

I don't think we should wait another day. I don't think we should wait for another panel, another report, another study, another, another, another, another. We have boxes of studies over the last 25 years making recommendations. But until you create a transparent, accountable military justice system, you do not have a hope of solving this problem. Until you give the decisionmaking authority to an actual trained lawyer who is not biased, you don't have a hope.

All of our allies have done this, all of them. The ones we fight side by side with—Israel, UK, Canada, Australia, Netherlands, Germany—are allies. They said if it is a serious crime; let the decisionmaker be unbiased; let the decisionmaker be trained.

Did they have a fall-off of good order and discipline when they let these decisions be made by trained prosecutors? They told us no.

When we tried to repeal don't ask, don't tell, military commanders said you cannot possibly do this; this will undermine good order and discipline. When we wanted women to be able to serve in the military, they said you cannot possibly do that because of good order and discipline. When we integrated the armed services, commanders said you cannot possibly do this; it will undermine good order and discipline. We did it. We did every single one of those reforms.

Congress had an action, elected leaders had a responsibility. We provide oversight and accountability over the Department of Defense. It is an important relationship, and sometimes we may have an idea for reform that can make the difference, that can make our military stronger, that can utilize all of our best and brightest.

Don't ask, don't tell—we lost 10 percent of our foreign language speakers because of that corrosive policy. How many thousands are we going to lose to sexual assault and rape in the military? How many? How many good men and women? Losing one more is too many.

I ask my colleagues to support this bill. It is not a Democrat nor is it a Republican idea. It is a good idea. It is a commonsense reform. It makes perfect sense when people learn about the issue and want a solution. This is what this place is supposed to be about. It is supposed to be people of good will coming together to solve problems, to make a difference.

We need leadership. We do not need followers, we need leaders. We need people who will do that job and provide oversight over the Department of Defense, especially in an area where they failed so much. This reform will make a difference, and I urge my colleagues to support it.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. SHAHEEN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mrs. SHAHEEN. Mr. President, I am pleased to be here to join my colleague Senator GILLIBRAND in expressing my concerns about how we address sexual assault in the military.

For the past several years, we have all become increasingly aware of the prevalence of sexual assault in our military. Personally, I know I share the outrage of all Americans that one of our Nation's proudest institutions is afflicted by this level of criminal violence. In 1989, Secretary of the Navy H. Lawrence Garrett III established a policy of zero tolerance for sexual harassment and sexual assault. Two years later, the Tailhook scandal happened at a convention attended by the Secretary and the Chief of Naval Operations.

On June 2, 1992, Secretary Garrett wrote a memo to his military leaders that said:

While each individual must be accountable for his or her own actions, commanding officers have a unique responsibility for leadership in ensuring appropriate behavior and attitudes of those under their command.

In the end, the Tailhook scandal resulted in 90 victims—83 women and 7 men—140 officers facing possible punishment and zero criminal prosecutions for incidents of assault. All of these events occurred under the same zero tolerance policy that military leaders espouse today.

The Tailhook scandal was only the beginning of our awareness of the silent crisis within the military. Since that time, there have been numerous scandals in every service. Yet 20 years later we are not only told that the system works but that the status quo, maintaining the chain of command on this issue, is vital to solving the problem. This, of course, ignores the reality of the sexual assault crisis.

In fact, according to the Department of Defense Sexual Assault Prevention and Response Office, 26,000 cases of unwanted sexual contact and sexual assault occurred in 2012, and that was an increase of 37 percent since 2010. Clearly, something must change and it must change now.

Thanks to the hard work of Senators GILLIBRAND, BOXER, BLUMENTHAL, and HIRONO, along with so many supporters on both sides of the aisle, this issue is back at the forefront of our national debate. We now have a historic opportunity not only to make additional meaningful commonsense reforms to our military criminal justice system, but I think the Defense authorization bill that we are going to take up before the end of this year, hopefully, has a number of very critical proposals to address sexual assault in our military, and I certainly support those. I was pleased those provisions got unanimous support within the committee. But I do not think we went far enough in that bill.

We also need to send a powerful message to the tens of thousands of victims, many of whom have been suffering quietly for decades, that what happened to them in our military is unacceptable. In too many of those cases it is criminal. And it will no longer be tolerated.

