

The real question right now should be obvious: What is the administration's plan to turn all this around? We know they have a press plan. What is the policy plan? What is the policy plan? Does the administration have anything of substance to tell folks who are losing their plans? Does it have anything to tell folks in these high-risk pools who could be losing their doctors? Does anyone over there know—anyone?

I have said this before and I will say it again: These are people's lives we are talking about. So it is time for a reality check. The defenders of ObamaCare have a choice: Stand up for your constituents or defend a law that is falling apart before our very eyes, a law that threatens to drag down the quality and affordability of care for millions—literally millions—of Americans who need it, including those most in need.

I yield the floor.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will be in a period of morning business for debate only for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees.

The Senator from Michigan.

ORDER OF PROCEDURE

Mr. LEVIN. Mr. President, I have a very brief statement I will now make, and I thank the Senators from Maryland and Maine for allowing me to do this. I ask unanimous consent that the very brief statement I am going to make not count against morning business.

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

NATIONAL DEFENSE AUTHORIZATION ACT

Mr. LEVIN. Mr. President, later this morning the Senate is going to resume consideration of S. 1197, the National Defense Authorization Act for Fiscal Year 2014. I will have a full statement to make on this legislation later today. However, I would like to take just a moment to talk to my colleagues about where we are on the bill and how we would like to proceed.

Last night, the majority leader asked for unanimous consent to bring up side-by-side amendments on subjects that we know we need to debate and vote on—military detention at Guantánamo and sexual assault and misconduct in the military. Each amend-

ment and side-by-side was to be subject to a 60-vote threshold. Unfortunately, there was an objection to this request. As a result of that objection, the majority leader filled the amendment tree on our bill.

Now we are in a position where we are going to need the cooperation of all Senators to get this important bill passed, as we must, in the limited time available to us before Thanksgiving week in order that we will have time to go to conference, get a conference report, and bring that conference report back to the House and Senate.

It remains our intention to bring up and vote on as many relevant amendments to the bill as possible, and I know the Republican manager, ranking member Senator INHOFE, shares this objective. Toward this end I expect there will be further attempts later in the day to reach a unanimous consent agreement on the first amendments to be brought up, and that will be a repeated unanimous consent request that was offered last night for those first two amendments.

It is also our intention to clear amendments, as we have always done on this bill. I urge our colleagues, if you have amendments, to file them, bring them to us, so we can try to clear them. The majority and minority staffs of the Armed Services Committee are working hard. We hope to have a first package of cleared amendments ready for consideration later today, and we will continue to go through that process during the week.

Finishing this bill is going to be a very difficult task. We have managed to do it for the last 51 years, and I am confident, with the cooperation of all Senators, we will be able to do it again this year. We must for the sake of our troops, their families, and our Nation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

SEXUAL ASSAULT IN THE MILITARY

Ms. MIKULSKI. Mr. President, today we, of course, are beginning the debate on the National Defense Authorization Act. Throughout the next hour, and throughout the rest of the day, you will see the women of the Senate take the floor, one, in support of our military but also to express their concern and their ideas on how to deal with sexual violence in the military. You will see in the next hour our ideas—the fact that we have excellent ideas in the bill—and then we will have a robust debate on how to even further enhance this process.

This is a compelling national problem. When you join the military and you face the enemy, you should not have to fear the enemy within. No woman should be a victim of rape by a fellow soldier or seaman or corpsman. No man should face the same sexual attack and call it hazing. There is no place in the U.S. military for violence

against one member of the military by another.

I am pretty fed up. I am fed up with lip service and empty promises and zero tolerance policies and task force after task force after task force. I am an old-timer in this institution. I have been here for 25 years, and I have worked on this issue every year. Ever since I first came here there has been some repugnant occurrence—from when I was a brandnew Senator and I had to deal with a situation at the Naval Academy where a female midshipman was chained to a urinal at the Naval Academy and taunted for 3 hours by fellow midshipmen, until she was freed by a visiting Air Force cadet, getting her out of handcuffs at her own Naval Academy. Then there was Tailhook. Then there were other kinds of incidents.

Statistics after statistics. There are 26,000 reasons why we are on the floor today. Mr. President, 26,000 sexual assaults have occurred in our U.S. military this past year.

Then we look at the service academies training the future leaders—15 attacks at the Naval Academy, 15 attacks at West Point, and over 50 attacks at the U.S. Air Force Academy.

Now is the time to do something, to do something bold, to do something strong and something unequivocal, something victims can have confidence in, where the accused can feel the process will be fair and we restore the confidence in the U.S. military to stop this and to deal with their own.

I am proud of the leadership taken by the women in the Senate and the women on the Armed Services Committee. There are now seven women on the Armed Services Committee—five Democrats and two Republicans. Wow, do they work on a bipartisan basis with the leadership of the committee. We appreciate the work of the fine men who have supported us in dealing with this issue. We particularly thank Chairman LEVIN for his leadership, and we acknowledge the role of Senator INHOFE. By the way, all of the women of the Senate wish to express our sincere condolences to Senator INHOFE on the loss of his beloved son, Dr. Perry Inhofe.

This is not just a women-only fight. This is a fight to make sure our military continues to be the best in the world and that when you serve, there is an enemy outside that we will always face, but there is an enemy within that we need to now end.

