defense and ignore the rest of the problems associated with sequestration.

I have sat down on two separate occasions with Members on the other side to try to find ways to buy back sequestration so we could actually achieve the savings, and we have been able to put a whole lot of $18 billion worth of repeals up to a fix that provided some relief that expires at the end of the year.

The bottom line is this. The McCain amendment is making the argument that the defense budget that this amendment has to be spent based on an emergency.

Here is the question: Is there an emergency when it comes to the operational needs of this country on the defense side? Have we put our troops in a spot where we are risking their lives and their ability to prosecute the war because we have gone too far with defense cuts? I think we have, but if you don’t believe me, you should listen to our commanders and hopefully I can read some of their quotes.

With this $18 billion infusion, we are able to increase the size of the Army, and if you are in the Army, you could use a little help right about now. You have been busting your ass for the last 15 years, going back and forth, back and forth, and the way we reward your service is to decrease the size of the Army.

I just got back from Asia, and everybody in Asia is wondering: What has America done in this amount of time to have the smallest Navy since 1915. We are going to pivot to Asia with what? Under sequestration our ability to modernize the Navy has been lost. They don’t have the money to build the new ships that we need to fight the war for the future. We contain a threatening China because they are in a war now. They are robbing Peter to pay Paul. It looks like we would want to help the Marines. If you are a marine, boy, have you been on the tip of the spear.

This amendment would allow us to have 3,000 more marines. What does that mean? It means we will have 3,000
more people to help prosecute the war and take a little burden off the Marine Corps, which has been absolutely worn out. Seventy percent of the F-18s in the Marine Corps have problems flying. We are cannibalizing planes to keep other planes flying.

To those who say we need to reform the Pentagon, you are right. Not only do we need to, we have. Fifty percent of the Department of Defense budget is personnel costs. Last year we reformed retirement. At 20 years, you are not going to get half of your base pay. You will get 40 percent in the future. That will save money. We are going to allow a Thrift Savings Plan for those who want to contribute 5 percent of their pay and we will match 5 percent, but they can't get the money until they are 59 or 60. That will be money for the servicemembers, but it comes later.

We are going to ask our retirees to pay a little bit more for the military health care system because we haven't had a reform of that since 1995. We are going to go to fixed-price contracts to deal with the abuse of cost-plus contracts to save money. We are trying to reduce the number of general officers because they were too many.

We are doing a lot of things to make the Pentagon operate better, but at the end of the day, you need people to defend this country. When sequestration kicks back in, we are going to go from 475,000 to 420,000.

What I am asking for is a bipartisan effort to stop the bleeding, to take the request for the military that is unfunded and desperately needed and give them a little bit of hope. We need to let them know Congress is listening to their problem because we are not. We are ignoring the problems of our military because if we were really serious about helping them, we would pass this by a voice vote, but, no, we can't increase spending by $1 billion or $2 billion to increase the size of the Army, Marine Corps, and the National Guard, to give more flight time to our pilots, more money to maintain the equipment and increase the size of the National Guard, which has really suffered during the last 15 years, and to buy more airplanes. The bottom line is, we can't do all of that because we have to increase nondefense spending.

To my Democratic colleagues, if you don't think there is an emergency in the military, then you haven't been listening. To those Republicans who believe the appropriations bill has adequately funded the needs of the military, you haven't been listening. Well, I have been listening. Washington is broken in many ways. I enjoy being a Member of the Senate, and I respect my colleagues, even though we disagree, but this one I can't understand. I can't understand this. I can understand ideology. I can understand the different pro-life, pro-choice, guns, revenue, and taxes. I can understand conservatism, liberalism, libertarianism. I can understand that in a great country we have differences, but this I can't understand.

I can't understand why any of us would let this happen to our military. Whether you are a Libertarian, vegetarian, Republican, or Democrat, you need both men and women defending you so you can go about your business defending yourselves. We can argue until the cows come home about how America should be, and it is a privilege to have this debate. While we are arguing among ourselves about how to make America stronger, China is becoming one, stronger together, or whatever damn phrase is out there, the people who are giving us the privilege to argue are being worn out and underfunded.

I am dumbfounded that this is hard given the state of readiness of our military. I am dumbfounded that we can't improve military readiness without increasing spending for food safety modernization. I am sure there is probably something legitimate there, but the Food Safety Modernization Act is not going to stop ISIL from coming here.

There is $1.9 billion for water infrastructure. I am sure it is legitimate, but all I can say is that whatever problems we have with water, they pale in comparison to the problems we have with terrorism.

Who are we as a body, who are we as a people if we can't see this being an emergency? If you are not listening and you have shut your mind and eyes to what is going on, then shame on you.

This is the low point to me; that we cannot as a body agree that our men and women in the military are in a bad spot and they need our help yesterday. So vote the way you are going to vote, but don't tell me that the Appropriations Committee, of which I am a member, has fixed the problem because we haven't. We did appropriate more money, and I appreciate it, but the $18 billion on this list is not addressed by the Appropriations Committee's effort to do more, and don't tell me this is not life or death. I don't believe it. Don't hold the men and women hostage from getting the money they desperately need to defend us all because you want more money somewhere else.

Whatever differences we have, whatever hopes and dreams we have as individuals or collectively as Americans are at risk because the people we are fighting would kill every one of us if they could. They could care less if you are a Republican or Democrat, liberal or conservative. They want to hurt us, and they want to hurt us badly, and the only way to keep them from hurting us is for some of us to go over there in partnership with others over there to keep the fight from coming back over here.

It looks like all of us can agree on giving the people going over there the best chance they can to survive the fight, come back home and protect us all, but apparently we can't get there. Shame on us. Shame on us all.

I yield the floor.

I suggest the absence of a quorum.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be waived.

The senior assistant legislative clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that at 7:30 p.m. this evening, the Chair lay before the Senate the House message accompanying H.R. 2577; that Senator MCCONNELL or his designee be recognized to offer a motion to invoke cloture on the motion to go to conference and that once a cloture motion is offered, all time be yielded back and the Senate vote on the motion to invoke cloture on the motion to go to conference; further, that if the motion to go to conference is agreed to, that Senator NELSON or his designee be recognized to offer a motion to instruct conferees and Senator SULLIVAN or his designee be recognized to offer a motion to instruct conferees; further, that Senator McConnell or his designee be recognized to offer a motion to instruct conferees and that the Senate vote with no intervening action or debate on the motions to instruct conferees in the order listed and that both motions require 60 affirmative votes for adoption; finally, that there be no further motions to instruct in order and that there be 4 minutes, equally divided, prior to each vote on the motions to instruct.

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

UNANIMOUS CONSENT AGREEMENT—H.R. 2577

Mr. CORNYN. Mr. President, I ask unanimous consent that at 6:41 p.m. this evening, the Chair lay before the Senate the House message accompanying H.R. 2577; that Senator MCCONNELL or his designee be recognized to offer a motion to invoke cloture on the motion to go to conference; further, that if the motion to go to conference is agreed to, that Senator NELSON or his designee be recognized to offer a motion to instruct conferees and Senator SULLIVAN or his designee be recognized to offer a motion to instruct conferees and that the Senate vote with no intervening action or debate on the motions to instruct conferees in the order listed and that both motions require 60 affirmative votes for adoption; finally, that there be no further motions to instruct in order and that there be 4 minutes, equally divided, prior to each vote on the motions to instruct.

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

Mr. CORNYN. Mr. President, I am grateful you will not make me repeat that.

I suggest the absence of a quorum.