The Military Justice Improvement Act of 2013 addresses what victims tell us is the No. 1 problem in the current system. Victims decide not to report sexual assaults because they fear their commanding officers will not take the issue seriously and they will be retaliated against or nothing will be done.

According to the Department of Defense Sexual Assault Prevention and Response Office, 50 percent of female victims said they did not report the crime because they believed nothing would be done with their report. And 25 percent of women and 27 percent of men who received unwanted sexual contact indicated that the offender was actually someone in their own military chain of command.

Our legislation addresses the chain-of-command issue. It removes the decision of whether to go to trial from the chain of command and puts it into the hands of experienced prosecutors. This is a straightforward change. It is designed to promote transparency and accountability in the prosecution of these crimes.

It would also ensure that impartial individuals specifically trained to handle these cases determine whether they move forward, which permanently eliminates the conflicts of interest that exist in the current system. We need all victims to know that if they come forward, their cases will be handled fairly and impartially.

Several days ago in America, we celebrated Veterans Day. Many of us went home to our home States to honor the men and women who, throughout our history, have served in our military. Our military's traditions of honor and respect are too important to continue to be plagued by the issue of sexual assault. That is why I urge my colleagues to support the Military Justice Improvement Act, because we strengthen our military when victims of sexual assault have the confidence to come forward and report crimes, and when we remove fear and stigma from the process. We strengthen our military when we create a process to deliver fair and impartial justice on behalf of the victims of these crimes.

Every man and woman who wears the uniform deserves these rights, and after more than 20 years of waiting, it is way past time we come through for them.

I yield the floor.

#### FY 2014 BUDGET PROCESS

Mr. LEAHY. Mr. President, I once again express my strong support for the efforts of the chairwoman of the Appropriations Committee, Senator MIKULSKI, and the chairwoman of the

Budget Committee, Senator MURRAY, as they work to reach agreement with their counterparts in the House of Representatives to resolve the impasse over the fiscal year 2014 budget.

Washington today is filled with naysayers. But as broken as the budget process is, and as pessimistic as many people are, I remain hopeful about the possibility of reaching a compromise that can bring us back to some semblance of the regular order everyone claims to want.

If there ever were two Senators who could find a way through the morass, it is Senator MIKULSKI and Senator MURRAY. And they should know there are a great many of us, including some on the Republican side of the aisle, who are 100 percent behind them. I encourage all Senators to read David Rogers' piece in Tuesday's edition of *POLITICO*, entitled "BARBARA MIKULSKI'S fight: Protecting appropriations". It tells the story, and in doing so, it pays tribute to Senator MIKULSKI.

I am not naive about the obstacles ahead, not the least of which is the shortness of time. We need a top line number from the budget conferees by the end of next week if we are to complete appropriations bills by January 15 when the current continuing resolution expires.

There is no mystery about what needs to happen. There must be compromise by both sides on two key issues—increasing revenues and decreasing spending. There will not be agreement without both. But in the absence of agreement, the operations and programs of every Federal agency will be drastically reduced by the combined effects of sequestration and a full year continuing resolution.

People will lose their jobs and programs will be cut deeply or terminated altogether. Infrastructure projects will be cancelled. The American people will pay the price in far more ways than any one of us can imagine.

I want to mention a few examples of the effects that a full year continuing resolution, at the level the House proposes, will have in lost jobs and canceled infrastructure projects in this country.

Under a full year continuing resolution, the National Science Foundation would receive \$542 million less than the amount in the Senate bill. The funding included by the Senate would provide funding for 1,500 more competitive grants and support 17,000 scientists, technicians and students. Under a CR, those jobs and that research would not be possible.

The \$500 million included in the Senate bill to fix thousands of deteriorating and aging bridges around the country would disappear.

Under a CR, the Federal Aviation Administration would not receive the \$559 million in the Senate bill to hire air traffic controllers needed to keep the skies safe. Instead, the FAA would be faced with having to impose a hiring freeze and furlough air traffic controllers and aviation safety inspectors.

Funding for agricultural research would receive nearly \$242 million less than the levels included in the Senate bill and America's standing as the world leader in food production could be in jeopardy, because we simply won't be able to compete with the \$4.5 billion China spends on agricultural research annually.

The EPA's funding for clean and safe drinking water would face significant cuts, putting Americans' access to clean water at risk. It would also mean 6,500 fewer American jobs.

