AMENDMENT NO. 1578 TO AMENDMENT NO. 1463

(Purpose: To reform procedures for determinations to proceed to trial by court-martial for certain offenses under the Uniform Code of Military Justice.

Mr. REED. I ask that the pending amendment be set aside and on behalf of Senator GILLIBRAND I call up amendment No. 1578.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. REED], for Mrs. GILLIBRAND, proposes an amendment numbered 1578 to amendment to 1463.

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

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

(The amendment is printed in the RECORD of June 3, 2015, under ''Text of Amendments.'')

Mr. REED. Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, as is obvious, we have an agreement to votes on both the Gillibrand and Ernst amendments. I would imagine it may require a recorded vote, but I am not positive. Then, we are planning on moving forward with additional amendments as agreed to by both sides and a managers' package as well. That is our intention. I am told that at some point there may be a cloture motion on the bill as well.

So I wish to thank the Senator from Rhode Island for his continued cooperation, and hopefully we can get as many Members' amendments as possible up and voted on and finish the bill, at the soonest, next week.

MORNING BUSINESS

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

Mr. MCCAIN. I await the impressive and loquacious and convincing words of the Senator from Texas.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I appreciate the comments of my friend from Arizona, but if I am going to be as loquacious as he suggested, it may take me a little more than 10 minutes, so I ask unanimous consent to speak for up to 15 minutes.

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

NATIONAL DEFENSE AUTHORIZATION ACT

Mr. CORNYN. Mr. President, over the last few days, this Chamber has been discussing the Defense authorization bill, thus fulfilling one of our basic responsibilities as part of the Federal Government; that is, our national security, and in the process making sure our warfighters—the people who are on the cutting edge of the knife, so to speak, in terms of our national security—have the resources we are morally committed and duty-bound to provide them.

So when voting for the Defense authorization bill, we as legislators are fulfilling our responsibilities, just as those who wear the uniform are performing their duties—no more, no less—although I must say ours is a tad safer than they are experiencing, to be sure.

With so much at stake for the security of our country, the well-being of our folks in uniform as well as the families of those servicemembers hanging in the balance, as I mentioned yesterday, it is particularly disappointing that the Democratic leader has characterized the discussion of this bill as ''a waste of time.'' I really have to believe he would want to take those words back because it certainly is not a waste of time.

Unfortunately, it is becoming more and more evident that the threats of the Democratic leader and the President of the United States to stall Republicans' efforts to get this bill passed quickly is just the first step to a larger political strategy. The reason I know that is not because it just occurred to me—an epiphany—it is because they said so in the pages of the Washington Post just yesterday.

The headline says it all: ''Democrats prepare for filibuster summer.'' That is the headline in the Washington Post yesterday.

The article goes on to say: ''Democrats have decided to block all spending bills starting with the defense appropriations measure headed to the floor next week.''

So imagine my surprise when yesterday the Democratic leader came to the floor and accused Republicans of threatening to shut down the government, the same day his colleague, the senior Senator from New York, detailed their strategy to block all appropriations bills, in the Washington Post.

One thing we have to love about our friends across the aisle: They are not unclear, nor are they timid, about telling us what their plans are. Indeed, it is there for the world to read and for us to read.

But let me say it again. Hours after the Democratic leader laid out their plans to filibuster all government spending bills, their leader claimed Republicans were the ones threatening a shutdown.

This type of cynical political maneuvering is what the American people so soundly rejected in the last election on November 4. Stifling debate and shutting down the Senate are not what the American people sent us to do, and it is certainly not what my constituents expect me to do on their behalf.

Today, our colleagues across the aisle have now blocked an amendment that would provide for greater sharing of information to address the rampant and growing cyber threat this country faces. The sharing of cyber threat information will help us as a country deter future cyber attacks, and it helps both the public and the private sector to act in a more nimble way when attacks are detected. So the fact that seven Democrats joined virtually all Republicans to move forward with this bill, tells me the Democratic position is not monolithic. In other words, when the Democratic leader and the senior Senator from New York say it is our plan to shut down the Senate and not to cooperate to get the people's work done, not every Member of the Democratic minority are comfortable with that cynical strategy—and good for them.