We, the women of the Senate—all of us—agree on the goals. We want to be able to provide prosecutorial tools for punishment, we want to ensure fairness in the process, and we want to make sure we get help to the victims.

The National Defense Authorization Act has more than 30 reforms in it to accomplish that. Thirteen relate to prosecutorial reforms, 10 are reforms to improve victims' services, 2 reforms

are to improve training of first responders, and 5 also deal with various kinds of reporting.

I am so pleased that the bill works to prevent retaliation against someone who reports a crime. So if you feel you have been a victim of sexual assault you are not retaliated against by stepping forward, where you are then doubly victimized, both by the attack and then by those who want to squelch the fact that you want to bring the attack to the surface and to follow some kind of redress and to also get help.

It also eliminates the statute of limitations on courts-martial for sexual crimes. It requires a review of decisions by commanders not to prosecute and requires dishonorable discharge for anyone convicted of a sexual assault.

The bill ensures that every victim gets access to legal counsel and support. This is very important. It is important not only to me and the other women, but it is important to the person who would be injured. First responders must have training in sexual assault. There are others that could be elaborated on.

Sexual assault in the military continues to rise. It is a problem, as I said. I am worried about the men and women every day, to be sure that they are well trained and well protected.

Unfortunately, many of these acts of violence are unreported, unprosecuted, and unpunished. DOD's own annual report gives us a picture of why victims do not report these crimes. Fifty percent do not think anything will be done, 43 percent believe they will not be believed, and 47 percent are afraid of retaliation.

The reforms in this bill deal with those fears and their concerns. We are ready to reform, revise, and standardize how the military deals with these problems. These reforms will change the way the military thinks and how they act.

During the course of this whole process, we have met with victims and heard their stories, we have met with experts and advocates, we have met with the military themselves. Now we are ready to give all concerned in this a voice by using the Defense bill for a vehicle for serious and significant reform. We have been able to do this because we have worked together on both sides of the aisle, working with the leadership of the committee—30 reforms that people can count on for fairness in the process for the accused but also help to those who feel they have been victimized but to be sure they are not victimized by the very system they count on.

I eagerly look forward to hearing from my senior Republican colleague Senator COLLINS.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. First, I wish to commend the senior Senator from Maryland, the dean of the women Senators, for organizing this debate today on an

issue that concerns each of us; that is, the growing crisis of sexual assault in the military.

I first raised my concern over the military's inadequate response to the growing crisis of sexual assault nearly 10 years ago. I remember it well. It was a hearing before the Senate Armed Services Committee in 2004, at which I expressed my growing alarm about the number of sexual assaults in the military and the inadequate response by the leaders of the military to provide adequate care for the survivors and to ensure appropriate punishment for the perpetrators of these reprehensible crimes.

In an exchange I had with GEN George Casey, I stated the military needs to be much more responsive to reports of sexual assault, particularly in the field, and to separate these women and, in some cases, the male victims, from their alleged attackers. The Department must also vigorously prosecute offenders and hold commanders accountable for establishing zero tolerance policies.

To say that General Casey's response was disappointing would be an understatement. I am convinced that if the military had heeded the concerns that I and others such as Senator MIKULSKI raised a decade ago, this terrible problem would have been addressed much sooner, saving many individuals from the trauma, the pain, and the injustice they endured.

Back then, sadly, the attitude of the high-ranking officials who were testifying at that 2004 hearing was dismissive, even though these crimes never should have occurred in the first place, traumatized the survivors, and eroded the trust and discipline that are fundamental to every military unit. Thankfully, the attitude I perceive amongst senior military officers today is markedly different from the one I encountered 9 years ago. The work of translating the military's stated policy of zero tolerance into reality, however, remains unfinished business. Fostering a culture of zero tolerance so that the number of assaults is greatly diminished remains a goal, not reality. Ensuring that survivors do not think twice about reporting an assault for fear of retaliation or damage to their careers is still not part of the military culture.

In 2011, I joined our former colleague John Kerry in coauthoring the Defense STRONG Act as an initial step to address this crisis. Provisions of that bill were signed into law as part of the fiscal year 2012 National Defense Authorization Act. They provide survivors of sexual assault the assistance of advocates with genuine confidentiality. They provide guaranteed access to an attorney and expedited consideration to be transferred far away from their assailant.

Earlier this year I introduced the Coast Guard STRONG Act to extend these protections to Coast Guard members. I thank Chairman LEVIN, Ranking

Member INHOFE, and Senator McCASKILL for their work to include these provisions in this year's NDAA.

More than anything, survivors need to have the confidence that the legal system in which they report a crime will produce a just and fair result. Based upon data from the Department of Defense's most recent sexual assault prevention and response survey, that view is not held by enough service-members or survivors.

As a result, I have supported and introduced legislation with Senators Gillibrand and McCaskill aimed at reducing the barriers to justice that many survivors of sexual assault currently face in the military.

I commend both Senator GILLIBRAND and Senator McCASKILL for their extraordinary leadership and dedication to resolving this unacceptable problem.

Let me also thank Chairman LEVIN and Ranking Member INHOFE for incorporating significant provisions from both bills into the NDAA.

