

Last week, President Trump said that the estate tax was a “tremendous burden for the family farmer” and that it was crushing the American dream.

Does everyone here know what the estate tax is? It is a tax cut. It has been reformed. It was changed several years ago. It is now a tax cut for about the 5,000 richest families in America—approximately 0.2 percent of all of the estate owners in the country. The estate tax only kicks in when couples with estates of nearly \$11 million transfer their wealth to their families. For families who have less than \$11 million—they do not pay a penny.

This is a tax cut that would primarily benefit people like the President and members of his Cabinet, several of whom have net worths in the millions and billions. My friend Senator SANDERS has pointed out that the estate tax could potentially give a \$53 billion tax break to the Walton family—the heirs to the Walmart fortune. They are hardly family farmers. To boot, the estate tax would cost \$269 billion over 10 years and would go to a very rarified, small number of very wealthy people and not to anybody else. It is not exactly the deficit-reducing kind of policy Republicans have been talking about for years.

Yet Chairman BRADY of the House Ways and Means Committee said yesterday that we Democrats should not jump the gun and criticize the estate tax. He implied that nothing is decided and that maybe the estate tax will not be a part of the tax discussions. I hope he is right, but I would remind him that Republicans have been in lockstep on estate tax repeal for years and that he himself carried legislation in the House to repeal the estate tax as recently as in 2015. As recently as August 11 of this year, Chairman BRADY was asked on FOX Business news if he were looking to get rid of the estate tax. He replied, “I am.” So this idea that we should not criticize this idea because Republicans are not for it is just ridiculous.

Here is what Chairman BRADY did yesterday. He did not even call it “estate tax repeal”; he said “job creating.” This is a game we are going to hear a lot about over the next few months. Our Republican colleagues are afraid to talk about exactly what they are going to be doing when it comes to tax reform. I would like them to be honest and say that they believe tax cuts for the wealthiest of Americans are what create jobs. Most Americans do not believe that, so they hide it by saying they are job-creating. “We are doing job-creating taxes.” This is the same problem they had with healthcare. They talked about one thing, but it was really another. The American people caught on, and that is why healthcare did not succeed. The same thing will happen with tax reform if they persist in—and are actually embarrassed by—what they are doing so that they cannot talk about it frankly, so they cannot talk about it freely.

Our Republican friends want to hide the fact that they are giving a massive tax cut to the rich by calling it job-creating or pro-growth. If they want to argue explicitly that tax cuts for the wealthiest Americans are the best way to grow America, I welcome the argument, but say what you are doing. Don't just hide it under sort of false talk. To say that the estate tax is about family farmers is a statement that is just flat, plain wrong, deceptive. The estate tax shows how ridiculous and how egregious the canard is. Cutting the estate tax is not going to create jobs.

If Chairman BRADY has a detailed discussion of how cutting the Waltons' \$53 billion is going to create jobs or create jobs better than will training people, building infrastructure, or giving tax breaks to the middle class, I welcome it, but let's hear the discussion.

We are not going to let Republicans hide their agenda—tax cuts for the rich—by shrouding it in terms like “pro-growth” and “job-creating.” If they believe that giving a massive tax cut to the 5,000 wealthiest estates in America is going to create jobs, they have to show us how.

Another point. This morning, I was in the gym trying to exercise, as I try to do, and I saw my dear friend Senator TOOMEY say on television: Well, it is clear Democrats do not want to work with us.

Well, I walked faster on that treadmill—I spun the bike faster—when I heard that. There were 45 or 48 Democrats who signed a letter that said: Do not do reconciliation. Work with us on tax reform.

Is Mr. TOOMEY saying that we do not want to work with him because part of that letter said that we do not want to give tax cuts to the top 1 percent? If that is what he wants to do, it will be hard to work together, but we want to work with him—we want to work with you—but we want to have tax cuts for the middle class, not for the wealthy. When 45 Democrats have signed a letter that said “Do not do reconciliation. Work with us,” please do not say that we do not want to work with you. It is not fair. It does not set the bipartisan tone we are trying to set here. We have our strong views. We are willing to debate your strong views, but we want to work together.

#### HEALTHCARE

Mr. SCHUMER. Mr. President, on healthcare, on the Graham-Cassidy bill—and I see my good friend from Arizona is waiting, so I will just be a minute more—I have heard that a few Senate Republicans will be releasing a new healthcare bill today. No one has seen the exact print of Graham-Cassidy—both good men—but according to most reporting, it would take away even more benefits and hurt average Americans even more than the previous bills would have that were defeated.

Republican Governors like John Kasich have said that they are not for this bill. He said: “Trying to pass something through here in the 11th hour—I don't get it . . . I'm not for it . . . I'm for stabilizing the insurance markets.” Republican Governor Baker said that the Graham-Cassidy bill would “dramatically, negatively affect the Commonwealth of Massachusetts. We're talking billions and billions of dollars over the course of the next 4 or 5 years.”

So I hope that Republicans, instead of trying to repeal the ACA again with the Graham-Cassidy bill, will work with us to make it better. I hope they will heed the good words of my dear friend from Arizona, which are to go through regular order—that is the crucible; that is what this NDAA bill is doing—instead of trying to jam something through at the last minute. That will not work.

We need to start working together in a bipartisan way to improve the existing healthcare law. It starts with guaranteeing the cost-sharing program. Senators ALEXANDER and MURRAY are genuinely working on a compromise proposal, which we hope will be ready soon.

#### BORDER WALL AND DREAM ACT

Mr. SCHUMER. Mr. President, finally, I would like to end on a positive note. Yesterday, the President's Legislative Director said that the topic of the border wall would not be part of the discussion between our two parties about the path forward for Dreamers. This is a very good thing. The border wall is expensive, unnecessary, completely ineffective, not being paid for by Mexico as promised, and it would have been a major sticking point in the discussions. I made these arguments to the President repeatedly over the last week, and I am glad the administration has taken that position. It is a sign of good faith.

I continue to urge my friend the majority leader and the Speaker of the House to put a clean Dream Act on the floor, and I urge President Trump to support that as well.

Thank you.

I yield the floor.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2018—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the

Senate will resume consideration of the motion to proceed to H.R. 2810, which the clerk will report.

The senior assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 175, H.R. 2810, a bill to authorize appropriations for fiscal year 2018 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.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. McCAIN. Mr. President, I thank the Senator from New York, with whom I have had the pleasure and displeasure of working on many occasions. He is a strong advocate for what he believes in. Yet, over the years I have worked with him, his word is good, and when it comes to tough discussion and agreement and when agreement is reached, he sticks to his word, and that is an important element in our ability to work together.

I thank the Senator from New York for his efforts in bringing us together in a bipartisan fashion. I hope that what we will get done in the next few days is an example of what we can do when working together, so I thank him for his opening remarks and his advocacy in our bipartisan work together.

I join my friend and colleague from Rhode Island, the ranking member of the Armed Services Committee, to speak about the National Defense Authorization Act for Fiscal Year 2018. I thank the Senator from Rhode Island for his hard work on the NDAA. I remain appreciative of the thoughtfulness with which and bipartisan spirit in which he approaches national security issues. He is a great partner, and this legislation would not be possible if it were not for his contributions and leadership.

