

In August 2010, she was gang-raped by a senior Marine officer and his friend who broke into her home. Ariana, despite all the warning signs, reported her assault. But a Marine Corps investigation determined she had welcomed the harassment. Do my colleagues know why? This is what they said: She wore makeup and she exercised in shorts and tank tops. What?

The Marine Corps did court-martial one of Ariana's rapists, but they never convicted him of rape. Do my colleagues know what he was convicted of? Adultery and indecent language. Please. How could anyone who listens to the victims say they are not going to vote for the Gillibrand amendment?

I stood with Ariana along with a large group of colleagues, Republicans and Democrats, right here the other day. Her husband is a former Marine Corps officer and he spoke at the press conference. This is what he said. It is so important to listen to what he said:

The first step to addressing sexual assault in the military is to remove its prosecution from the chain of command. It is unfair to expect commanders to be able to maintain good order and discipline as long as their justice system incentivizes and empowers them to deny their units' worst disciplinary failures ever happened.

In his statement—and it is on YouTube and I hope people will listen to it. In his statement, he talks about the fact that he was a commander and he was in the middle of war. He said, as a commander, I have one job to do; that is, to have a fighting machine that is second to none. I want you to know, when I am told to deal with sexual harassment or a crime of any sort, I am not trained to do it. It is a distraction.

I will read the exact quote so my colleagues don't think I am exaggerating. He said:

I used to feel a commander's disinterest in the law, too. During my training and deployments to Iraq, I focused on fighting. My life and those of my Marines depended on it. Legal issues were divisive, distracting, and confusing; they made me resent those who brought them to my attention, and feel bias as strong as my relationships with those involved. Commanders can be forgiven for thinking war is their most important job, and it should be expected that they'll manage the judicial process as a side-show and an annoyance.

This is someone who served as a commander and is telling us it is not right to keep loading these commanders up with all of these different responsibilities when their main responsibility is to fight and win wars.

So our amendment, the Kirsten Gillibrand amendment, would take the decision about whether to prosecute serious crimes such as sexual assault out of the hands of commanders and give it to professionally trained military prosecutors outside the chain of command. If something, God forbid, were to happen in the Presiding Officer's office or my office—something very bad, some crime, upstairs in a room somewhere in our office—we are not trained to deal

with that. We would immediately call law enforcement to deal with it, wouldn't we? We are not going to decide who is right and wrong. One person is saying he did it. The other one is saying she did it. People are crying and yelling in our office. We are not going to. It is not right. It has to be taken outside our office to the trained prosecutors to determine who was at fault. The chips will fall where they may. Maybe a Senator has a favorite of the two people involved in the altercation. We are not objective, and we are not trained for that—at least I am not. It would be similar to saying a CEO of a corporation should make a decision about whether one or more of her employees should be prosecuted for rape. That is not right. We don't have the decision made within the organization. It has to be outside.

Under our amendment, complex legal decisions would be made by experienced and impartial legal experts because the decision to prosecute serious crimes should be based on evidence. Nothing else should enter into it except evidence. Jo Ann Rooney made the point for us. She said, essentially, watch out if you take it outside the chain of command, it will be based on evidence, not on discipline. Some discipline. Some discipline: 26,000 cases and 90 percent go unreported. What kind of discipline is that? It is not discipline. People are getting away with it. They are getting away with it.

The men and women who risk their lives every day deserve a better system. I can't tell my colleagues how many victims I have met. They were destroyed by the system. They were destroyed by that culture. Men and women are begging us to act.

Tonight we had a chance to agree we would begin debate and voting on this important amendment. It was objected to by the Republicans. We need to get to the vote. I hope when we do that we will have the votes necessary.