In fact, there are more than 26 provisions specifically targeting sexual assault in the military in the bill that we are debating today. For example—and there are many, but I wish to highlight one because it was part of a bill Senator McCASKILL and I introduced—the legislation mandates a dishonorable discharge or dismissal for any service-member convicted of sexual assault. This came from a bipartisan, bicameral bill, the BE SAFE Act, that I introduced with Senator McCASKILL, Congresswoman NIKI TSONGAS, and Congressman MIKE TURNER earlier this year.

In addition, the NDAA eliminates the ability of a convening authority to overturn a conviction by a jury post-trial for major offenses.

It permits a commander to relocate an alleged perpetrator of a sexual assault crime rather than relocating the survivor following an attack.

It eliminates certain factors, such as the alleged character of the accused, that a commander can consider in deciding how to dispose of an offense so that these decisions are based on evidence and the law.

Finally, the bill includes a provision I support that requires the military to provide an attorney dedicated to the interests of survivors of sexual assaults who can provide legal advice and assistance when survivors need such assistance the most.

There are many other important provisions that are included in this bill. Our work will not be complete until the Pentagon has demonstrated that it is fully enforcing its stated policy of zero tolerance for sexual assault.

There are strong views in the Pentagon and in Congress on how best to address this issue beyond the 26 provisions in the bill before us. There is much debate on what it means for the military's unique legal system.

One of the criticisms I have heard is that we should wait a few more months for the results of still more studies or

perhaps even wait a few more years to see if recently enacted provisions have made a difference. I strongly disagree. How many more victims are required to suffer before we take additional action? How many more lives must be ruined before we act? Rather than waiting for the results of yet more studies, we must debate proposals to increase the confidence of survivors and increase prevention efforts now until we have proved that the military has, indeed, fostered a culture of zero tolerance in which survivors are no longer concerned about retaliation from their peers or even their commanders.

This is why I have decided to support Senator GILLIBRAND's amendment to this bill. This was not an easy decision, as there are valid arguments on both sides. Senator GILLIBRAND's amendment takes aim squarely at the problem of victims failing to report sexual assault. In my judgment, her amendment will encourage more victims to report sexual assaults, and that is absolutely critical.

There can be no question about the Senate's commitment to reducing the instances of sexual assault in the military and to providing appropriate care for survivors. As we debate various proposals, we are united by the need for the serious reforms that are included already in this bill and that will enhance the military's response to sexual assault.

I wish to thank all of those on the Armed Services Committee, particularly the two leaders, Senator McCASKILL and Senator GILLIBRAND, for their excellent work.

I am certain our work on the NDAA will make a real difference in reducing unnecessary suffering, injury, and injustice.

The PRESIDING OFFICER. The Senator from New Hampshire.

Ms. AYOTTE. I thank my colleagues Senator COLLINS and Senator MIKULSKI for their leadership on this issue and for bringing this important discussion to the floor today.

I also thank Senator MURKOWSKI, who I see in the Chamber as well, who has been a leader. Also, I thank Senator MCCASKILL, who has been a leader in the Armed Services Committee with me.

This has been an issue that has brought people together. It has brought people together for the right reasons. This is an issue that the women of the Senate have really driven, but it is important to understand that this is not a woman's issue. The issue of ending sexual assaults in our military is an issue for everyone. This is an issue about justice. This is an issue about fairness. This is about making sure that victims of crimes, both men and women, get the justice they deserve, the support they deserve in our military, and that they understand and appreciate that we want them to have a climate in the military where if they are a victim, they can come forward and receive the support they need and that they deserve.

Finally, this is also about the character of our military. We are blessed to have the very best military in the world, but when there is a plague of sexual assaults such as we have seen in our military, it undermines the very fabric of our military in terms of our readiness, in terms of our preparedness, and in terms of the cohesiveness of our units.

This is why it is not only important that we address and support the victims of these crimes, that we end sexual assault in our military, but that we have a climate in our military that says: If you are a commander and you do not stop sexual assaults, prevent sexual assaults, have a climate in your unit that says zero tolerance, this is not going to happen; if a victim comes forward in your unit and you don't handle this the right way, do the right thing, support victims, and ensure that perpetrators are held accountable, you will be relieved from command.

That is the climate in which all of the reforms in this Defense authorization are brought forward, where we work together across the aisle with very strong provisions to support victims.

One of those provisions is a special victims counsel. Senator PATTY MURRAY and I introduced a bill, stand-alone, to ensure, based upon a pilot program in the Air Force, that victims of sexual assault will actually now have their own lawyer, someone to represent them and their interests, to know that if they come forward there is someone looking out for them. That is one of the provisions contained in this Defense authorization bill, to ensure that every victim will have someone who stands for them.

In addition to that is retaliation. We have now made retaliation against victims a crime under the Uniform Code of Military Justice. This is to say to victims that if they come forward and for some reason are retaliated against, then whoever does that will be guilty of a crime. This is sending the message to please come forward, we want to support you, and we want to be sure the perpetrators are held accountable.

In addition, I believe that if we want to solve this problem, the provisions in this bill that people have worked together on are very strong. I thank the chairman of the Armed Services Committee and the ranking member for their work together.

We are going to pass in this Chamber unprecedented reforms that ensure that the military understands this is not an issue anymore that can be left in the closet. This is not an issue that can be quietly spoken of where victims feel they can't come forward. The reforms in this bill are very tough. They support victims. They hold commanders accountable, and they make sure we do not see what we have seen in the past, things such as commanders overturning the verdicts. That will be done under this bill. That is not allowed anymore if this bill passes on the floor.