In June, the Senate Armed Services Committee passed the National Defense Authorization Act unanimously, by a vote of 27 to 0. During that process, the committee considered and adopted 277 amendments that were offered by Republicans and Democrats—some with very spirited debate and discussion. I thank each of my fellow members of the Armed Services Committee. A vote of 27 to 0 is something we can be proud of. I am tremendously proud of the committee's work. The bill, as I mentioned, passed unanimously this year for the first time in 5 years. I was especially proud of the way in which my colleagues worked to overcome differences, of the respect that each member showed for one another, and of the common commitment to support our servicemembers and help our military achieve its mission.

Now we are prepared to consider the legislation on the floor under an open amendment process that will allow all Senators to have their voices heard. I thank the majority leader, the Senator from Kentucky, for bringing the NDAA to the Senate floor this week and for

doing so, once again, under regular order. That means that we will have amendments, that we will have debate, that we will have spirited discussion, which is what the Senate is supposed to have.

I am guardedly optimistic that at the end of this, we will complete legislation which will be better for having gone through that process and for the men and women who are now in harm's way, defending our Nation.

For 55 consecutive years, Congress has passed this piece of legislation. That record speaks primarily to the importance of this legislation to our national security. I know that all of my colleagues would agree that our men and women in uniform deserve our constant support and unending thanks for their sacrifice and service. No other piece of legislation has a long history of broad, bipartisan support. In today's political climate, the passage of this legislation may be exactly what we need to remind ourselves of the important work the American people sent us here to do.

The NDAA is a piece of legislation in which this body and Members on both sides of the aisle can and should take immense pride. Not only does this legislation provide our men and women in uniform with the resources they need and deserve, but it is the product of an open and bipartisan process that represents the best of the Senate, and it could not come at a more important time.

The threats to our national security have not been more complex, severe, or daunting at any time in the past seven decades, and our job is to ensure that we have a military capable of meeting those threats. For too long, we have locked ourselves into making strategic decisions based on budget realities. It is time to start making budget decisions based on strategic realities.

Just consider the current threats to our national security.

Day after day, test after test, North Korea continues to get ever closer to developing the capability to strike the U.S. homeland with a nuclear-armed missile and continues to threaten our allies in the region.

While we have made some important gains in the fight against ISIS, the campaign to achieve a lasting defeat of terrorist threats and to secure our enduring national security interests in Iraq and Syria is far from over.

Iran continues to destabilize the Middle East and seeks to drive the United States out of the region.

We have entered a new era of great power competition as Russia and China contest the rules-based liberal world order that is the foundation of our security and prosperity.

Every day we learn more about Russia's asymmetric capabilities—from cyber attacks to disinformation campaigns—even as they modernize their military, occupy Crimea, destabilize Ukraine, and threaten our NATO allies.

Meanwhile, China continues to militarize the South China Sea and mod-

ernize its own military at an alarming rate.

We must not forget that we are a Nation at war, with thousands of our soldiers, sailors, airmen, and marines deployed in harm's way in Afghanistan, Iraq, and around the globe.

Yet, as dangerous as these and other foreign threats are, perhaps the greatest harm to our national security and our military is self-inflicted. I repeat: self-inflicted. It is the accumulation of years of uncertain, untimely, and inadequate defense funding that has shrunk our operational forces, harmed their readiness, stunted their modernization, and, as every single member of the Joint Chiefs of Staff has repeatedly testified before the Committee on Armed Services, put the lives of our servicemembers at greater risk. I want to repeat that. Every one of our military leaders in uniform has said that because of what we have done with the so-called sequestration, it has put the lives of our servicemembers at greater risk. Don't we have an obligation not to do that?

Now we are paying the awful price. This summer alone, 42—I repeat, 42—servicemembers tragically perished in accidents during routine training operations. On June 17, seven sailors were killed when the USS *Fitzgerald* collided with a container ship off the coast of Japan.

On July 10, a Marine KC-130 crashed in Mississippi and killed all 16 troops on board.

On August 21, 10 sailors perished when the USS *McCain* collided with a tanker near Singapore.

On August 25, an Army Black Hawk helicopter went missing during a training mission off the coast of Yemen, and one soldier died.

Just last week in Nevada, two Air Force A-10 aircraft crashed into each other. Thank God the pilots safely ejected, but the planes were lost—at a cost of over \$100 million.

For the two Pacific Fleet naval collisions, ship repairs are estimated to cost more than half a billion dollars.

The lives lost in each of these incidents were priceless.

Over the past 3 years, a total of 185 men and women in uniform have been killed in noncombat accidents. During this same period, 44 servicemembers were killed in combat. The bottom line is this, and I want all of my colleagues to concentrate on what I am about to say: We are killing more of our own people in training than our enemies are in combat.

We were warned about this. We were warned. We were warned by our senior defense and military leaders and by many of us in Congress. Earlier this year, Secretary Mattis testified that “no enemy in the field has done more to harm the combat readiness of our military than sequestration.”

Secretary Mattis went on to say: “We are no longer managing risk; we are now gambling.” Now, it is clear that we are not only gambling with our

ability to fight and win wars. We are also gambling with the very ability of our troops to operate safely during peacetime.

In that same hearing, General Dunford—I will remind my colleagues, the Chairman of the Joint Chiefs of Staff—described what is at stake if we continue down the path of budget cuts, saying: “In just a few years if we don’t change the trajectory, we will lose our qualitative and our quantitative competitive advantage, [and] the consequences will be profound.” Those are not my words. They are the words of the senior general officer in the U.S. military.

Each of our military service chiefs has testified time and again before congressional committees about the dangers of sequestration, Budget Control Act-level spending, and repeated continuing resolutions.

The Chief of Naval Operations, Admiral Richardson, testified: “Eight years of continuing resolutions including a year of sequestration have driven additional costs and time into just about everything that we do. . . . The disruption this uncertainty imposes translates directly into risks for our Navy and our nation.”

General Neller, Commandant of the Marine Corps, said: “Sequestration impacts on key modernization programs will have catastrophic effects on achieving desired capabilities to defeat emerging threats and will place an unacceptable burden on legacy programs.”

The Air Force Chief of Staff, General Goldfein, testified: “Repealing sequestration, returning to stable budgets without extended continuing resolutions and allowing us the flexibility to reduce excess infrastructure and make strategic trades are essential to success.”

The Army Chief of Staff, General Milley has said: “Candidly, failure to pass a budget, in my view both as an American citizen and chief of staff of the United States Army, constitutes professional malpractice.”

“Professional malpractice,” he said.

He added: “A year-long CR or a return to the [Budget Control Act-level] funding will . . . increase risk to the nation, and it will ultimately result in dead Americans on a future battlefield.”

We need look no further than all of the recent training accidents, collisions, and crashes for evidence that these warnings and concerns were well placed, and the troubling signs were there. Failure to meet training requirements and fulfill safety certifications has become all too common in the force—especially in the U.S. Navy.

Recent reporting details a troubled state of affairs. The GAO found that 37 percent—well over one-third—of the training certifications for U.S. Navy cruisers and destroyers based in Japan are expired—technically meaning that they are not prepared.

The USS *McCain* had expired training certifications for 6 out of the 10 key

warfare mission areas prior to its collision. The USS *Fitzgerald* had expired certifications for all of its 10 mission areas.

Lest anyone think the Navy is the only service facing troubling readiness statistics, I will remind my colleagues that only 5—5 out of the 58—Army brigades and 4 of the 64 Air Force squadrons are combat-ready.