I wish to make another point: There is a filibuster going on here. We are going to need 60 votes. We have over 50. Let's be clear. We have over 50. I am very sorry we have to get to 60, but there are those on both sides who are demanding that we get to 60. It is 20 years after Tailhook. This is our moment to make the change we should have made back then. It is time to stand up to all the people who say status quo, status quo, status quo. If the status quo was working, I would support it. If the status quo was working, the victims would come forward. They wouldn't run away and say: I can't deal with this.

Think about the thousands of perpetrators who are running around the military doing this over and over. Think about when they get out and now they are on the street in civilian life doing it over and over again. If they think they can get away with this behavior—this abuse of power, this violence, this hurt—they are going to continue.

I hope colleagues will make the decision to stand with us, with our terrific bipartisan group we have lined up behind this amendment, this Gillibrand amendment. I am very proud to have been working on this for a long time, and I think we are moving in the right direction. We are very close to 60 votes. I urge any colleague who might be within the sound of my voice, if they haven't decided, meet with a victim, meet with a victims' group, listen to their pleas. Listen to how smart they are. They understand what happened to them and they are begging us to stand up to the status quo, to the powerful Pentagon. We are taking on the most powerful organization in the world. But on this, they are wrong. They are right on a lot of other things, but on this they are wrong.

I look forward to proudly casting my vote for the Gillibrand amendment.

ADDITIONAL STATEMENTS

TRIBUTE TO CLAY LARKIN

• Mr. CRAPO. Mr. President, today I wish to recognize the outstanding work of Clay Larkin, who is retiring after serving for 13 years as Mayor of Post Falls, ID.

Mayor Larkin has dedicated immense time and covered considerable ground serving the people of Post Falls. He has devoted nearly 18 years to advancing the community, and Post Falls has thrived under his leadership. He served on the city council for 5 years before becoming mayor. As a strong and consistent advocate for the city, he helped bring considerable commerce to the area. His efforts also helped establish a foundation for further economic development and infrastructure improvements.

Additionally, under his leadership, community resources, including a library, city hall and police station, have been constructed, and he has worked to protect essential resources. Further, he has invested time and effort into emphasizing opportunities for youth, who are the future of our communities, State, and Nation. Mayor Larkin's work has understandably been recognized through numerous awards and honors. He is acknowledged for his devotion to making progress, his ability to adapt to changes, and his perseverance.

Post Falls and Idaho have been blessed to benefit from Clay's sound leadership. I thank Clay Larkin for his exceptional service, congratulate him on his retirement, and wish him all the best. I hope that retirement provides him more time with loved ones and the time for fishing he so greatly deserves.●

TRIBUTE TO REBECCA SPENCER

• Mr. WHITEHOUSE. Mr. President, for the past 25 years, Rev. Rebecca Spencer has provided parishioners at the United Church of Christ's Central

Congregational Church in Providence, RI, with thoughtful, dedicated, and selfless leadership.

I have been blessed to experience Reverend Spencer's inspiring stewardship firsthand. As a member of the Central Congregational Church for the years that I lived in Providence, I saw her regularly touch the lives of her parishioners by providing the spiritual guidance sought by so many in today's fast-paced and sometimes lonely world. And as the first woman in the United Church of Christ's history to become a senior minister without first serving as an associate of the congregation, Reverend Spencer has been a role model for the young women of her congregation who aspire to follow in her footsteps and one day take on leadership roles of their own.

Outside of church, Reverend Spencer has been a leader in Rhode Island's close-knit community. From her work to prevent domestic violence, to her service to our children through the United Way of Rhode Island, to the counsel she provides the Bioethics Committee at Women & Infants Hospital, Reverend Spencer has demonstrated a deep devotion to public service. Her contributions have made our State a better place for all.

Last year, I had the privilege of bringing Reverend Spencer to the Senate floor to deliver the opening prayer as a guest chaplain. Her invocation reminded each of us, particularly those us of elected to represent our fellow citizens, of our responsibility as members of the national and international community:

Gracious and loving God, we thank You for Your presence with us. You offer wisdom and perspective and grace. We ask Your blessings to be upon these elected representatives. May all that we do reflect Your purpose that we live together as Your children in harmony and freedom. May Your blessings and our work bring real hope to those who may be struggling or oppressed.