The refusal to move forward with this legislation, particularly the cyber security part of this discussion, is just unconscionable.

Let me give my colleagues some other headlines. Just last week, there was a massive breach at the Office of Personnel Management. The sensitive personal information of up to 4 million—4 million—current and former Federal employees may have been compromised. There are now reports that the stolen data includes login information and credentials that is actively being traded, bought, and sold online.

Now, we will await the details of the current investigation into this, but we know it has great potential to harm not only the privacy interests and the financial interests of the people affected but also our national security. We know there are state actors—notably China and Russia—who are, on a regular basis, engaged in cyber attacks against the United States in an effort to steal our intellectual property as well as in order to do intelligence operations using the Internet and using cyber space.

Now, in terms of the personal interests of these employees, it may expose them—many of whom may work with national security matters—to further targeting by hackers, identity thieves, and even foreign intelligence agents.

At the end of last month, it was reported that the data of more than 100,000 taxpayers was stolen at the IRS. Just so colleagues understand the reason for my concern, the former Acting Director of the CIA, on June 11, 2015, when asked about former Senator and former Secretary of State Hillary Clinton's decision to put all of her official emails at the Secretary of State's office on a private email server, Michael Morell said: ''I think that foreign intelligence services, the good ones, have everything on any unclassified network that the government uses.''

So not only do they have it on unclassified networks such as the one Hillary Clinton maintained, but also if they are able to breach the security measures we have in place on government networks, they are happy to steal

that for whatever their purpose may be, whether it is intelligence-gathering or whether it is economic harm that they can impose on American citizens by hacking their identity or stealing their bank accounts or what have you.

So we also have to be worried about the 100,000 people whose accounts were hacked at the IRS. The suggestion that was made by the IRS Commissioner at the Finance Committee recently is that these identity thieves steal this information so they can then file false tax returns and then claim the refunds or the other credit that those taxpayers would have otherwise been able to receive. Imagine when these 100,000 or so taxpayers go about the business of filing their own tax returns, only to find out that a cyber thief has stolen their identity and filed a tax return and taken their refund or their tax credit before they ever had a chance to do it.

At the IRS, we know the breach included access to past tax returns. As we all know, we have to put a lot of sensitive information on tax returns. That is why they are not public information. But they also include sensitive information such as Social Security numbers, addresses, birth dates—all stolen and potentially in the hands of criminals.

The hypocrisy of the administration in this area is just breathtaking. It was just June 6—last Saturday—that Josh Earnest, the White House Press Secretary, chastised Congress, on behalf of the President of the United States, for not acting urgently enough on the issue of cyber security. Here is what Mr. Earnest said: ''We need the United States Congress to come out of the Dark Ages and actually join us here in the 21st century to make sure that we have the kinds of defenses that are necessary to protect a modern computer system.''

That is what White House Press Secretary Josh Earnest said on June 6, 2015.

Then our colleagues on the Democratic side have the temerity to come here and block the very type of legislation that the White House has called for. How hypocritical can you get? How cynical can you get? Indeed, the Democratic leader then says, well, they are doing everything the way they should be doing it, and it is really a Republican conspiracy to shut down the government.

These are just the most recent examples of a threat that should be keeping us up at night—a threat that should cause us to quickly act to find solutions to the cyber security threat to the American people and to the United States Government and, yes, to our national security.