There is plenty of responsibility to go around for the deteriorated state of our military. The Senate Armed Services Committee will continue to hold hearings and conduct rigorous oversight of these military readiness challenges, looking at everything from command responsibility to readiness standards, to training culture within our military. We will continue seeking explanations for the causes of these incidents, corrective actions to remedy these causes, and accountability from leadership.

Yet we can’t ignore Congress’s role and our responsibility. Years of budget cuts have forced our military to try to do too much with too little. As we have asked our military to maintain a high operational tempo with limited resources, we know what has suffered: Training, maintenance, readiness, effectiveness, and the lives of too many brave young servicemembers.

But despite the abundant evidence that our military faces a readiness crisis that is putting lives at risk, this body voted just last week to put the Department of Defense on yet another continuing resolution for the start of fiscal year 2018. We know that continuing resolutions cause a great deal of harm to our military.

Just last week, Secretary Mattis sent a letter to the Armed Services Committee detailing the detrimental effects of a continuing resolution. He said that the impacts of a CR are felt immediately by our military and will grow exponentially over time if we repeat this mistake in December. In the next 3 months, the Navy will delay ship inductions and reduce flying hours, the Army will postpone maintenance, the Air Force will limit execution of infrastructure funding, and all services will delay training and curtail recruitment, leaving, according to Secretary Mattis, “critical gaps in the workforce skill set.”

Mr. President, I ask unanimous consent to have printed in the RECORD a letter from Secretary Mattis outlining his concerns.

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

SECRETARY OF DEFENSE,  
Washington, DC, September 8, 2017.

Hon. JOHN MCCAIN,  
Chairman, Committee on Armed Services,  
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am writing in response to your August 29, 2017 letter regarding the potential impacts of another fiscal year under Continuing Resolution (CR) authority. I appreciate and share your concern in this matter.

Long term CRs impact the readiness of our forces and their equipment at a time when

security threats are extraordinarily high. The longer the CR, the greater the consequences for our force. A CR, if required, avoids a government shutdown and provides an opportunity for a long-term solution that lifts the BCA caps.

In the long term, it is the budget caps mandated in the Budget Control Act (BCA) that impose the greater threat to the Department and to national security. BCA-level funding reverses the gains we have made in readiness, and undermines our efforts to increase lethality and grow the force. Without relief from the BCA caps, our air, land, and sea fleets will continue to erode. BCA caps obstruct our path to modernization, and continue to narrow the technical competitive advantage we presently maintain over our adversaries.

The Service Secretaries and Chiefs have identified many of their specific concerns about operating under a CR (enclosed). I appreciate that you share our concerns, and look forward to working with you in FY 18 as we build a solution to alleviate the BCA caps.

I have provided similar letters to the other Chairs and Ranking Members of the House and Senate Committees on Armed Services and Appropriations.

JAMES N. MATTIS.

Enclosure.

IMPACTS OF A CONTINUING RESOLUTION  
AUTHORITY IN FISCAL YEAR 2018

This summary describes the most likely impacts of operating under a Continuing Resolution (CR), if enacted for Fiscal Year 2018 (FY18). The impacts of a CR depend in part on the level of funding provided and the duration of the CR period.

The Military Departments and Defense Agencies are justifiably concerned that under a CR, the Department cannot reprogram FY18 funds until a MI appropriation is enacted. Inability to reprogram CR funds drastically reduces the ability to respond to urgent requirements or to address funding gaps that damage readiness.

During a CR, we remain committed to supporting the warfighter. The Military Departments will realign or execute CR and existing budgetary resources within the limits of their authorities to fully support forward-deployed operations, direct support activities, and urgent operations of the Combatant Commands. Finding ways to fully fund such essential activities while operating during a CR does not make CRs any less disruptive or detrimental—in reality, doing so imposes a great burden on DoD’s foundational capabilities, and immediately manifests in impacts on training, readiness and maintenance, personnel, and contracting.

Training: Impacts begin immediately, within the first 30 days of a CR. By 90 days, the lost training is unrecoverable due to subsequent scheduled training events. These training losses reduce the effectiveness of subsequent training events in FY18 and in subsequent years.

Most major exercises and training events are scheduled for the spring and summer, and presume individual and unit-level training was completed. Training scheduled during the period of the CR, however, must be re-scoped and scaled to incorporate only mission essential tasks and objectives, so units enter the major exercises less prepared.

For example, the scope of a Joint live fire field training exercise (FTX) scheduled to execute in conjunction with annual Marine Corps weapons certification events may have to be reduced during a CR by limiting weapons crews to firing at levels that firing tables specify as necessary to maintain certification, thus forgoing the added training benefit of firing weapon systems in a Joint operational context. Without this experience, the

Marines would then enter their major exercises and training rotations without the benefit of having practiced coordinating joint fires, or the experience of firing in an operational environment.

Air Force must preserve core readiness training for deployed or next-to-deploy units, at the cost of institutional training and flying hours. Lack of funds to stand-up two F-16 training squadrons, reduced aircraft availability, and inability to grow the force (military and civilian) will further reduce pilot production, leaving the Air Force unable to train the number of pilots necessary for continued readiness recovery. Cancellation of exercises will further degrade pilot training and readiness.

Readiness and Maintenance: The impacts of a CR are felt immediately, and grow exponentially over time. Although maintenance impacts can be mitigated for some activities operating under a 3-month CR, in areas, such as Navy Ship Depot Maintenance, funding shortfalls result in delays in Naval vessel availability, which may affect subsequent deployment rotations.

Under a CR, funding reductions will impact all major activities not related to deployed forces, including: depot maintenance, individual and collective training, and munitions procurement. Failure to properly fund readiness restoration initiatives in a stable and consistent manner will impede the recovery of our readiness, which has just begun to see tangible results, and may prove fatal in a future conflict with major-power adversaries. Furthermore, a ready force requires continued and stable investment in our munitions inventory and a CR will not provide the Services the necessary flexibility to procure and develop weapons, nor build sufficient infrastructure to align with the Department's readiness recovery efforts.

Navy will delay the induction of 11 ships, which will exacerbate the planned ship maintenance in FY18, and will slip ship availabilities into FYI 9, further impacting that plan. FY18 Ship availabilities considered for schedule slip:

Ship	Planned start	Location
KIDD DDG-100	19 Nov	Puget Sound
PINGKEY DDG-91	04 Dec	San Diego
CORVADO LCS-4	15 Dec	San Diego
PORT ROYAL CG-73	22 Dec	Hawaii
PRINCETON CG-59	25 Dec	San Diego
SAN DIEGO LPD-22	31 Dec	San Diego
CARTER HALL LSD-50	22 Jan	Virginia
OSCAR AUSTIN DDG-79	02 Feb	Virginia
VELLA GULF CG-72	19 Feb	Virginia
JAMES E WILLIAMS DDG-95	19 Feb	Virginia
MAHAN DDG-72	19 Feb	Virginia

Under a 90-Day CR, all listed ship inductions will be delayed, as the shipyards' capacity is not capable of fully "catching-up" lost work, thus the entire schedule slips to the right. This means that even a relatively short CR creates delays in ship depot maintenance, thus deployment timelines, into subsequent years.

Under a 3 month CR, Army will defer supply transactions, and then later have to pay more to get parts fabricated or shipped quickly, in order to keep up with maintenance timelines. Under a 6 month CR, Army will order parts from sources outside the DoD supply system, just to keep up with operational demand. These external transactions will cost more and fail to leverage the efficiencies built into the centralized supply system.

