

an agreement, abide by it. Simply put, a promise is a promise. Unfortunately, the pending amendment from the chairman of the Armed Services Committee would undermine this basic tenet.

Last year, Democrats and Republicans made an agreement. Democrats were committed to helping the middle class. Republicans were focused only on the Pentagon. Ultimately, we reached a compromise that was based on the principle of parity. We want to help the military, and they should be helped, but there should also be help for programs that are also important for our national security that are not the Pentagon. We provided additional resources to the Pentagon, as I said, but we also provided the same level of help for the middle class. That included improving our security through efforts of domestic agencies like the FBI, Drug Enforcement Administration, Department of Homeland Security, and others. That was our agreement, but now some Republicans want to break their word. Senate Republicans are demanding billions more from the Pentagon but refuse to provide an extra penny for the middle class, and that is wrong. It is completely inconsistent with last year's agreement, and it is blind to the many serious needs here at home that Republicans continue to ignore, and Zika is one. That is why I support the amendment offered by the distinguished Senator from Rhode Island, JACK REED, along with the leader we have on the Appropriations Committee, BARBARA MIKULSKI.

The Reed-Mikulski amendment would provide the same extra support for our middle class that Senator MCCAIN is demanding for the Pentagon, and it recognizes that our security depends on more than just the Defense Department. The Reed amendment includes more funding to address the dangerous Zika virus and fight the scourge of opioids. It also would help mitigate lead contamination, which is long overdue, in Flint, MI.

This amendment strengthens domestic security through support of the FBI and the Department of Homeland Security. It will improve airport security and community policing, and it will address the threat of cyber crime and terrorism.

The amendment by the Senator from Rhode Island and the Senator from Maryland will create jobs and address our Nation's crumbling infrastructure. It will not only improve our transportation system but medical facilities for our veterans and our National Park System.

The Reed amendment is also an investment in our future. The legislation will promote science and innovation through support for the National Institutes of Health, National Science Foundation, among others, and it will support education.

I urge my colleagues to support this important proposal which will make America a better and stronger country.

The bottom line is this: A promise is a promise. The middle class needs help at least as much as the Pentagon. Republicans should keep their promise to hard-working American families.

I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2017

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 2943, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2943) to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Pending:

McCain amendment No. 4229, to address unfunded priorities of the Armed Forces.

Reed/Mikulski amendment No. 4549 (to amendment No. 4229), to authorize parity for defense and nondefense spending pursuant to the Bipartisan Budget Act of 2015.

The PRESIDING OFFICER. The Senator from Rhode Island.

AMENDMENT NO. 4549

Mr. REED. Mr. President, I rise to discuss my amendment, which will provide partial relief from the caps imposed by the Bipartisan Budget Act of 2015 on both the defense and nondefense portions of the budget for fiscal year 2017. The chairman has offered an amendment that will provide relief for the Department of Defense activities. My amendment will provide a comparable amount of relief for activities that are beyond the Department of Defense but critical to our national security and critical to our national economy.

It is long past time to replace the senseless sequester with a balanced approach that keeps America safe and strong at home and abroad. Senator MCCAIN and I both believe that sequestration has to be eliminated. What I would suggest is that it has to be done in a balanced way. It has to keep the intent of the Bipartisan Budget Act and the Budget Control Act by treating defense and nondefense spending equally.

Let me also be clear. The bill before us provides the amount outlined under current law as well as the budget request of the Secretary of Defense who, along with the Service Secretaries and Chiefs, has testified in support of this amount. They certainly would like more, but they have testified that for this year these resources are at least adequate. Now they have also made it very clear that if we do go into sequestration in the next year, it would be absolutely devastating to the Depart-

ment of Defense. As a result, we share—the chairman and I—the same commitment to ensuring that sequestration is eliminated and we move to a more rational budget process.

These military professionals would like to have the certainty of year-long funding at the committee level reported at least. That certainly is extremely important. I don't think they want to roll the dice. They recognize that this lengthy fight for parity could last all the way through this year. I believe what they would like to see us do is what they said in their testimony. We can operate under the budget as proposed by the President, as recognized in the underlying budget committee mark, and that will give us the certainty we need.

The bill reported out of the Senate Armed Services Committee includes \$523.9 billion in discretionary spending for defense base budget requirements and \$58.9 billion for overseas contingency operations, or OCO account. It includes \$19.3 billion for Department of Energy-related activities resulting in a top-line funding level of approximately \$602 billion for discretionary national defense spending.

While these funding levels adhere to the spending limits mandated by the Bipartisan Budget Act, or BBA, concerns have rightly been raised that the Department may require additional resources to carry out the missions it has been assigned and to adequately maintain the readiness of our military forces. As my colleagues are aware, when the Senate considered the BBA last fall, it established the discretionary funding level for defense spending for fiscal year 2017. That agreement passed this Chamber with support from Senators from both political parties. Furthermore, the BBA split the increase in discretionary spending evenly between the defense and nondefense categories.