So I simply come to the floor today to say there is so much we have agreed upon that is going to address this issue in the military, and I thank all my colleagues on the floor today for their leadership. We will not let this rest. The one thing I do know, for those of us who serve on the Armed Services Committee and those who are here in the Chamber who do not serve on the Armed Services Committee but serve on other important committees, including the Appropriations Committee, despite the unprecedented reforms I believe we are going to pass on a bipartisan basis to end sexual assault in the military and to ensure victims are supported, we are not going to let this go. This is not going to be something where we pass these reforms and that is the end of the story. Every few months we are going to be asking: What have you done to implement these reforms? Every few months we are going to be expecting a report back to the Senate to ensure that what we all have intended to occur here—that is the right thing for victims of crime, that is the right thing for our military—is getting done.

So while I am very proud of everything we have done and we will do when we pass the Defense authorization bill on a bipartisan basis to stand against sexual assault in our military, this is not the end of the story. We will continue to pursue this to make sure that our military understands they are accountable, that victims of crime understand that while in the military they will be supported, that we will not let this go.

I thank the Chair and my colleagues for their leadership and everything they have done to support victims of crime and to end sexual assault in our military.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, I rise to join my colleagues in highlighting the epidemic of sexual assault in our Nation's armed services, and I am glad to join many of my colleagues here—the Senators from Maine and New Hampshire and our leader, the Senator from Maryland—in making sure the voices of women are heard in this debate.

We know that in May 2013 the Defense Department released a report that showed 26,000 incidents of unwanted sexual contact among service members. That is an increase of 35 percent over 2 years.

In my State, Washingtonians are very proud of the incredible men and women who keep our country safe and defend us, and we are proud of the 10 military installations across our State. There are more than 65,000 men and women serving in military installations in the State of Washington—places such as Joint Base Lewis-McChord, the Puget Sound Naval Shipyard, Naval Station Everett, Naval Base Kitsap, Whidbey Island Naval Air Station, Bangor Naval Submarine

Base, and Fairchild Air Force Base. So we took it seriously when there were 116 reports of sexual assault across all of these installations in the State of Washington in 2010. That number is too high, and that is only the amount that is being reported. We know there may be many assaults that go unreported.

As my colleagues are saying, we need to do everything we can to address this problem. I am pleased that Joint Base Lewis-McChord is developing a sexual assault prevention program, and I urge my colleagues in the Senate to act to address this epidemic problem. The men and women of our Armed Forces are basically defending our country, so why are we leaving them unprotected while they serve?

I have cosponsored legislation authored by my colleague the senior Senator from Washington to provide special victims' counsel to victims of sexual assault. This will ensure that professionals trained in dealing with sexual assault are there to support the victims.

There may be differing opinions on how best to achieve the overall goals of reducing sexual assault in the military, but I believe all my colleagues can agree on one common goal: protecting the victims from further abuse. We need to put an end to an environment that allows sexual assault to occur and that lets the perpetrators go unpunished and discourages victims of sexual assault through fear and intimidation. Again, we may differ on how to best achieve that goal, but we are all here to say the same thing: Enough is enough. We will not tolerate sexual assault in the military and Armed Forces, and we owe it to our servicemembers to come together and act toward a solution today. That is why my colleagues are here—to emphasize this point in a way that speaks volumes about how this tragedy is affecting men and women in the armed services and the fact that this institution needs to come together to address it.

I thank the Chair, and I yield the floor.

THE PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I thank my friends, the good Senator from Maryland, the dean of the women in the Senate, and the Senator from Maine, who have organized this portion of the debate this morning. I acknowledge and thank the other women of the Senate who are here this morning to speak on an issue we would all agree is something that must be addressed and that for far too long has not seen the redress it commands. So we stand together unified in an effort to truly make a difference.

I acknowledge the good work particularly of Senators McCASKILL and GILLIBRAND, who have worked to raise the awareness of sexual assault in the military. They have truly advanced the discussion to the point where for the first time in far too long we will make substantive, meaningful headway when it

comes to addressing sexual assault, sexual harassment, and what has been called or referred to as military sexual trauma. Working together I think we do have that momentum, that push to truly address these areas in a meaningful way.

When the Senate passes the National Defense Authorization Act for 2014, it will be evident to all that we have sent a very strong message on these issues—a very united message, clearly bipartisan.

It should be clear to all who have been following the debates—first in the Armed Services Committee and now here on the floor—there are differences of opinion within this body about how we address the crisis. But there is no difference of opinion that we must address the crisis. That means how to create a culture that prevents the kinds of incidents we are talking about from ever occurring; how we work to protect the rights of victims; how to ensure that justice and accountability are achieved in an open and transparent fashion so that victims know there is a system that works for them and so that our constituents know and we here in Congress have that confidence again. Right now that confidence does not exist.

We recognize that there remain differences across the body in how to achieve the elimination of sexual assault, sexual harassment, and military sexual trauma. I believe the amendment offered by our colleague from New York Senator GILLIBRAND is the best medicine for a difficult situation that has been allowed to languish for far too long.

This afternoon I intend to spend a little more time explaining why the amendment of Senator GILLIBRAND, although it is strong medicine and it is disruptive of the status quo, is the right way to go. But my purpose this morning in joining with my female colleagues here in the Senate is not to argue for or against one amendment or another; it is to point out that the NDAA, as reported by the Armed Services Committee, includes many provisions—so many provisions—that truly have a positive impact going forward.