Under a CR, the Army will have about \$400 million per month less in their operating accounts. Beginning in a 3 month CR, it will be forced to restrict home station training

Immediately under a CR, Army will postpone all non-critical maintenance work orders until later in the year.

Within the first 3 months of CR, Navy will reduce flying hours and steaming days for

those units not deployed or next to deploy. It will delay the replenishment of spares and repair parts on supply shelves in our ships, submarines, and aircraft carriers across the non-deployed Fleet.

The Military Departments will limit execution of infrastructure funding by prioritizing life, health and safety requirements. For the Air Force, this will affect 79 major installations worldwide and negatively impact aircraft bed-downs and mission generation.

The lack of a National Defense Authorization Act, the legal requirement for specific appropriations for major military construction projects, and new start restrictions within the CR combine to mean that no new major military construction projects can be initiated using CR finds, with an inevitable delay in project schedules and potential increased costs. For the Navy this will impact 37 projects; the Air Force has 16 projects; the Army has 38 projects.

Personnel: The uncertainty imposed during a 3-month CR causes most hiring actions and recruitment to be curtailed, and vacancies to then be re-announced once an appropriation is enacted. This disruption leaves critical gaps in the workforce skill set and causes unnecessary angst among military and civil servants, making the Government a far-less attractive option to the highest-skilled potential candidates.

Both Congress and the President agree need exists to add military personnel to meet critical skill gaps such as pilots, maintainers, cyber experts, and nuclear trained personnel. A CR will delay the accession process, with the consequence that units and organizations will continue to lack the full complement of personnel they need to be effective.

Professional development and training for both military and civilians will be delayed.

Non-critical travel, which includes PCS moves for civilians and military members and their families, will be curtailed. This often results in missed hiring opportunities as potential employees pursue other options. It creates unnecessary turmoil for families who had otherwise planned to relocate, whose orders are delayed; and may then result in missed schoolyear timing for dependent spouses and children.

Adverse outcomes for medical beneficiaries experiencing potentially life threatening illnesses due to delays in receiving the required treatment. Beneficiary health care is an entitlement and there is no mechanism to slow down or reduce the demand for services.

Payments to medical care providers for services rendered for patients will be delayed. This results in a potential reduction in future access to private sector health care for DoD beneficiaries, as a result of providers discontinuing services to patients paid by TRICARE.

Contracting: The impacts of a CR on DoD contracting efforts are significant and begin within the first 30-days of each CR. Every contract that has to be re-competed represents additional work for the already-pressed DoD acquisition workforce. In addition to these increased administrative costs, new start rules and funding constraints carried forward under each CR extension combine to increase the likelihood that costs of material and labor in the contracts themselves will also grow. To the vendors and manufacturers, the Government becomes a less reliable, higher-risk customer.

As is the case in the private sector, DoD saves money by buying in quantity. When we are forced to sever contracts and renegotiate terms with each CR, our costs grow to offset the increased risks and delays; we offer vendors less stability and predictability, and pay accordingly.

Acquisition programs are forced to use incremental contract actions to preserve efforts and schedules, which inevitably results in higher program costs and schedule delays. Each iteration of contract rework further taxes the DoD Contracting community, doubling or tripling their workload annually.

Under a CR, there are generally no new starts, and no production rate increases for acquisition programs with budgetary program quantities of record.

In FY18:

In the first 3 months under a CR, the Army has 18 new starts and 8 production rate increases that would be impacted. These include the Paladin Integration Management Improvement, Interim Combat Service rifle, Multi-role Anti-armor Anti-personnel Weapon System, Lightweight 30mm cannon and the Armored Multi-purpose Vehicle. Rate increases are planned for handguns, TOW2 missiles, M240L medium machine gun and the Advanced Tactical Parachute system.

Beyond three months (4-12 months), the Army would have 24 additional new starts and 7 additional production rate increases. The new starts include the Udaire Range Target Lifters, Heavy Equipment Transporter System, and the Modular Catastrophic Recovery System. Production rate increases include modifications to Stinger and Avenger, Guided Multiple Launch Rocket System, and the Reduced Range Practice Rocket.

The Navy has 7 procurement contracts that will be delayed by a 6-month CR due to the new start restrictions. It also has 12 planned production rate increases that will be deferred and 3 research and development new starts.

The Air Force has a total of 6 new starts that would be impacted by a 6-month CR. These include multiple F-15C and F-16 upgrades and the Joint Space operations Center Mission system.

Funding limitations for all research and development will result in the Services assessing the relative priorities of their programs, resulting in providing only minimum sustaining funding to the selected programs.

Mr. MCCAIN. Mr. President, the vote we took to begin the year on a continuing resolution locks the Department of Defense into last year's funding level. It prevents them from reprogramming funding to meet emerging needs. It prohibits the start of new programs to modernize for future threats. Perhaps worst of all, a continuing resolution mandates a level of spending that is \$89 billion less than the fiscal year 2018 funding level authorized in this legislation.

When the Senate voted to put the Department of Defense on a continuing resolution, it voted in favor of the status quo for our military, where more servicemembers are dying in accidents than in all the wars we are fighting combined. Last week's vote signaled that the current, undeniably degraded state of our Armed Forces is just fine with us. It was irresponsible and unacceptable.

We must all do better. Pentagon leaders must make clear-eyed assessments and ask for what they fully need, and this body must provide the resources required. That is the only way to stop gambling and restore readiness, and this is the bare minimum we owe to the brave men and women who fight to defend this Nation.

That is why this legislation is more important and vital than ever. The

NDAA delivers the resources, equipment, and training our men and women in uniform need to meet the increasingly complex challenges of today's world. It begins the process of truly restoring readiness and rebuilding our military.

The Defense authorization bill authorizes a base defense budget that, together with the administration's request of \$8 billion for other defense activities, supports a total defense budget of \$640 billion in funding for the Department of Defense and the national security programs at the Department of Energy. The legislation also authorizes \$60 billion for overseas contingency operations. In total, this legislation supports a national defense topline of \$700 billion.

This funding is critical to begin addressing the readiness shortfall and modernization crisis currently facing our military. With our adversaries investing heavily in their own militaries and developing future warfighting capabilities intended to erode our military advantage, we cannot wait any longer to recapitalize our forces and restore our capabilities.

The national defense topline in this legislation is significantly higher than the administration's budget request. It is worth considering why, in committee, more than one-quarter of the Members of this body—one-quarter of the Members of this body, Senators of both parties and of all political stripes—voted for a higher defense topline. The answer is simple. Today's national security threats demand more resources. While not every crisis has a military solution, our military remains an indispensable aspect of America's ability to project power and provide the framework for global stability and security.

The problem is that funding to meet these national security threats and challenges has been constrained by the arbitrary caps of the Budget Control Act. Members from both sides of the aisle have acknowledged that the Budget Control Act simply does not allow for adequate spending on national defense.

While altering the Budget Control Act or the spending caps is outside of the jurisdiction of the Armed Services Committee, the committee has expressed its support in this legislation for the unconditional repeal of the Budget Control Act. Congress must summon the political courage to admit that this legislation has failed, rise above politics, and fix it.

The Budget Control Act has not achieved its intended purpose by reducing the deficit. For years, it has prevented Congress from providing our military servicemembers with the resources they need. This cannot continue. I tell my colleagues, this cannot continue. We can, and must, do better.