It is important to remember that we have repeatedly made incremental changes to the discretionary budget caps for both defense and nondefense accounts. We have done so in order to provide some budgetary certainty to the Department of Defense and our domestic agencies. These spending caps were first revised with the American Taxpayer Relief Act of 2012, the Bipartisan Budget Act of 2013, and most recently with the Bipartisan Budget Act of 2015.

In each instance, bipartisan majorities in Congress voted to increase the spending caps and provide additional resources, evenly split between defense and nondefense accounts. Unfortunately, providing relief to the budget caps for defense spending, as the underlying amendment by the chairman proposes, while taking no action on nondefense spending, would renege on those bipartisan agreements and the sense of common purpose that motivated us in the last several adjustments to the Sequestration Act.

In contrast, my amendment, would keep the pressure on for a permanent

solution to the budget caps and sequestration by treating defense and non-defense discretionary funding equally. We can't afford to miss any opportunity to make progress on this issue of sequestration relief. It also reinforces and underscores the sense of the Senate passed by the committee that states "sequestration relief should include both defense and nondefense relief." Again, that is a concept that has motivated all of us or the vast majority for many years.

Specifically, my amendment would revise the budget caps to allow for an additional \$18 billion in nondefense and defense-focused domestic spending to match the additional \$18 billion in defense spending.

The additional nondefense funds are intended primarily to help address security challenges facing our Nation that do not fall within the purview of the Department of Defense, including funds to implement the integrated campaign plan to counter ISIL, enhance Federal cyber security, and provide additional resources for border security, first responders, counter-narcotics, refugee assistance, Zika prevention and treatment, and infrastructure security and vulnerabilities.

True national security involves more than just the activities of DOD, and so non-DOD departments and agencies should also receive relief from the budget caps. The Pentagon simply cannot meet the complex set of national security challenges we face without the help of other government departments and agencies, including State, Justice, and Homeland Security.

There is a symbiotic relationship between the DOD and other civilian departments and agencies that contributes to our national security. It has to be recognized that providing security for the American people requires a truly whole-of-government approach that goes beyond just a strong DOD.

The budget caps are based on a misnomer, that discretionary spending is divided into security and nonsecurity spending. But Members need to be clear, essential national security functions are performed by government departments and agencies other than the Department of Defense.

As retired Marine Corps General Mattis said, "If you don't fund the State Department fully, then I need to buy more ammunition." General Mattis's point is perhaps best illustrated in the administration's nine lines of effort to counter ISIL. Of these nine lines of effort, only two fall squarely within the responsibilities of the Department of Defense and intelligence communities; i.e., traditional security activities. The remaining seven elements of our counter-ISIL strategy fall primarily on the State Department and other civilian departments and agencies.

My amendment includes \$1.9 billion to support this counter-ISIL strategy, including supporting effective governance in Iraq. No amount of military as-

sistance to the Government of Iraq will be effective in countering the ISIL threat in Iraq if the Abadi government doesn't govern in a more transparent and inclusive manner that gives Sunnis hope that they will participate politically in Iraq's future. We need our diplomatic and political experts at the State Department to engage with Sunni, Shia, Kurd, and minority communities in Iraq to promote reconciliation in Iraq and build the political unity among the Iraqi people needed to defeat ISIL. Those resources will come through the State Department, primarily.

Building partner capacity. The coalition is building the capabilities and capacity of our foreign partners in the region to wage a long-term campaign against ISIL. While the efforts to build the capacity of the Iraqi security forces and some of our other foreign partners are funded by the Department of Defense, the State Department and USAID are also responsible for billions of dollars in similar activities and across a broader spectrum of activities. Under the underlying amendment, none of the State and USAID programs will receive additional funding for these purposes.

We have to disrupt ISIL, particularly their finances. Countering ISIL's financing requires the State Department and Treasury Department to work with their foreign partners and the banking sector to ensure our counter-ISIL sanctions regime is implemented and enforced. These State- and Treasury-led efforts are nonsecurity in the very simple dichotomy that has been drawn under the budget caps. It is also notable that the Office of Foreign Asset Control, OFAC, and the Office of Terrorism and Financial Intelligence, TFI, Treasury Department, are also categorized as nonsecurity activities under the budget caps. The Republican funding strategy not only means that our counter-ISIL efforts will be hampered, so, too, will our efforts to effectively impose sanctions against Iran, Sudan, and individuals who support their illicit activities.

We also have to continue to expose ISIL's true nature. Our strategic communications campaign against ISIL requires a truly whole-of-government effort, including the State Department, Voice of America, and USAID. The Republican approach to funding our strategic communications strategy is a part-of-government plan, not a whole-of-government plan, since the additional funds that could be used by State, USAID, Voice of America, and other agencies would not be there.