These are just a few examples of how another long term continuing resolution will neglect the infrastructure needs of our Nation and prevent the creation of thousands of jobs.

I hope the spirit of bipartisan cooperation that put an end to the needless shutdown will enable the budget conferees to reach agreement on a top line funding level so Senate Appropriations Committee Chairwoman MIKULSKI and House Appropriations Committee Chairman ROGERS can help us get back to work and pass the bills needed to fund these essential services.

Mr. President, I ask unanimous consent that David Rogers' article be printed in the *RECORD*.

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

[From *POLITICO*, Nov. 11, 2013]

BARBARA MIKULSKI'S FIGHT: PROTECTING APPROPRIATIONS

(By David Rogers)

It's not quite Wendy and the Lost Boys but it's getting close.

Indeed, a year after taking power, Chairwoman Barbara Ann Mikulski—or BAM as she's known in staff memos—is the mother-older sister the Senate Appropriations Committee never knew.

The longest-serving woman ever in Congress, and the first to lead that old male haven, the Maryland Democrat brings a style like none before her: cajoling, prodding, empowering her members to get out on the Senate floor and fight. Appropriations is her neighborhood just as East Baltimore was when Mikulski began her rise as a community organizer in the 60's. Only now it's not a 16-lane highway through Fells Point but sequestration in January that threatens her world.

The stakes are enormous.

If no budget deal is reached in the next month, Congress will surrender to another round of automatic cuts in January and risk leaving the government under no better than a stopgap funding bill through the remainder of fiscal 2014. That would be the third such 12 month CR arrangement in four years—a true breaking point for Appropriations but also a tempting tool for those seeking to frustrate President Barack Obama's second term.

In the midst of this, Mikulski can be a terror: demanding, self-centered to a point of fault. But she enjoys an invaluable alliance with Senate Budget Committee Chairwoman Patty Murray (D-Wash.) who also sits on Appropriations. And at 77, it can seem that Mikulski's whole life has prepared her for this moment: the grocer's daughter and product of grassroots Catholic social activism matched against the new grassroots anti-government forces of the Tea Party.

Obama checked the box of community organizer on his way to the top. Mikulski lived

it. She can paraphrase Jesuit scholars but also pepper her floor speeches with "Wow" or "Oh, boy." And her politics remain greatly influenced by the likes of the late Monsignor Geno Baroni, a civil rights and community organizer who was a leader of the neighborhood revival movement of the 60's and 70's.

"He was always cooking up a pot of social glue and developing social capital," Mikulski said in a 1994 speech honoring Baroni's memory. Nearly 20 years later that might describe too her own approach to Appropriations.

"A little bit different," she laughs of the change she has brought. "Absolutely" community organizing is part of that.

"My worst nightmare is that we get to like January 12th and 13th and we don't have anything," she told *POLITICO*. "And we go to a year-long CR with sequester kicking in on January 15th which is government at its worst. Government on auto pilot and cuts across-the-board in that meat axe way."

"I know a lot about a lot, but I want to be able to marshal the resources of my own committee to be able to get out there and talk," she said. "The chair of the Appropriations Committee is more like head of the Joint Chiefs. My twelve subcommittee chairman enjoy not only a great deal of autonomy but they really are the ones that drill down on their respective portfolios and know it in a very granular way . . . Who better to tell the story than those who know it the most?"

Beginning with the shutdown in October, the Mikulski style has been to go to the Senate floor herself but then gin up her colleagues to follow. This proved remarkably successful last month, and after a meeting with her Democratic members last week, she's doing the same now—this time focused on sequestration and the perils of surrendering to a full-year stopgap CR.

"She wants us to be engaged with the same energy she has," said Sen. Jack Reed (D-R.I.). "It can be quite effective. Instead of just her giving a speech, we follow and say 'Let me tell you specifics.'"

"It's a new day around here," said Sen. Mark Pryor (D-Ark.). "All the organization skills she can muster, we need at this point."

That organization begins with Murray. And the dynamic of these two women—both rooted in Appropriations—is the most intriguing of the battle ahead.

It is an alliance both new and old at once.