Under the Budget Control Act, defense spending for fiscal year 2018 would be capped at \$549 billion. That is \$54 billion less than what the President

requested for defense and \$91 billion less than what the Armed Services Committee supported.

The members of the Armed Services Committee agreed unanimously that any defense budget at that level would be inadequate and unacceptable. That has been reinforced time and again over the last several years in testimony from senior military and civilian defense leaders who have come before our committee with warnings of the danger of the BCA spending caps and sequestration.

At the conclusion of debate on this legislation, the Senate's passage of the NDAA has served as evidence that an overwhelming bipartisan majority of this body agrees that the status quo is not sufficient, and we need to spend more money on defense to keep our Nation safe.

Even so, the unfortunate truth is, with BCA as the law of the land, \$549 billion is the only defense budget that is currently legal, unless Congress acts. It is up to this Congress to decide if that is the defense budget we want. In doing so, we must remember that a BCA-level defense budget cannot give us the military we need.

The President also acknowledges that a BCA-level defense budget of \$549 billion is inadequate, and he campaigned on the promise of rebuilding the military. That is why it was so disappointing that the President's budget request did not deliver on the promise of the military buildup we need.

The defense budget request came in at \$603 billion. It is important to recognize three important factors about that number. First, it is rooted in the same arbitrary policy as \$549 billion, since \$603 billion is simply the original BCA cap before sequestration takes effect; second, it represents only a 3-percent increase over the Obama administration's defense budget plan; and, third, it is plainly inadequate to meet our Nation's defense needs.

One indication of this is that the military services sent this Congress lists of unfunded requirements. That meant requirements they have but we are not funding, and that means over \$30 billion that our military needs to do its job. It is time for Congress to do our job and provide the resources they need.

What our military needs is a real buildup. The NDAA is the start of what will be a years-long process of rebuilding our military after years of devastating cuts to the defense budget. We must begin that process now. Our men and women in uniform can't afford to wait any longer.

The NDAA also builds on the reforms this Congress has passed in recent years. By continuing important efforts to reorganize the Department of Defense, spur innovation in defense technology, and improve defense acquisition and business operations, the NDAA seeks to strengthen accountability and streamline the process of getting our warfighters what they need

to succeed. At the same time, it prioritizes accountability from the Department and demands the best use of every taxpayer dollar.

The NDAA authorizes a pay raise for our troops. It improves military family readiness and supports the civilians and contractors who support our Armed Forces. It provides support for our allies and partners around the world who are dedicated to advancing the cause of freedom, deterring the aggression of our adversaries, and defeating the scourge of terrorism.

This legislation recognizes the reality of the dangerous world our men and women in uniform face every day. As threats turn into crises around the world, we have asked these brave servicemembers to do more with less. That must end now.

The NDAA takes important steps to deter Russian aggression, whether across its borderers or in cyber space. Russia continues to occupy Crimea, destabilize Ukraine, threaten our NATO allies, violate the 1987 Intermediate-Range Nuclear Forces Treaty, and bolster the Assad regime in Syria. In an unparalleled attack on our core interests and values, Russia engaged in an active, purposeful campaign to undermine the integrity of American democracy and affect the outcome of the 2016 Presidential election.

The legislation authorizes nearly \$5 billion for the European Deterrence Initiative to bolster U.S. capabilities in Europe and support our regional allies who feel the constant threat of revanchist Russian aggression. It also authorizes \$500 million to provide security assistance to Ukraine, including the defensive lethal assistance the Ukrainians need to defend themselves. The legislation authorizes \$65 million for research-and-development program on a ground-launched, intermediate-range missile in order to begin to close the capability gap opened by the Russian violation of the INF Treaty, without placing the United States in violation of the treaty.

In supporting the fight against resurgent terrorism in the Middle East, the NDAA authorizes \$1.8 billion in funding for counter-ISIS efforts via the Train and Equip Programs in Iraq and Syria. To support the continued mission in Afghanistan, the legislation authorizes \$4.9 billion for the Afghanistan Security Forces Fund. Importantly, the NDAA also authorizes 4,000 additional visas through the special immigration status under the Afghan Allies Protection Act. The legislation also authorizes \$705 million for Israeli cooperative missile defense programs.

The NDAA authorizes the Secretary of Defense to establish the Asia-Pacific Stability Initiative, a funding mechanism that has the potential to reshape the U.S. approach to this important region, reassure our allies and partners, and send a resounding message to our potential adversaries about the strength of our commitment. The legislation also authorizes \$8.5 billion for

the Missile Defense Agency to strengthen homeland, regional, and space-based missile defense systems. In particular, the legislation authorizes funding for up to 28 additional ground-based interceptors in Alaska, which could be a crucial part of our Nation's defense against a potential North Korea missile threat.

The NDAA would allow our military to embark on an ambitious program of modernization, one that is desperately needed and long overdue. Across the services, this legislation provides funding above the administration's request to meet the list of unfunded priorities from the Department of Defense. Above and beyond the administration's request, the legislation funds 24 more Joint Strike Fighters, 10 more F/A-18 Super Hornets, and 5 additional ships for the Navy. The legislation also authorizes funding for an increase in end strength for the Army and the Marine Corps, adding 6,000 additional soldiers and 1,000 additional marines.

At the same time, as part of rigorous congressional oversight of defense spending, this legislation demands accountability for results, promotes transparency, and protects taxpayer dollars. The legislation identifies targeted reductions to wasteful or underperforming programs, especially those that heavily rely upon software and information technology systems, and reinvests the savings in high-priority needs for the warfighters. The goal, as always, is to ensure our men and women in uniform receive the capabilities they need on time, on schedule, and at a reasonable cost.

The NDAA makes important efforts to correct the glaring and dangerous lack of an effective strategy and policy for the information domain, including cyber, space, and electronic warfare. Without a sufficient response to previous congressional calls for a comprehensive strategy from the executive branch, the NDAA establishes a U.S. policy for cyber deterrence, cyber response, and cyber warfare.

With respect to space, decision-making is currently fragmented across more than 60 offices in the Department of Defense—I repeat, 60 offices in the Department of Defense. Funding for space programs is also near 30-year lows, while the threats and our reliance on space are at their highest and growing. This legislation fully funds our space requirements and authorizes additional funding for the military's unfunded priorities for space. The NDAA also establishes a new DOD Chief Information Warfare Officer—a position that would streamline a current bureaucracy that is too often duplicative, inefficient, and ineffective, and instead assigns responsibility and accountability to one leader for all matters relating to the information environment—including space, cyber security, electronic warfare, and the electromagnetic spectrum.

Finally, the legislation takes several steps to bolster border security and

homeland defense. It authorizes \$791 million for the Department of Defense Counterdrug Programs. It would authorize and encourage the National Guard to enhance border security capabilities while gaining effective unit and individual training. It continues to support the United States-Israel anti-tunneling cooperation program, which helps to improve our efforts to restrict the flow of drugs across the U.S. southern border.

This is an ambitious piece of legislation. It is one that reflects the growing threats to our Nation. Everything about the NDAA is threat-driven, including the \$640 billion topline, which is based on an assessment of the strategic environment rather than an arbitrary adherence to budget agreements that have been overtaken by events.