I would also point out that during the course of our debate on the NDAA, the Senate may consider other amendments that enjoy broad support. My colleague, the Senator from California Mrs. BOXER spoke eloquently last night about her amendment that will protect victims' rights in article 32 proceedings. This amendment has drawn good, strong support from those who support the approach of Senator GILLIBRAND as well as those who oppose it. I am proud to cosponsor the amendment of Senator BOXER. It is good legislation, and I hope we can come together to adopt it.

I have submitted amendment No. 2141. This ensures that cadets and midshipmen at our Nation's service academies have access to special victims' counsel and sexual assault nurse exam-

iners. Another of my amendments, No. 2143, requires reports from the heads of our service academies on the services available to victims of military sexual trauma. I would certainly hope these noncontroversial amendments can be offered and accepted at the appropriate time.

I think all of these ideas—those mentioned by my colleague from New Hampshire, those addressed by my colleague from Maine and others—will all help to make a difference, but I think we recognize that this is just the beginning of solving the problem. The Congress of the United States can encourage good behavior and can sanction bad behavior, but what we cannot do is legislate good culture.

Over the next few days we are going to hear a good many words about the importance of the chain of command in maintaining good culture. Some will argue that our efforts to ensure bad behavior is sanctioned will cause the chain of command to abandon this responsibility. I don't accept this proposition. Regardless of how we dispose of the amendment of Senator GILLIBRAND or the amendment of Senator McCASKILL, it is the responsibility of the chain of command to provide for good order and discipline and sound military culture always. This is a nondelegable duty of those who accept positions of leadership and responsibility within our Armed Forces.

Those who wear the uniform reflect the values of this country, and every action they take must uphold those values. Sometimes, though, one has to wonder, does the chain of command get it? To illustrate a point, I want to share a sad story. This is a story Senator GILLIBRAND and I share.

The soldier's name was Danny Chen. He grew up in New York City's Chinatown. He joined the Army, and he was assigned to Fort Wainwright in Fairbanks, AK. From there he was deployed to Afghanistan. He was found dead in Afghanistan of what the Army described as "an apparent self-inflicted gunshot wound."

New York Magazine describes his experience in Afghanistan this way: A group of his superiors allegedly tormented Chen on an almost daily basis over the course of about 6 weeks in Afghanistan. They singled him out. He was their only Chinese-American soldier. They spit racial slurs at him. They forced him to do sprints while carrying a sandbag. They ordered him to crawl along gravel-covered ground while they flung rocks at him. One day, when his unit was assembling a tent, he was forced to wear a hard hat and shout out instructions to his fellow soldiers in Chinese.

Danny Chen's story is not about sexual assault or sexual harassment, but it is about harassment. It is about the kind of extreme behavior that has no place—absolutely no place—in the Armed Forces of this world's greatest democracy, just as sexual harassment and military sexual trauma have no place in our Armed Forces.

This week we have the opportunity to send a strong statement to the chain of command that they need to clean up the culture. Never again should we have to speak of a culture that allows harassment, assault, and trauma generated from within to fester within our military.

So I join with my colleagues this morning in unity for the victims and for a change—a change that will realign the reality that our servicemembers seem to face in the Armed Forces with the values of the greatest democracy on Earth.

I thank the Chair and my colleagues, and I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I rise today to speak on the National Defense Authorization Act and how the Senate, and particularly the women of the Senate, are working to address the crisis of military sexual assault.

I thank Senators MIKULSKI and COLLINS for organizing and bringing us together this morning. I thank Senators LEVIN and INHOFE for their leadership, and I thank Senators MCCASKILL and GILLIBRAND for working on this critical legislation over the course of the past year. Of course, I thank all of the women of the Senate. We have heard from many of them this morning and will hear from more because this is an incredible year—a year that I hope will be remembered as a decisive one in the effort to eradicate military sexual assault once and for all.

We are all too well aware that sexual assault continues to plague our Armed Forces. We have all seen the horrifying numbers. In 2012, the Department of Defense received 3,374 reports of sexual assault in the military. But by the DOD's own estimates, 26,000 incidents of unwanted sexual contact actually took place during that period. That means that only 12.9 percent—a small fraction—of all incidents were actually reported. Of the 3,374 reported offenses in 2012, only 880 faced command action for sex crimes. Of those 880, 594 faced court-martial, and 302 of those court-martial resulted in convictions.

So all in all, we have a situation in which 880 people faced any kind of discipline for a sex crime out of the universe of 26,000 potential incidents. That is only 3.4 percent of total of incidents in which someone was held accountable, and only 302 or 1.1 percent were actually convicted of a crime. That is not a good set of numbers, and it sums up why this problem has been festering and why we need action this year.

But I think we also know that we are not all here because of the statistics. We are here because of real people and because each and every one of the numbers is a personal story of grief, and we know them all too well. Whether it was the sexual assault scandal last year at Lackland Air Force Base in Texas where a dozen or more basic training instructors were accused of sexually assaulting female trainees or the more

recent case at the air base in Italy, where an Air Force general decided to reinstate a pilot, without explanation, despite the fact that this pilot had been convicted of sexual assault charges in a court-martial by a jury of his peers.