Mikulski took over the chairmanship of Appropriations in December last year after the sudden death of Sen. Daniel Inouye (D-Hawaii.) Weeks later, Murray took the gavel at Budget, replacing North Dakota Sen. Kent Conrad, the committee's long time top Democrat and chairman who retired at the end of the last Congress.

At one level, the 63-year-old Murray is junior to Mikulski. At another, she has moved well ahead by taking on tasks in the party leadership which the matriarchal Mikulski stepped back from even as her Senate contemporary and old House mate, Sen. Harry Reid (D-Nev.) advanced.

For Reid, a veteran of Appropriations and now Majority Leader, the emergence of this Mikulski-Murray alliance is a huge asset as seen in last month's shutdown crisis.

It was popular in the press then to credit a bipartisan coalition of women—led by Sen. Susan Collins (R-Maine)—with driving the final outcome. But in fact, it was two women, Mikulski and Murray, who took the opposite stand. And inside the Democratic caucus, they proved pivotal for Reid in holding firm against the Collins plan.

"We liked the Collins effort . . . It had dignity. It had intellectual rigor," Mikulski said looking back. But the plan itself, which envisioned a CR through January 30, risked disaster for Appropriations. It did nothing to

stop sequestration and despite Collins' best intentions, left the door open to what Mikulski feared would be simply another eight month CR after that.

But take away gender, this Mikulski-Murray alliance is really a return to past practice for the Senate.

For most of its history, under Republicans or Democrats, the Senate Budget Committee has been led by chairs bred in Appropriations. Think back to Sens. Pete Domenici (R-N.M.), Lawton Chiles (D-Fla.) Jim Sasser (D-Tenn.) or Judd Gregg (R-N.H.).

In this context, the long tenure of Conrad, a product of the Senate Finance Committee, was more the exception than the rule—now restored by the arrival of Murray.

"She actually understands what we do and what we need to do to do our job," Mikulski said.

The flip side of this coin is that Mikulski must also help Murray do her job on Budget. Time and again through Senate history, budget resolution votes have been decided by Appropriations members falling in line—or crossing the aisle—in the name of moving ahead. If Murray gets a deal with House Budget Committee Chairman Paul Ryan (R-Wis.), Mikulski's support will be needed to sell it to the Senate.

Two very different pressure points are available to her.

First are the Republicans with whom Mikulski has worked on Appropriations and have their own vested interests in a budget deal. Second are Democratic liberals where Mikulski can provide political cover on tough votes given her progressive credentials and history alongside the late Sen. Edward Kennedy (D-Mass.).

Alabama Sen. Richard Shelby, the ranking Republican on Appropriations, was still a Democrat in the House in the 80's when he and Mikulski served together on the Energy and Commerce Committee. They came over together to the Senate in 1986 and are their own Mutt-and-Jeff pair, taking alternative turns running the Commerce, Justice and Science subcommittee.

"We've got a history," Shelby said. "We both would like a [topline] number being appropriators. When I was down at the White House with the president, I told him the reason we're here mainly is because we've had an appropriations breakdown."

Given Republican politics, Mikulski knows that Shelby can't be as outspoken as she is for a budget deal. But she was worked to enlist him and House Appropriations Committee Chairman Hal Rogers (R-Ky.) to keep the pressure on for a swift conclusion to the budget talks.

"I asked him if he would encourage the timeline of sooner rather than later," Mikulski said of Shelby. In the same vein, she signed onto a recent letter with Rogers that urged negotiators to have an answer by Thanksgiving—leaving time for Appropriations to have an omnibus bill in place by early January.

"What [Rogers] and I share is sequester," Mikulski said. "If we go to sequester, we're cooked."

But Ryan will want Democratic pain to get to a deal. And the day may come when Mikulski has to choose between more chaos for her committee or a compromise that entails savings from sensitive areas like Medicare or federal workers.

"I've got to see what's exhausted before I go down that road," she says, quickly ducking any commitment. "Do you mean to tell me there is not one loophole [Republicans] are willing to close?"

"I'm convinced that Patty can still have room for a deal . . . I don't want to speculate on the array of things that she has to take to the table. It's premature."

Kennedy's memory is important here. Mikulski has no pretensions of having the same status as her late friend. But their history is rich, and just as Kennedy could be a swing vote for the left, she may also have to play that role.

At the 1980 Democratic convention—having lost the nomination battle to President Jimmy Carter—Kennedy tapped Mikulski, then a young congresswoman, to introduce him before his "Dream Shall Never Die" speech.