As we move forward with consideration of this legislation, I stand ready to work with my colleagues on both sides of the aisle to pass this important legislation and give our military the resources they need and deserve. We ask a lot of our men and women in uniform, and they never let us down. We must not let them down. Their service represents the best of our country, and this Congress should always honor their sacrifice.

Mr. President, I yield the floor.

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

Mr. REED. Mr. President, I rise to discuss the fiscal year 2018 national defense authorization bill, which was passed unanimously out of the Armed Services Committee on July 10.

First, I would like to acknowledge Chairman MCCAIN, whose leadership on this committee and in this body has been invaluable, indeed historic. His contribution, his indefatigable energy, his commitment to the men and women who serve us in uniform is something that has shaped this legislation and indeed shaped our country profoundly.

Chairman MCCAIN ensured the committee's thoughtful consideration of the President's request, which produced bipartisan legislation that I believe will improve the readiness, capabilities, and quality of life of our military personnel and their families.

I wish to highlight some key aspects of the bill, beginning with a central national security issue—North Korea. Kim Jong Un is intent on developing a nuclear weapon that can be mounted on the head of a missile and shot at the U.S. homeland. Unfortunately, there is no set of military options that lead to a quick and certain strategy on North Korea. Diplomatic engagement that leads to a freeze of North Korea's missile and nuclear programs is perhaps our best path forward. In order to bring North Korea to the table, we must reinforce our ballistic missile defense systems and demonstrate that all options, including military options, remain on the table. To that end, this bill authorizes additional funding above the budget request to make up-

grades to our Ground-based Midcourse Defense system to protect the homeland and to buy 24 additional THAAD interceptors, a regional defensive system that we have deployed to the Republic of Korea.

This bill also enhances our security cooperation in the Pacific by authorizing the Asia-Pacific Stability Initiative, which will help strengthen our posture in the region and provide additional support and security assistance to our partners and allies.

Another significant national security issue is the escalating threat from Russia's malign influence activities. The nature and extent of this threat was brought home with Russia's interference in our 2016 elections, but our allies and partners in Europe have been dealing with this threat for many years now. This bill contains significant resources, through the European Deterrence Initiative and the Ukraine Security Assistance Initiative, to reinforce our military presence in Europe and build the capacity of the NATO alliance to counter Russia's efforts to intimidate and coerce its neighbors.

The bill takes critical steps to prepare for any attempt by Russia to attack our democracy in next year's midterm elections. One provision states that it is the policy of the United States to respond, using all instruments of national power, to any and all cyber attacks that intend to cause significant harm to the Nation, including undermining U.S. democratic society. This is a clear message to Vladimir Putin that Kremlin influence is unacceptable and will be strongly answered.

A second provision, which is an amendment I offered that was accepted in committee, would require the Secretary of Defense to create a task force to integrate all Department organizations responsible for what is called "information warfare" in order to achieve a unified and coherent capability to counter, deter, and conduct strategic information operations. The Department of Defense must play a vital role developing strategies and executing operations to counter and respond to Russia's aggression against America and our close allies in Europe.

But efforts by the Department of Defense are not enough. It is essential to have a whole-of-government approach if we are to deal effectively with the multifaceted threat posed by Russia, as well as China, North Korea, Iran, and others against the West.

We need to develop comprehensive and specific strategies, taking advantage of all the instruments of national power and the contributions of friends and allies to deter and respond to aggression in all of its forms. We need to bring together the authorities and capabilities of law enforcement, homeland defense, the military, and the intelligence community to confront cyber threats that recognize no organizational or functional boundaries.

At the same time, we must improve how we work with the private sector,

which owns and operates the critical infrastructure on which our democracy, our society, and our prosperity depend. This bill advances our goal of ensuring that we have the strategy, organization, and resources necessary to counter the complex challenge posed by Russia's malign activities and the malign activities of other state and nonstate actors.

This legislation also provides needed authorities and funding for our military personnel who are engaged in operations abroad. Through the support of our partners on the ground, we continue to make significant gains against ISIS in Iraq and Syria. However, our partners require sustained support to clear the remaining ISIS strongholds and ensure a sustainable security environment going forward. Therefore, this bill authorizes \$1.8 billion to support the Iraq and Syria Train and Equip Programs.

The bill also includes \$4.9 billion for the Afghan Security Forces Fund to assist our Afghan partners as they continue to take the fight to the enemy while also working diligently to build and professionalize their security forces. This is a critical investment for the stability of the region and the security of the international community.

With respect to our services, we have taken steps to improve their capabilities, their readiness, and their ability to fight and win. With respect to our Navy and Marine Corps, this bill represents a continuation of the efforts that are so important for improving their ability to address the challenges of this new century. The proposals would begin significant efforts to improve the readiness of Navy and Marine Corps aircraft, ships, and weapons systems.

It is clear that high operational tempo, coupled with limited resources for training and maintenance, contributed to the recent tragedies with the USS *John S. McCain*, the USS *Fitzgerald*, and the V-22 crash off the coast of Australia. First, we must recognize the sacrifice of sailors and marines and pay our respects to their families for the sacrifices they have given to this Nation. That sacrifice continues to impress all of us, with the contribution of everyone wearing the uniform of the United States, their dedication to their country, and their calls for renewed commitment by ourselves to work together to achieve the ends of this great Nation. We must prioritize resourcing for our military so we can ensure that our servicemembers have access to the best equipment and the best training possible so they can conduct these missions safely in spite of the very difficult challenges we face.

This bill provides significant investments in our next-generation Virginia-class submarines to ensure our Navy remains dominant under the sea. It authorizes multiyear procurement contract authority and advanced procurement for up to 13 Virginia-class submarines. In addition, the bill adds \$750

million for economic order quantity material for the Virginia-class Block V multiyear procurement program. Meeting today with the Secretary of the Navy, he once again reiterated that the Virginia-class submarine program, together with the Ohio replacement program, and the ballistic missile submarine program are the highest priorities of the U.S. Navy. This bill supports those high priorities.

The Navy will be able to use this funding to expand the industrial base across the second-tier and third-tier contractors, anticipating an increase in production needed to increase submarine force levels. An additional \$450 million is authorized to increase support for expanding the industrial base or for advance procurement to buy an additional Virginia-class submarine in fiscal year 2020.

The bill provides authority for another multiyear contract for the Arleigh Burke-class destroyer program and provides the Navy the authority to buy as many as 15 Arleigh Burke-class destroyers. It also adds \$1.8 billion to buy a third destroyer in fiscal year 2018.

The bill also authorizes \$1 billion for incremental funding for construction of an amphibious ship and more than \$1.2 billion for several auxiliary ship programs, including five surface connectors and one expeditionary sea base.

With respect to naval aviation, this bill also recommends significant increases for multiple programs. Notably, it authorizes 10 additional F/A-18 fighters, 10 F-35 fighter variants, 4 additional KC-130J tankers, and 6 additional P-8A submarine hunters.

With respect to the Air Force, the bill also makes significant increases in authorization by adding an additional \$10.4 billion for Air Force programs to purchase 14 additional F-35A fighters, 12 MC-130J aircraft, 3 additional KC-46A tankers, and authorizing funding for replacement of the A-10.

With respect to the Army, I am pleased that this bill also makes a number of important investments in Army modernization. It authorizes full funding for the Department's request for AH-64 Apache attack helicopters and UH-60 Black Hawk utility helicopters. In addition, the bill supports the Army's unfunded requirement for additional Apaches by including \$312.7 million to procure additional helicopters.