I think of Kimberley Wellnitz from Mora, MN. She served with the Marines in Iraq. In 2005, she was handcuffed to a bed and assaulted by a fellow Marine—her supervisor. She reported him. The end result? He was demoted in rank.

It is clear we have so much more to do in addressing this problem. It doesn't just hurt our men and women in uniform. It undermines the integrity of our Armed Forces and the integrity of our country, and that is why we can't let it continue.

I know everyone in the Senate—and none more than the women of the Senate—wants action to change this intolerable situation. And action is what we are going to get. This year's National Defense Authorization Act contains more than two dozen unprecedented reforms which will increase reporting of these crimes, provide support to victims, and help rebuild trust in the military's handling of sexual assaults.

As a former prosecutor who ran an office of 400 people, I learned over time that the outcomes are incredibly important. But just as important is how people feel about how they are treated in the system. Every year we did a survey of our victims of domestic abuse and of sexual assault, and one of the aspects that became clear over time: Just as important as how many months someone got in prison was whether or not the crime was explained to them, whether or not the process was explained to the victims, and whether or not the outcome was explained. We actually had people come back and say: I know this case had to be dropped; or I know you couldn't bring charges in this case, but I felt that you treated me with respect, and I understood that my case would still remain so that if another case came forward my record would be there, my report would be there. If the facts were better or if there was more evidence, you could go forward with it. That led me to get involved way before this past year in the issues of record retention in the military on sexual assault reports.

When I first got involved, we learned the shocking fact that many branches of the military were destroying the records sometimes in 1 year, sometimes in 5 years. That is why Senator Olympia Snowe and I got together and proposed changes to that system. We actually changed it so records would be kept for decades. But the problem is that still in the law, despite two changes we have made over the years on this exact authorization act, the victim actually has to sign something and say they want the records retained. That would not happen in a civil court.

Current law only requires retention of restricted reports—and that is when

a servicemember chooses not to take legal action—at the request of the affected servicemember. This might seem innocuous, but it is not. It is a loophole allowing for the continued destruction of records, making it harder for service men and women who have been sexually assaulted to get VA benefits for the assault or to seek justice in the future.

I did an event with a former marine whose case couldn't be brought. Because she was a marine, the records at the time were kept for 5 years. So when the perpetrator got out and raped two kids in California, that prosecutor in California was at least able to look at the records. Whether he could use them or not is somewhat immaterial. It simply helps to look at the records to know what happened and if there was a similar *modus operandi*.

A servicemember who has been through an assault should not be forced to reach a far-reaching decision whether his or her report on such a crime will be retained or not, as is what is happening right now. This bill gets rid of the double standard between restricted and unrestricted reports, ensuring all reports are stored in a secure and private manner for at least 50 years. It also contains a provision from my bill requiring the disposition of substantiated sexual-related offenses be noted in personnel records. This will help ensure that commanders are aware of potential repeat offenders. And it contains the language from my Military Sexual Assault Prevention Act—and I thank Senator MURKOWSKI for her support—which expresses the sense of the Senate that charges of rape, sexual assault or attempts to commit these offenses should be disposed of by court-martial rather than by nonjudicial punishment or administrative action. We want offenders to be convicted and punished, not just given a slap on the wrist by commanders or allowed to slink away without a discharge.

This year's NDAA also includes legislation which I introduced with Senator MCCASKILL to add sexual assault and related charges to the list of protected communications that can be investigated by the DOD inspector general. This is expanded whistleblower protection which will help ensure that servicemembers are able to report sexual assault crimes without facing retaliation.

These are just a few of the provisions addressing sexual assault in this bill. We also know this bill does so much focused on victims' rights and treating our victims with the respect that they deserve.

Our country is fortunate that we have so many selfless service men and women who volunteer to serve their country. When they raise their hands to serve, we take on the responsibility to provide them the means to accomplish their mission and to ensure they don't have to worry about what is going on behind the front line. Sexual

assault in the military betrays that responsibility. If in the course of their service our service men and women experience an assault that our military failed to prevent, then we owe them the basic decency of justice.

I look forward to working on and passing this bill with my colleagues so that we can protect our servicemembers once and for all.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, we are seeing something pretty historic, with over half of the women of the Senate speaking on this issue. I know the press isn't covering this, but I hope with C-SPAN they are.

This is a bipartisan effort, with 30 reforms we have agreed to, and it is very impressive that we are all here, speaking up with one voice, and an occasional difference in goals. I hope America is watching because this has never happened before.

I now turn to the Senator from Wisconsin for her remarks, then to the Senator from Missouri, and then to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Wisconsin.

Ms. BALDWIN. Mr. President, I rise this morning to speak about this year's national defense authorization legislation and the important reforms that are a part of the underlying bill to improve our military's response to sexual assault within its ranks.

The men and women in our Armed Services serve with courage in defense of our freedom every single day. In my eyes their service needs to be respected by taking decisive action to address the ongoing crisis—in fact, you can call it an epidemic—of sexual assault in the military. We know the system is broken, and it is long past time we fix it.

I wish to share just one story from a remarkable and brave woman named Rachel who lives in LaCrosse, WI.

Rachel joined the Army in 2004. She was sexually assaulted that same year while she was stationed at Fort Meade in Maryland for advanced individual training. After reporting her assault to her commanding officer, Rachel was interrogated for hours over numerous days and ultimately forced to drop the charge. She was written up for fraternization, and her assailant was not charged with any crime.