We have to stop the flow of foreign fighters. Foreign fighters are the lifeblood of ISIL. Without the efforts of our diplomats around the world prodding our foreign partners to pass laws and more effectively enforce the laws on their books, the efforts of the coalition to stem the flow of foreign fighters will never be successful.

Of course, we have to protect the homeland. While a small portion of the

Department of Homeland Security is considered security-related activities under the budget caps, the vast majority of the Department falls into the nonsecurity portion of the budget. Providing no relief from the budget caps to the Department of Homeland Security shortchanges efforts to secure our communities and borders against ISIL threats.

Again, we have to provide support because of the huge humanitarian crisis that causes instability worldwide, particularly in areas of concern. Virtually none of the activities that support our humanitarian efforts in the region—in the Middle East and many other parts of the world—are considered security activities. Military commanders routinely state that the efforts of the State Department, the USAID, and the Office of Foreign Disaster Assistance to provide for refugees and other vulnerable populations overseas are critical to our broader security efforts, and that is particularly true on the counter-ISIL campaign.

The administration's two remaining lines of effort against ISIL—namely, denying ISIL safe havens and enhancing intelligence collection—are under the so-called defense or security accounts. However, the continued presence and activities of our diplomats overseas significantly enable both of these lines of effort. Therefore, our amendment would also authorize additional funds to provide for improved Embassy security to help keep these personnel safe.

The importance of adequately funding other security-focused civilian departments and agencies was also underscored by the former commander of U.S. Northern Command ADM William Gortney when he testified before the Senate Armed Services Committee earlier this year. Admiral Gortney stated:

Our trusted partnerships are our center of gravity and are critical to our success across the spectrum of our missions. Homeland partnerships . . . underscore every one of our mission areas, and are best represented by the integration in our headquarters of nearly 60 DOD and non-DOD federal agencies, department representatives, and liaison officers. I view homeland defense as a team effort, and I rely on partnerships with my fellow combatant commands, the Services, and our interagency partners to accomplish this mission.

Recognizing this reality, my amendment also includes additional funding for critical domestic security efforts, including \$2 billion for cyber security. Cyber attacks are a real threat to our national security. Cyber threats are increasing as our country and government become more digitally connected. There is no question the Federal Government must do a better job of protecting its systems. This amendment provides an additional \$2 billion to address our cyber security vulnerabilities in nondefense agencies.

I was particularly struck in hearings we had with the Department of Transportation IG and Department of Housing IG. When asked to give their major

concerns, both indicated the potential for cyber attacks and cyber security within their Departments. So this issue of cyber security certainly transcends the Department of Defense, and funding cyber security is a critical primary objective included in the amendment that I propose.

We are also asking for \$1.4 billion for law enforcement and the Department of Homeland Security. This money will help State and local law enforcement and first responder efforts. It will also allow the Department of Homeland Security to hire 2,000 new Customs and Border Protection officers and reduce wait times and improve security.

It is a good sign for our economy that more and more people have been using air travel since the economic recovery started in 2009. We have seen, particularly at many of our larger airports, passengers experiencing significant delays trying to clear security. For instance, BWI Airport is advising passengers to show up 2 hours early for domestic flights in order to clear security. The flight to Providence is 1 hour 15 minutes, and I take it often. So it is possible that people flying to Rhode Island will spend more time in the security lines than on the plane. We all know how much that affects the people we represent.

It is also important we have an adequate number of Customs officers not only at the southern border but all ports of entry across the country. T.F. Green Airport in my home State has a growing international service, but it has become a challenge for the existing number of Customs agents and inspectors to meet new demands for service.

One of the areas we talked about extensively on both sides of the aisle over the last several months has been the opioid epidemic. The amendment I propose would provide resources in the amount of \$1.1 billion to help with this epidemic. In the United States, drug overdoses have exceeded car crashes as the No. 1 cause of injury death. Two Americans die of drug overdoses every hour. In my State of Rhode Island, there were more than 230 opioid overdose deaths in 2014. We acted earlier this year on the Comprehensive Addiction and Recovery Act to help deal with this issue, but so far the funding efforts have been blocked. So we have a situation where there is authority but no funds. I think we need both, and I think we have to continually ensure we have both authorities and funds. It is critical that we provide real resources to States and local entities to confront this epidemic and to ensure that people have access to the treatments they need.

Another issue which threatens our national security that is not a traditional Department of Defense issue by any means is the threat of the Zika virus. It is on every front page and on every news show at almost every moment. This legislation would authorize \$1.9 billion for Zika prevention and treatment.