Likewise, the bill fully supports the Army's request for modernizing Army ground combat vehicles, including M1 Abrams tanks, Bradley Fighting Vehicles, and the Stryker combat vehicle. The bill also includes funding to support Army unfunded requirements, including recapitalizing Abrams tanks and procuring a fourth upgraded set of Double V-Hull Strykers.

Finally, this bill makes targeted reductions in Army network modernization programs, since Army Chief of Staff General Milley plans to make a decision soon on the way forward with

regard to these programs. Once a decision has been made, it is my hope that the Army will provide the committee with a detailed plan for network modernization, to include details on the funding necessary for this approach.

Our Special Operations Forces remain at the "tip of the spear" of our efforts to counter violent extremist groups. The bill fully funds the U.S. Special Operations Command, or SOCOM, and includes an increase of approximately \$85 million to help address unfunded requirements for additional intelligence collection, precision strike, undersea mobility, and communications capabilities. Additionally, the bill includes new authority designed to support the ability of our special operators to work with partners to counter irregular warfare, or so-called gray zone challenges, posed by our adversaries.

The bill authorizes funding to modernize our triad of nuclear-capable air, sea, and ground delivery platforms—the bedrock of our defense posture against an existential threat. The B-21 heavy bomber is authorized at the requested level to continue engineering, manufacturing, and development to be fielded in the mid to late 2020s. This heavy bomber will replace the dependable but aging B-52s, which were built in the 1960s. The committee is working with a team at the Government Accountability Office for rigorous oversight on the new bomber program. When the B-52 retires in the 2040 timeframe, its airframe will be approaching 100 years old, and the grandchildren of the original pilots will be flying the plane.

Turning to the area of undersea deterrence, in order to maintain a sea-based deterrent, the current fleet of 14 Ohio-class submarines must be replaced starting in 2027 due to the potential for hull fatigue. By then, the first Ohio submarine will be 46 years old—the oldest submarine to have sailed in our Navy in its history.

The third leg of our triad, our land-based ICBMs, will not need to be replaced until the 2030s. We have authorized continued development of a replacement for this responsive leg of the triad, which acts as a counterbalance to hostile ICBMs.

I know there is concern about Russia's violation of the Intermediate-Range Nuclear Force Treaty, which is a foundational arms control treaty from the late 1980s. This committee has received classified briefings on the actions taken by Russia, and they are indeed serious. I urge all of my colleagues to request these classified briefings if they have not done so. While some have called for the United States to perform developmental testing of systems that are noncompliant with the treaty, this committee has pursued a cautious and measured approach of looking at what kinds of research within the confines of the treaty we can perform if called upon to counter this threat. Again, let me

stress that I do not support withdrawing from the treaty, and our best approach is to bring the Russians back into compliance.

With respect to energy use, which is an important aspect to the bottom line in the operational capabilities of our military, the bill contains several provisions that enhance how the Department pursues energy resilience, which directly supports readiness and mission assurance of our warfighters. Additionally, this bill contains a requirement for a defense threat assessment and master plan on climate-related events and a comprehensive strategy and technology roadmap on how the Department can more effectively use water.

In the area of science, technology, and innovation, I am pleased that this bill authorizes increases in funding for science and technology research efforts by over \$375 million above the President's request, including a total of \$2.3 billion for university research programs. These programs are critical to ensuring that our military retains its technological battlefield superiority in areas like cyber security, unmanned and robotic systems, high-energy lasers, space, and hypersonics. The bill streamlines the ability to access expertise and technologies in our Nation's universities and small businesses, whose expertise and innovation is the cornerstone of the technologies on which our military depends.

Additionally, it continues efforts to strengthen the capabilities of our defense labs and test ranges, including removing redtape that inhibits their effectiveness, and supporting their efforts to build world-class technical workforces. The bill also authorizes two new innovation offices, the Strategic Capabilities Office and the DIUx Silicon Valley office, with special authorities to hire the unique program management talent they need to execute their innovative activities.

In the area of acquisition reform, I am pleased that the bill continues efforts to streamline procurement practices to support the Department's efforts to obtain the best goods, technologies, and services on a timely basis at fair and competitive prices. The bill includes provisions from Senator WARREN and Senator BLUMENTHAL to ensure that the Pentagon works with contractors to safeguard worker conditions. The bill also makes significant and needed changes to the way the Department buys, evolving toward more agile and effective commercial acquisition practices. These new practices should enable the Department to build and buy the most modern software and IT for our weapons systems, platforms, and business systems. The bill also includes a provision from Senator MCCASKILL that will provide more transparency and require more deliberate planning in the use of service contractors in order to control this rapidly growing part of the Pentagon budget.

In the area of Pentagon management, I am pleased that the bill includes provisions to improve financial stewardship to help the Pentagon get a clean audit opinion on its financial books. The Pentagon has been trying to obtain a clean audit opinion for 27 years, and the continual failure to do so calls into question its ability to steward the large funding increases proposed in this bill transparently and efficiently.

This bill accomplishes much on behalf of our servicemembers and the Department of Defense. It authorizes a 2.1-percent pay raise for all servicemembers and reauthorizes a number of expiring bonus and special pay authorities to encourage enlistment, reenlistment, and continued service for Active-Duty and Reserve component military personnel. The bill permanently extends the Special Survivor Indemnity Allowance—scheduled to expire next year—provides \$25 million for supplemental impact aid, and \$10 million in impact aid for severe disabilities, including \$5 million available for the Secretary to direct to schools to address areas with higher concentration of disabled military children.

This legislation also enhances military family readiness by addressing the shortage of childcare workers and increasing flexibility for military families undergoing permanent change of station.

A provision in the bill also addresses the Marine United situation by making the nonconsensual sharing of photos and videos of an individual's private anatomy or of sexually explicit conduct involving the individual a criminal offense under the UCMJ, even when the initial taking of the photo or video was consensual.

Once again, this bill includes authorization for a needed package of healthcare reforms, including modest increases to working-age retiree healthcare cost shares, while ensuring that the cost share remain far below those required by civilian plans. It also requires the Department to establish a Medicare Advantage demonstration program for TRICARE For Life beneficiaries that will achieve better healthcare outcomes for beneficiaries with chronic health conditions as well as cost savings for the beneficiaries and for the Medicare TRICARE Programs.

During floor consideration of this bill, Chairman MCCAIN and I would like to offer an amendment that will authorize a new BRAC round. I know this topic concerns many of our colleagues, but I believe it is necessary to allow the Department to gain efficiencies and savings by shedding excess infrastructure. In drafting this amendment, Chairman MCCAIN and I worked to include the lessons learned and address the common critiques from previous BRAC rounds. The amendment would use the most recent National Military Strategy and an elevated force structure to determine if there is any excess capacity. Any recommendations sub-

mitted by the Secretary would have to be certified by CAPE, require third-party validation by the GAO, provide greater transparency to communities by publishing on the Federal Register, and any list of closures would have to be affirmatively approved by the President and Congress. Again, I know this is a difficult issue, but I believe we must make difficult decisions as stewards of our Department of Defense and taxpayers' dollars, and I look forward to the debate.