Some of our Democratic friends act as if the fact that we have decided to file an amendment to the Defense authorization bill, which represents an almost unanimous vote of the bipartisan vote of the Senate Intelligence Committee, was some sort of dirty trick—that we pulled a fast one on them. Well, this legislation has been out there for the world to see for quite a while now, and it was negotiated by the senior Senator from California, the ranking member on the Senate Intelligence Committee, Senator FEINSTEIN, and Senator BURR, the chairman of the Intelligence Committee, and as I said, it only had one dissenting vote in the Senate Intelligence Committee. So to have the gall to come on the Senate floor and act as if this is some sort of pulling a fast one or some sort of trick is just disingenuous. I could probably think of some other words to describe it, too, but ''disingenuous'' will have to suffice for now.

To come out here and to block debate on a vote on a cyber security bill at a time when the news is chock-full of the nature of this threat and its intrusive invasion into the privacy of the American people and its danger to our national security is just flat out irresponsible. These are not threats we can afford to ignore.

And here is the coup de grace—the icing on the cake. Two months ago the Democratic leader came to the floor and said he was ''committed'' to getting cyber security legislation done, and that was before these most recent attacks. So for the Democratic leader to claim this morning that Senate Republicans were—these are his words—using ''deceitful ploys'' to ensure our Nation is safe from these threats is really beyond the pale.

In addition to the clear and undeniable urgency of the problem, I would like to also point out that this was the same language that was, as I said, passed out of the Intelligence Committee in March. So perhaps you can understand why I am so confused by our Democratic colleagues' position and actually by the White House's position.

The White House called for cyber security legislation. Cyber security legislation gets voted out of the Senate Intelligence Committee 14 to 1. The Democratic leader said we need to act on cyber security, and we try to act on cyber security legislation, only to be blocked by the Democratic leader. All I can see is the Democratic leader's ''commitment'' to work on cyber legislation has given way to partisan gamesmanship by our Democratic colleagues who are promising ''a filibuster summer.'' Well, welcome to the filibuster summer.

But this is not what the American people deserve. This isn't why they sent us here, and this is what they affirmatively rejected this last election. But somehow our Democratic colleagues just can't stand it that we have actually turned things around and we have been able to make some slow, incremental progress. We passed the first budget since 2009. You know, that should be a scandal, but I guess it represents progress that we finally have been able to do it with the new majority starting in January. We have worked with the White House to pass trade promotion authority and some things that are tough and are controversial on both sides of the aisle. We have taken a number of positive steps on child trafficking and on a number of other topics. Now we are trying to do our most basic duty and deal with our Nation's defense, and that includes protecting our Nation's cyber security infrastructure while we fund our Armed Forces to make sure they have the resources to do what they volunteered to do so bravely on our behalf.

The men and women of this country and particularly the men and women who wear the uniform of the U.S. military deserve better. This National Defense Authorization Act, this basic bill to which the cyber security language was being offered, has strong bipartisan support, and it passed out of the Armed Services Committee overwhelmingly. And do you know what? It even authorizes funding levels at the figure requested by the President of the United States. Yet our Senate Democratic colleagues are still dragging their feet, refusing to allow us to vote on amendments to this bill and defeating the very cyber security provision that the Democratic leader said we ought to get to and that Josh Earnest chastised Congress for not passing. Yet Members of his own political party—the President's own political party—blocked that cyber security legislation.

So this bill should not be held hostage to political gamesmanship. The American people's security and safety should not be held hostage to political gamesmanship, and the Senate, which used to be known as the world's greatest deliberative body, should not be used just purely for partisan gain.

So I hope that the seven Democrats who actually voted to proceed on this cyber security bill will get some more allies. I can tell that not all of our friends across the aisle are comfortable with the Democratic leader's direction to block this cyber security legislation, and perhaps over the weekend, some will have second thoughts. I hope as they have those second thoughts, they will focus on our collective duty to our troops and their families and to our duty as Members of the Senate to promote and protect the security of the American people.

So let's get back to basics. Let's do what the American people elected us to do by voting on a bipartisan bill that will protect our country and provide for our troops.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. TOOMEY. Mr. President, I ask unanimous consent to speak for up to 20 minutes.

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

THE FERGUSON EFFECT

Mr. TOOMEY. Mr. President, last month I was here on the Senate floor