As you can imagine, Rachel was deeply affected by the trauma of this crime and continues to face struggles with post-traumatic stress disorder. But Rachel is a survivor and a true inspiration. She has turned her pain and courage into a platform for advocacy and service to her community, working through her organization Survivors Empowered Through Art to raise awareness about military sexual assault through the power of art and storytelling.

Rachel's story is a reminder that she is not alone and that we must do everything that we can to make sure that all

victims of sexual assault have the support they deserve. That is why I am heartened by the many important reforms included in the 2014 National Defense Authorization Act and very grateful to the bipartisan coalition, in particular of women Senators who have worked so diligently to make this change happen. In particular, Senators GILLIBRAND and MCCASKILL have led the fight to make these improvements. Their efforts will make a real difference in the lives of countless Americans by preventing sexual assault in the military and greatly improving our support to victims.

However, I believe more must be done to help victims of sexual assault. That is why I am a proud cosponsor of Senator GILLIBRAND's amendment, which would improve on these important reforms by removing the prosecution of major crimes from the military chain of command. Instead, military prosecutors would determine whether to move a case forward, which would eliminate inherent bias and conflicts of interest which currently deter victims from reporting sexual assault crimes in the first place.

I am also filing an amendment to ensure we are including ROTC programs in our conversations about military sexual assault. Just like we must ensure our new officers from service academies meet our highest standards, we must do the same of those commissioned in ROTC programs across America.

I think the important improvements in this year's Defense authorization show the great promise of what can be achieved if we work together in a bipartisan way to get work done for the American people.

It is a tremendous privilege to be a public servant. It is a special privilege to be the first woman elected from my State to the U.S. Senate. One of the best parts for me is that I get to be a woman in the Senate at a time when there are so many incredible other women in the Senate to work with, to learn from, and to look up to. I expressly thank my Senate colleagues who serve on the Armed Services Committee—Senators MCCASKILL, HAGAN, SHAHEEN, GILLIBRAND, HIRONO, AYOTTE, and FISCHER. I thank them for their work in guiding this process through their committee in such an effective and bipartisan way. And my thanks of course goes as well to Senators LEVIN and INHOFE for their stewardship of these important provisions.

I thank Senators MIKULSKI and COLLINS for organizing today's floor speeches. The cumulative total of those changes represents true progress in eliminating the tragedy and scourge of sexual assault in our military. I once again thank my colleagues for their bipartisan work.

I yield the floor.

The PRESIDING OFFICER (Mr. KAINE). The Senator from Missouri.

Mrs. MCCASKILL. Mr. President, I too thank my colleagues Senator MI-

KULSKI and Senator COLLINS for making an effort today to highlight the work that has been done on this important issue. I would be less than candid if I did not say it has been frustrating to have one policy difference dominate the discussion of this issue over the previous few weeks, without anyone even realizing the historic reforms that are contained in this bill. So I welcome the opportunity to come with my colleagues who may disagree on one policy issue but do not disagree on the goal and are taking a moment to recognize the work that has been put into this bill by not just the women of the Armed Services Committee but also the men of the Armed Services Committee.

After the hearings—and some of us have spent literally hundreds of hours pouring over trial transcripts, spending time visiting with prosecutors—I think we have fashioned historic and amazing changes that are going to forever change the successful prosecution of rapists in our military and go further to protect victims.

I come to this issue with a great deal of experience. I think it is not hyperbole or overstating it that I have stood in the courtroom prosecuting sexual predators more than any Member of the Senate. I have handled hundreds and hundreds of cases and dozens and dozens of jury trials. No one in this Chamber has intersected with victims of sexual assault more than I have. I do not think anyone has more of an understanding of the particularly complicated problems that these cases present, especially when there is a "consent" defense.

Keep in mind that the vast majority of these cases in the military are consent offenses. You have two options in a sexual assault case. One is "it wasn't me," and the other is "it was consensual activity." It does not take someone much to understand the principle that in this instance most of these cases are going to be consent defenses.

Why do I emphasize that? I emphasize it because it is relevant. It is particularly relevant to the reforms that we embrace in the underlying bill. The time period in which a victim decides she is going to come forward out of the shadows and hold her perpetrator accountable is invariably very close in time to the time of report. It is how she is treated at that juncture more than anything else, more than whether she has been victimized in the military or whether she has been victimized on the streets of your hometown—she is coming forward with the most personally painful moment of her life. Keep in mind if you are coming forward with the most personally painful moment of your life how complicated that gets if you know the defense is going to be that you wanted it, that it is consensual, and then it is even more difficult.

That is why the vast majority of these crimes in our country are never reported, ever. It doesn't matter whether we are talking military or civilian. So how can we, at that critical

moment, make sure that victim gets the help and support she or he needs to do the unthinkable, and that is to lay herself or himself bare to the public about what has happened. The way you do that is through the reforms my colleague Senator MURRAY stressed and that we have incorporated in this bill, and that is that every single victim gets their own lawyer.