To my disappointment, the bill also includes a series of provisions that add unnecessary redtape to successful medical research efforts funded by the Pentagon. The program has funded research over the years. These programs have led to new treatments for burn victims, new transplant procedures, and rehabilitation techniques for TBI and PTSD patients, and a score of other medical innovations. These Congressionally Directed Medical Research Programs have been independently reviewed by experts at the National Academies of Science and found to be world class, scientifically rigorous, innovative and effective. At a time when the President is proposing drastic and harmful cuts to NIH's medical research budget, I do not think we should intentionally throw bureaucratic hurdles in the way of researchers trying to cure debilitating and life-threatening diseases. I hope we can remove these provisions before we pass the bill.

I am also concerned about several provisions in this bill that would weaken important protections for American defense manufacturers, including small businesses in my State that supply advanced technologies and systems to the military. I note that existing sourcing laws include provisions that protect the Pentagon taxpayers from paying unreasonable and unfair prices, and these laws serve to help protect American jobs. We need to ensure that we have an innovative, reliable, trusted, and secure domestic industrial base as we grow the military and respond to contingency operations and surge production requirements.

Finally, I would like to say a few words about the funding for defense. The bill reported out of committee includes \$610.87 billion in discretionary spending for defense base budget requirements and \$60.2 billion for Overseas Contingency Operations. It also includes \$21 billion for Department of Energy-related activities, resulting in a topline funding level of \$692 billion for discretionary national defense spending.

While many of us agree that the Department requires the resources, these funding levels do not adhere to the spending limits mandated by the Budget Control Act of 2011. If enacted and funded at these levels, sequestration would be triggered, thereby wiping out about \$88 billion through across-the-board cuts. This would be a very complicated situation. We would be giving money on one hand and taking it back



with the other, literally. We must come to address the insufficient funding caps in the BCA, and we must do so for both defense and nondefense accounts.

Since the Budget Control Act was enacted in 2011, we have made repeated 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 also to domestic agencies. I believe that if defense funds are increased, funding for domestic agencies must also be increased because they, too, are suffering from the same severe budget that the Defense Department has suffered over the last several years. In addition, at this point, I think all of us acknowledge our national security is broader than simply the accounts in the Department of Defense. It is the FBI, the Department of Homeland Security, State Department, and many other agencies that contribute to our national security.

In fact, in the wake of Hurricane Harvey and Hurricane Irma, we have seen the Centers for Disease Control dispatched, EPA individuals dispatched to evaluate, in the Harvey situation, threats to the environment, and in case of Irma, to try to prevent the threats by being deployed before the storm actually struck. So our national security, our public safety, all these issues involve not just the Department of Defense but the whole array of government enterprise. We understand that the well-being of our Nation—and what our men and women in uniform are fighting for—depends on funded and functioning domestic agencies, not just the Department of Defense. For example, as I have said before, with these two hurricanes, tens of thousands of Americans have needed help, these Federal agencies have come forward, and I will mention them: the Centers for Disease Control, Environmental Protection Agency, the Federal Aviation Administration, the Federal Communications Commission, the Small Business Administration, the Nuclear Regulatory Commission, and the Social Security Administration. Those are just a handful. Providing for the security of Americans requires the whole of government, and it should all be funded fairly. We should remain responsible stewards of taxpayers' money while also ensuring we provide sufficient funds to meet the needs of our Nation.

Let me conclude by once again thanking Chairman MCCAIN and my colleagues for working thoughtfully and on a bipartisan basis to develop this important piece of legislation. I would also like to thank the staff who worked tirelessly on this bill throughout the year. I look forward to a thoughtful debate on the issues that face our Department of Defense and national security.

With that, I yield the floor.

The PRESIDING OFFICER (Mr. SULLIVAN). The majority leader.

REMEMBERING PETE DOMENICI

Mr. MCCONNELL. Mr. President, it is with deep regret that I announce to the Senate the passing of our dear friend and colleague Senator Pete Domenici.

Pete had a long and notable career, one that took him from pitching on the baseball diamond to teaching mathematics at an Albuquerque junior high school, from city politics to the U.S. Senate.

In fact, when he ran for the Senate in 1972, Domenici became the first Republican elected from his home State in nearly four decades. By the time he retired, he did so as the longest serving Senator in New Mexico history. Like others in this Chamber, I served for a number of years with Senator Domenici. I came to know him as smart, hard-working, dedicated and as a very strong advocate for his home State of New Mexico.

We are all saddened by this news today. The Senate offers its condolences to Senator Domenici's family and especially his wife Nancy.

The PRESIDING OFFICER. All time has expired.

The question occurs on agreeing to the motion to proceed.

The motion was agreed to.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2018

The PRESIDING OFFICER. The clerk will report the bill.

The senior assistant legislative clerk read as follows:

A bill (H.R. 2810) to authorize appropriations for fiscal year 2018 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.

AMENDMENT NO. 1003

(Purpose: In the nature of a substitute)

Mr. MCCAIN. Mr. President, I call up substitute amendment No. 1003.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 1003.

Mr. MCCAIN. I ask unanimous consent that the reading of the amendment be dispensed with.

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

(The amendment is printed in today's RECORD under "Text of Amendments.")

AMENDMENT NO. 871 TO AMENDMENT NO. 1003

Mr. MCCONNELL. Mr. President, I call up the Paul amendment No. 871.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for Mr. PAUL, proposes an amendment numbered 871 to amendment No. 1003.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To repeal the Authorization for Use of Military Force and the Authorization for Use of Military Force Against Iraq Resolution of 2002)

At the end of subtitle E of title X, add the following:

SEC. \_\_\_\_ . REPEAL OF AUTHORIZATION FOR USE OF MILITARY FORCE AND AUTHORIZATION FOR USE OF MILITARY FORCE AGAINST IRAQ RESOLUTION OF 2002.

Effective as of the date that is six months after the date of the enactment of this Act, the following are repealed:

(1) The Authorization for Use of Military Force (Public Law 107-40; 50 U.S.C. 1541 note).

(2) The Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107-243; 50 U.S.C. 1541 note).

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I understand Senator PAUL is on his way to discuss his amendment.

Mr. President, I ask unanimous consent for the following Members to be recognized for debate: 15 minutes for Senator CARDIN, 5 minutes for Senator MURPHY, 7 minutes for Senator MORAN, and 15 minutes for Senator PAUL, and that following Senator PAUL, Senator CORKER be recognized.

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

Mr. MCCAIN. For the information of my colleagues, in approximately 45 minutes, the Senate will have a vote on a motion to table the Paul amendment, which means around 12:15 p.m.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, earlier this week, we commemorated the 16th anniversary of the attack on our country on September 11. It was a day that I think none of us will ever forget. We were attacked, and we wanted to take all necessary action to protect our country and go after those who perpetrated this attack against America.

I was part of the Congress at that time and was part of the Congress that passed the 2001 authorization for the use of military force that was targeted toward Afghanistan, and I was part of the Congress that when we took up the 2002 authorization for use of military force against Iraq, I voted against that authorization.

It has now been 14 years after the U.S. invasion of Iraq and the end of the Saddam Hussein regime. Yet we still have the authority for the use of military force against Iraq, and it is still being used. It is time for that authorization to end. I take this time to support Senator PAUL's efforts to put a termination date on the 2002 authorization and to put a termination date on the 2001 authorization.

The 2001 authorization was the first we passed. It was done virtually unanimously. There was some objection, but very few, because we wanted our country to hold those responsible in Afghanistan for the attack against America. That authorization is now 16 years