The threat of the Zika virus is a serious public health issue. It has been over 2 months since the administration asked for funds to speed up the development of vaccines and for a comprehensive response to the Zika virus. This should not be a partisan issue, and continued inaction leaves us more susceptible to this serious public health emergency. Already, there are over 1,700 cases of the Zika virus in the United States and U.S. territories, including over 300 involving pregnant women. We have seen seven cases so far in my home State of Rhode Island. The virus is spreading. It is not going away on its own, and we will certainly see these numbers increase as we approach the summer months. Again, I think we have to see this as a threat to our national security and deal with it as we are trying to deal with other threats to national security.

But our national security is not just about being strong abroad, it is also being strong at home. A growing, vital economy allows us to meet the fiscal challenges we need to fully fund defense and to fully fund our nondefense security activities. So, as Secretary Carter has said, underfunding the non-defense portion of the budget, in his words, “disregards the enduring long-term connection between our Nation’s security and many other factors. Factors like scientific R&D to keep our technological edge, education of a future all-volunteer military force, and the general economic strength of our country.”

The words of the Secretary of Defense, I think, are right on target. Furthermore, the men and women of our military volunteer to protect and are fighting overseas for American ideals, including a good education, economic opportunity, safe communities, and functioning infrastructure. There is a reason why our past budget agreements have provided budget parity between defense and nondefense spending. We have done so because we all recognize that we must protect our Nation as well as keep our Nation worth protecting.

Our servicemembers and their families also rely on many of the services provided by non-DOD departments and agencies. Efforts to support all these goals will be hampered unless civilian departments and agencies also receive relief from the budget caps.

Therefore, my amendment also revises the budget caps to allow for additional spending on important programs carried out by civilian agencies, including \$5.1 billion for infrastructure improvement. President Eisenhower understood the importance of a strong highway infrastructure to our national defense. In fact, I think, at least colloquially, his legislation was referred to at times as the “national defense highway system.” But it was the Federal-Aid Highway Act of 1956 which led to our interstate transportation system.

Today, many elements of that transportation system, both roads and

bridges, have fallen below acceptable standards. We need to take action now to prevent further decline in that vital system. The unrealistic and arbitrary budget caps will result in deep cuts to critical infrastructure programs. We need more resources to invest in our transportation and infrastructure systems—not less.

In response to these shortfalls, my amendment would provide \$5.1 billion to help meet critical infrastructure needs for roads, bridges, rail, affordable housing, VA construction projects, water infrastructure, and funds to mitigate lead contamination.

Here are a few facts for the consideration of my colleagues. Barely one-third of our roads are in good condition, and one-quarter of our bridges need significant repair. In my State, we have the highest percentage of structurally deficient bridges. Without increased investment, that number could double in the next decade.

The Department of Transportation has identified an \$86 billion state-of-good-repair backlog for bus and rail transit. That backlog continues to increase at a rate of \$2.5 billion per year due to inadequate Federal funding. Amtrak’s busy Northeast corridor has a \$28 billion state-of-good-repair backlog and relies on bridges and tunnels that are over 100 years old.

The Federal Aviation Administration’s maintenance backlog has grown to \$5 billion, and the FAA has identified over \$400 million in needs for immediate facilities repairs that we are not able to meet under our current allocation. If we do not invest in our transportation system, efficiency and safety will be compromised.

Meanwhile, we have also an affordable housing crisis. Nearly 8 million low-income Americans are paying more than 50 percent of their income on rent, living in substandard housing, or both. In fact, for every four families that are eligible to receive HUD assistance, only one can be served within this fiscal environment. Families cannot pay for higher education or get ahead if the majority of income goes to simply keeping a roof over their heads.

It is also important to continue to adequately fund the Drinking Water State Revolving Fund and the Clean Water State Revolving Fund and to work to mitigate lead contamination. State revolving fund resources are critical to modernize our water infrastructure, reducing pollution, and protecting public health.

As the tragic events in Flint, MI, illustrate, when water quality is compromised, it becomes a public health crisis. Water quality oversight isn’t just about pipes and infrastructure. It is also about preserving an ecosystem and keeping our sources of drinking water free from harmful contaminants. Inadequately funding these basic necessities means that we cannot meet the needs of our communities.

We also understand, particularly as we look across the globe at our competitors—our military competitors—

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, my amendment would 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 for life-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 Every Student Succeeds 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 educated workforce, a 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 for 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 Senator 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.

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

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—as 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 he has made against a distinguished Federal judge come as no surprise. We have seen for months that personal insults are the calling card of the Republican standard bearer. But I would say, similar to what many in both parties have said, anyone seeking the highest office of this great Nation has to understand the fundamental role that judges play in our democracy. The rule of law protects all of us, but only when administered by an independent judiciary.

I am deeply troubled by this attack on a sitting Federal judge, but make no mistake—it is not the first, nor will it be the last Republican attack on the independence of our Federal judiciary. This may be the most extreme example, but it is just the latest in a series of Republican actions that seek 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 the courts 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 extraordinarily partisan decision, and 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