We do ask for Your special blessings to be with those who serve our country in the military—at home, at sea, in the air, and foreign countries. Shield them from danger as they work for peace.

This is indeed a gift of a new day You have given to us. May all our endeavors honor You and may we all serve the cause of life, liberty, and the pursuit of happiness in this beloved land of ours. May we truly do justice and love kindness and walk humbly with You, our God.

Congratulations to Reverend Spencer on her 25th anniversary at the Central Congregational Church. Rhode Island is proud to call her one of our own, and I am proud to call her a friend.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages

from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 2:02 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2655. An act to amend Rule 11 of the Federal Rules of Civil Procedure to improve attorney accountability, and for other purposes.

H.R. 3350. An act to authorize health insurance issuers to continue to offer for sale current individual health insurance coverage in satisfaction of the minimum essential health insurance coverage requirement, and for other purposes.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 1848) to ensure that the Federal Aviation Administration advances the safety of small airplanes, and the continued development of the general aviation industry, and for other purposes.

The message further announced that the House disagrees to the amendment of the Senate to the bill (H.R. 3080) to provide for improvements to the rivers and harbors of the United States, to provide for the conservation and development of water and related resources, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints the following Members as managers of the conference on the part of the House:

From the Committee on Transportation and Infrastructure, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Messrs. Shuster, Duncan of Tennessee, LoBiondo, Graves of Georgia, Mrs. Capito, Mrs. Miller of Michigan, Messrs. Hunter, Bucshon, Gibbs, Hanna, Webster of Florida, Rice of South Carolina, Mullin, Rodney Davis of Illinois, Rahall, DeFazio, Mses. Brown of Florida, Eddie Bernice Johnson of Texas, Mr. Bishop of New York, Ms. Edwards, Mr. Garamendi, Ms. Hahn, Mr. Nolan, Ms. Frankel of Florida, and Mrs. Bustos.

From the Committee on Natural Resources, for consideration of sections 103, 115, 144, 146, and 220 of the House bill, and sections 2017, 2027, 2028, 2033, 2051, 3005, 5002, 5003, 5005, 5007, 5012, 5018, 5020, title XII, and section 13002 of the Senate amendment, and modifications committed to conference: Messrs. Hastings of Washington, Bishop of Utah, and Mrs. Napolitano.

The message also announced that the Speaker removes the gentleman from Georgia, Mr. Graves, as a conferee and appoints the gentleman from Missouri,

Mr. Graves, to fill the vacancy thereon to the bill (H.R. 3080) to provide for improvements to the rivers and harbors of the United States, to provide for the conservation and development of water and related resources, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2655. An act to amend Rule 11 of the Federal Rules of Civil Procedure to improve attorney accountability, and for other purposes; to the Committee on the Judiciary.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-3558. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Early Warning Reporting, Foreign Defect Reporting, and Motor Vehicle and Equipment Recall Regulations" (RIN2127-AK72) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC-3559. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Federal Motor Vehicle Safety Standards; Ejection Mitigation" (RIN2127-AL40) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC-3560. A communication from the Regulatory Ombudsman, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendments To Implement Certain Provisions of the Moving Ahead for Progress in the 21st Century Act (MAP-21)" (RIN2126-AB60) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC-3561. A communication from the Assistant Chief Counsel for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Hazardous Materials: Penalty Guidelines" (RIN2137-AF02) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC-3562. A communication from the Assistant Chief Counsel for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Hazardous Materials: Enhanced Enforcement Procedures—Resumption of Transportation" (RIN2137-AE98) received in the Office of the President of the Senate on October 28, 2013; to the Committee on Commerce, Science, and Transportation.

EC-3563. A communication from the Assistant Chief Counsel for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, Department of