I don't think many Members understand how extraordinary that is. That reform alone will make our military the most victim-friendly criminal justice system in the world. In no other criminal justice system anywhere—civilian, military, United States, our allies—does a victim get that kind of support. That is what is underlying in these reforms. We already know it works because it has been a pilot program in the Air Force. Unlike those who say reporting will never go up unless we make another policy change, reporting is spiking in our military, up 50 percent just this year. That is because the victims are getting the word, not only do you not have to report to the chain of command, you are going to begin to get the resources and help and knowledge you need to navigate the choppiest waters, emotionally and personally, you will ever encounter.

Not only have we done that in the underlying bill, we also have done other work such as stripping commanders of their ability to abuse this system by changing the outcome of a trial—very important.

Making the crime of retaliation a reality in the military—it should be actionable in a criminal court within the military if you retaliate against a victim who reports. Now not only will the victim know that retaliation is a crime, not only will the unit know retaliation is a crime, the victim has her own lawyer who can help press those charges if that occurs.

Think of the practical consequences of this reform. You go back into your unit, you are retaliated against, you call your lawyer: You will not believe what they did to me today. Your lawyer helps you bring charges against those who might retaliate.

It requires automatic discharge from the military for rape or assault convictions.

There will be other opportunities to debate the policy difference we have about how these cases are handled in the military, but I cannot say how grateful I am to the dean and to Senator COLLINS for doing this today. It is very important that we not lose sight that this is not about a bumper sticker. It is not about one side versus the other. This is about doing the very best job we can on the policy so we can protect victims, prosecute offenders, and get them the hell out of our military. That is what this is about, and with every fiber of my being I believe we are going to accomplish that with the reforms we are embracing.

I will come back to the floor to talk more about the amendment I will be of-

fering on the floor to go even further with some of these reforms that we think are necessary.

I am so grateful that my colleagues have taken a moment to recognize the obvious; that what we have done is historic; that what we have done we do in agreement; and what we have done is going to make a difference.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, how much time do we have under this morning business agreement?

The PRESIDING OFFICER. All time in morning business has currently expired.

EXTENSION OF MORNING BUSINESS

Ms. MIKULSKI. We have two more speakers, Senators from Massachusetts and Washington State. I ask unanimous consent morning business be extended for these two for approximately 10 minutes.

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

Ms. MIKULSKI. I yield to the Senator from Washington State and the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I thank the Senator from Maryland and the Senator from Maine for helping to bring so many of us to the floor today to talk about an issue that cuts across partisan lines and has plagued our Nation's military and has gone unaddressed for far too long. Military sexual assault is an epidemic and it has rightly been identified as such by the Pentagon. It is absolutely unconscionable that a fellow servicemember, the person you rely on to have your back and to be there for you, would commit such a terrible crime. It is simply appalling that they could commit such a personal violation of their brother or sister in uniform, but what is worse and what has made change an absolute necessity is the prevalence of these crimes. Recent estimates tell us that 26,000 servicemembers are sexually assaulted each year and just over 3,000 of those assaults are reported. According to the Department of Veterans Affairs, about one in five female veterans treated by VA has suffered from military sexual assault; one in five. That is certainly not the act of a comrade. It is not in keeping with the ethos of any of the services, and it can no longer be tolerated. That is why the women of the Senate have been united in calling for action.

There has been made much of the fact that there are now 20 women in the Senate, a historic number that I think we all agree can still grow. But it is important to remember that the number alone should not be what is historic. Instead, it is what we do with our newfound strength to address the issues that are impacting women across the country.

With this bill, the first Defense authorization of this Congress, we are doing exactly that. We are taking historic action to help servicemembers access the resources they need to seek justice without fear. One way this bill will do just that, help protect our servicemembers and assist victims and punish criminals, is through the inclusion of a bill I introduced across party lines with Senator AYOTTE. Our bill, which is included in the base bill, creates a new category of legal advocates called special victims' counsels. They would be responsible for advocating on behalf of the interests of the victim. These special victims' counsels would advise the victim on the range of legal issues they may face.

For example, when a young private first class is intimidated into not reporting a sexual assault by threatening her with unrelated legal charges such as underage drinking, this new legal advocate would be there to protect her and tell her the truth. Since January, the Air Force has provided these advocates to over 500 victims through an innovative new pilot program. Ten months later, the results are speaking for themselves. Ninety-two percent of victims are extremely satisfied with the advice and support their SVC lent them through the military judicial process, 98 percent would recommend other victims request these advocates, and 93 percent believed these advocates effectively fought on their behalf.

In describing their experience with an advocate, one victim shared that:

Going through this was the hardest thing I ever had to do in my life. Having a Special Victim Counsel helped tremendously. . . . No words could describe how much I appreciate having one of these advocates.

Through our bipartisan effort, the Defense authorization bill will also enhance the responsibility and authority of DOD's sexual assault prevention and response office, known as the SAPRO. This improvement will help provide better oversight of efforts to combat military sexual assault across the Armed Forces. SAPRO would also be required to regularly track and report on a range of MSA statistics, including assault rates and the number of cases brought to trial, and compliance with each of the individual services.

Some of the stat collection is already being done so this requirement is not going to be too burdensome, but it will give the office authority to track and report to us on the extent of the problem.

I believe the great strength of our military is in the character and dedication of our men and women who wear that uniform. It is the courage of these Americans who volunteer to serve our country that are the Pentagon's greatest asset. I know it is said a lot but take a moment to think about that. Our servicemembers volunteered to face danger, put their lives on the line, and protect our country and all its people. When we think of those dangers, we think of IEDs and battles with insurgents.