"You know what: I kept the dress," Mikulski said. "I told him I would keep it until he was president. It became a standard joke. I told him I looked at it longingly."

"And he said 'Because you would like to see me as president?'" Mikulski said. "And I said, 'No cause I want to be able to fit into the damn thing.'"

Mr. JOHNSON of South Dakota. Mr. President, Congress is facing two fast-approaching budget deadlines: December 13 for a budget deal and January 15 for a funding bill to avert another government shutdown. Given the complexity of the issues, the brief window of opportunity, and the upcoming holiday season, meeting those deadlines will be a challenge. But it is a challenge Congress must meet. If we don't get a budget deal, we don't get a budget topline; we don't get any relief from sequestration; we can't write the 2014 appropriations bills, and we default to a year-long CR. That is a nightmare scenario.

A long-term CR is the worst way to fund the government. It merely recycles last year's funding levels to meet this year's funding priorities. That makes as much sense as using last year's canceled checks to pay this year's bills.

The military construction Program is the poster child for everything that is wrong with a CR. The 2014 Senate MILCON-VA bill includes \$4.8 billion for the construction of hundreds of new-start MilCon projects throughout the United States. The 2013 bill—which sets the funding levels for the CR—funded a totally different set of MILCON projects, and the funding does not align with the 2014 program.

For example, the Army needs  $\frac{1}{2}$  billion less for MILCON in 2014, and the Air Force needs \$800 million more. A CR written at 2013 levels would not reflect those requirements, meaning the Air Force would come up short while the Army would be awash in MILCON dollars it does not need. This would be a devastating blow for the Air Force because it took a pause in its MILCON Program last year. As a result, a CR at the 2013 level would fund less than 30 percent of the 2014 Air Force MILCON Program.

All of which could be moot because a CR also prohibits new starts. Without relief from that provision, 96 percent of the major MILCON Program would be on hold.

The MILCON bill funds mission-critical training and operational facilities, schools, hospitals, troop and family housing, and myriad other programs crucial to the work and well-being of our service members and their fami-

lies. The 2014 Senate bill funds more than 200 new major MILCON projects in 39 States. And that does not include overseas MILCON or follow-on phases of ongoing projects.

Hundreds of thousands of Americans across the Nation go to work every day for contractors building MILCON projects. Government construction—whether it be MILCON, VA hospitals and clinics, or Federal roads, highways and bridges—is a major job generator. The Association of General Contractors estimates that every \$1 billion in non-residential construction generates 28,500 jobs.

For the 2014 slate of major MILCON projects alone, that amounts to nearly 137,000 new jobs. Multiply that by the annual Federal Government investment in nationwide construction projects, and it is clear that a robust government construction program is a wise economic investment on all fronts.

Even if the new-start prohibition were lifted, the 2014 sequester remains a threat to the military construction program. DOD estimates that a second round of sequestration could cost the MILCON Program as much as \$1 billion, of which about half would come from new major construction projects. Under another round of sequestration, project deferrals or cancellations are almost guaranteed. The result would be a disruption of the MILCON Program and possibly thousands of lost job opportunities.

As chairman of the Senate Banking Committee, I am well aware of the Nation's precarious economic recovery. As an appropriator, I am equally aware of the need to adequately fund both Defense and domestic government programs.

The path to responsible government funding requires both revenue increases, through such means as closing tax loopholes and sensible spending cuts. Spending cuts alone cannot close the gap without crippling the economy.

Mr. President, Congress has a responsibility to govern. In the coming weeks, we must strive to achieve at minimum a 2-year budget deal, cancel sequestration for at least 2 years, and produce a governmentwide funding bill—what is commonly known as an omnibus by January 15. With the cooperation of all parties, that is an achievable goal. The American people deserve—and expect—no less.

#### AFRICAN WILDLIFE POACHING CRISIS

Mr. LEAHY. Mr. President, it was not very long ago that it seemed as if the ivory trade was on the decline and that the survival of African elephants in the wild was assured. In recent years, we have seen that confidence shattered, as thousands of these magnificent animals have been systematically killed for their tusks. Similarly, the rhinoceros, already endangered, is now in great jeopardy due to the voracious appetite in China and elsewhere